

Netherla

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Lesbians in the Netherlands no longer have to meet secretly in small back rooms. Cities such as Amsterdam offer plenty of opportunities for lesbians to socialize with one another and participate in public life. Lesbians living in small towns are more isolated, but the country is small enough that lesbian organizations and meeting places in urban areas are accessible to almost everyone. There are lesbian bars, discos, sports activities, movie festivals, exhibitions, book shops, choirs, dancing schools, and so on.

With over 10,000 members, the Nederlandse Vereniging tot Integratie van Homoseksualiteit (NVIH COC, The Dutch Society for the Integration of Homosexuality) is the most important lesbian and gay organization in the Netherlands. There are, however, numerous other lesbian and gay organizations, including political, religious, trade union, athletic, and many other groups. Black Orchid, a national network of Black and immigrant lesbians, was recently established.

In Amsterdam, the center of gay life in the Netherlands, a

monument commemorates homosexuals who died in the Second World War. It is an important recognition of the existence of lesbians and gay men, and of the fight that is being fought for equal rights and protection against discrimination on the basis of sexual orientation. Pink Saturday, a celebration of lesbian and gay pride that takes place each June, brings lesbians from all walks of life together. Every year the event is held in a different town in order to support the gay and lesbian movement outside Amsterdam.

ATTITUDES WITHIN SOCIETY

Generally speaking, Dutch society is open-minded about the existence of homosexuality as long as it remains relatively hidden. Lesbians are tolerated as long as they are not very outspoken about their sexuality or openly defiant of heterosexual norms. In this atmosphere of qualified tolerance, many lesbians do not feel the need to conceal their

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sexual orientation but are nevertheless hesitant to speak out publicly as lesbians for fear of damaging their careers. Many are reluctant to use their positions in politics, in trade unions, or in women's organizations to speak out on lesbian issues.

Studies by the Lesbian and Gay Studies Department of the University of Utrecht have shown that young lesbians face particular difficulties in being open about their sexual orientation. In a survey of students ages 12 to 18, three

out of five reported being afraid of being regarded as homosexual when associating with gay and lesbian classmates. Homosexuality is not often discussed in school curricula outside of an occasional mention in sex education classes.

Older lesbians are almost completely invisible. Most older lesbians grew up in a time when sexuality was not discussed, and many continue to be reluctant to talk about their sexual orientation. If two older women are living together they are seldom regarded as a couple, and government policies on issues concerning the elderly completely ignore the existence of lesbians. Older lesbians have few public meeting places, and many socialize only within a small circle of friends. These women often face very deep isolation when their partner dies.

While young lesbians, older lesbians, and others who are marginalized within the lesbian community may be particularly vulnerable to isolation and other psychological problems, most lesbians are affected in some way or another by the negative attitudes toward homosexuality that continue to exist in Dutch society. The SAD-Schorer Foundation and a number of other organizations and independent counselors specialize in providing support to lesbians on issues such as "coming out," acceptance, appreciation, identity and sexuality, anti-lesbian violence, and lesbian parenting.

THE WORKPLACE

Complaints at the Centrum Anti-discriminatie Homosexualiteit (Homosexual Anti-Discrimination Center) show that even in an atmosphere of increasing tolerance, lesbians and gay men still encounter a number of problems in the workplace. Studies have shown that a significant part of these problems has to do with company culture and with the way in which colleagues associate with each other. Homophobia can manifest itself in ordinary remarks and jokes as well as in explicit provocations from colleagues.¹

Overt or covert discrimination in company policies is wide-

spread. Many companies have equalized benefits for married couples and unmarried heterosexual couples but have explicitly excluded same-sex couples. Lesbian employees are frequently passed over for promotion or discriminated against in hiring.

LEGAL POSITION

Until 1971 the age of consent for lesbian sex was higher than that for heterosexual sex. From that time onward, the gay and lesbian movement fought for equal rights, focusing on a General Act on Equal Treatment (see below).

