



Lessons Learned

The Pink Ballot Agreement

INTRODUCTION

'In politics you never get all you want at once. So you hope that you can realise the demands you have one at a time. Then you have done well and when the next run to the elections begins COC starts the entire cycle again, advocating for the remaining demands. The Pink Ballot Agreement is a major achievement that took years of advocacy'. Philip Tijmsma, Manager Public Affairs at COC Netherlands.

COC advocated for many years to amend a number of crucial inequality issues in Dutch law. These issues hampered LGBTI emancipation and created legal space for unequal treatment of individuals based on their sexual orientation or gender identity and expression (SOGIE).

The most pressing issues were:

1. Introducing compulsory and inclusive sexuality education in primary and secondary schools with a respectful approach towards sexual diversity;
2. Ending the option for government officials to refuse to wed same sex couples based on their personal religion or conscience (*weigerambtenaar*);
3. Removing the exemption (*enkele-feitconstructie*) from the General Equality law (AWGB) which allows faith based schools the refusal or dismissal of teachers or students based on additional circumstances related to their SOGIE;
4. Ensuring the duo mother in a lesbian couple can become legal parent of the child born to her partner through the same procedure that applies to male/female couples, without added legal requirements;
5. Recognition of gender identity, enabling changes in official gender registration without physical requirements, also referred to as the 'transgender law'.

Several political parties, and a standing majority in Parliament have been in favour for many years of amending these laws to create equal rights for all people in the Netherlands despite their SOGIE. But once these parties had to negotiate coalition governments after elections, they didn't follow through.

Mostly because one or more other political parties in the coalition disagreed to amend the laws, or because the coalition needed support of one of the smaller parties in Parliament. COC needed to break this pattern. The idea was born to have a majority in Parliament commit to these amendments prior to coalition negotiations and regardless of the election outcome.

In the Summer of 2012 COC organised an election debate between the leaders of political parties in which nine parties participated. During this debate the five most pressing issues were put forward by COC for the political parties to take a stance on. All nine parties acknowledged the urgency and the importance to make changes to the Dutch law to create a reality of equal rights for all people regardless of their SOGIE.

During the debate, Jolande Sap - leader of the left wing green party GroenLinks - suggested to all political parties to promise to address the five issues by signing a mutual agreement. Subsequently, COC drafted the text and shortly before the elections, representatives of eight of the nine parties that had participated in the debate signed the Agreement (excluding CDA – the Christian democrat party).

Their signatures held the promise to finally make the changes that COC had so long been advocating for a reality.

The Pink Ballot Agreement was the final coming together of