In 1983 the Dutch Constitution was amended, stating that all forms of discrimination were prohibited. Sexual orientation was not included as grounds for protection against discrimination. However, lesbians and gay men enjoy constitutional protection against discrimination according to a number of parliamentary documents and judicial interpretations that have placed sexual orientation in the purview of the first article of the Constitution.²

In 1992, existing articles on racial discrimination were augmented with the term "homosexual and heterosexual leanings." With this change, discrimination on the basis of sexual orientation became a criminal offense, along with the public expression of discriminatory remarks; participation in or support of acts of discrimination; and discrimination against lesbians or gay men in employment.

After a long battle, the General Act on Equal Treatment finally came into effect in 1994. This Act prohibits discrimination on the basis of sexual orientation in many areas of life. The first bill was proposed in 1981, and included homosexuality as grounds for protection against discrimination. Under a storm of protest, particularly from conservative religious groups, the bill was voted down, as were several other similar bills proposed in the 1980s. Finally, after more than fifteen years of debate, the bill was reintroduced and came into effect in September 1994.

The Act prohibits discrimination on the basis of religion, belief, political conviction, race, sex, heterosexual or homosexual orientation, or civil status in employment, housing, medical care, and the provision of goods and services. While the scope of the Act is quite broad, it includes an escape clause for religious institutions. Thus, a Christian school is allowed to make demands that the staff adhere to the institution's principles. However, such institutions are prohibited from making any distinction purely on the basis of the single fact of sexual orientation. The question of whether religious school are allowed to fire a teacher who openly states her lesbianism has yet to be determined in the courts. There are numerous reports of religious hospitals that refuse lesbians donor insemination services, but these have not yet been subject to legal challenges.

IMMIGRATION AND REFUGEE POLICIES

Under Dutch immigration law, no distinction is made between heterosexual and homosexual relationships, and non-Dutch partners of Dutch citizens can obtain Dutch citizenship. Lesbians and gay men who have fled persecution based on sexual orientation in other countries have also been granted political asylum in the Netherlands.

PARTNERSHIP

Outside of immigration law, same-sex couples receive little legal recognition. Same-sex couples are not permitted to be legally married. There are some churches in which lesbian and gay couples can be joined in matrimony, and several municipalities allow registration of same-sex couples. However, neither of these procedures grants any legal rights to the couple. In 1988, the Supreme Court ruled that prohibition of same-sex marriage is not in violation of international law. However, as a consequence of a campaign conducted

by the gay newspaper *de Gay Krant* for the introduction of same-sex marriage, the government has proposed a bill enabling registration of lesbian and homosexual couples. This registration would grant full legal recognition to same-sex couples except in the realm of parenthood. Registered couples would not be able to adopt any children jointly, nor obtain joint parental authority over children they are raising jointly.

PARENTHOOD

At present, the female partner of a lesbian mother cannot acquire legal parenthood over a child that they are raising together. This means that the child cannot inherit from the co-mother or acquire her name or nationality. It also means that the co-mother has no parental authority regarding choice of schools, admission to a hospital, or any other such matter.

Under pressure of a number of legal challenges, the government has introduced a bill with regard to lesbian and gay parenthood. The bill would allow the partner of the legal parent to obtain joint parental authority and would give her the responsibility of financially supporting the child. This bill has already been criticized by the lesbian and gay movement and the women's movement because it still does not allow the co-mother to be a full legal parent. This would be an impediment for the child as well as for the co-mother in matters of inheritance, naming and nationality.

NOTES

1 Letty Bonfrere, *Homosexualiteit en bedrijfscultuur*, een onderzoek naar de bestrijding van discriminatie op grond van homosexualiteit in bedrijven (Den Haag: VUGA, 1992); Adrienne Dercksen, *Vertrouwenspersonen en homosexualiteit in arbeidssituaties* (Den Haag: VUGA, 1992).

2 Dutch Lower Chamber 1975-1976 13872, no 4. Schedules of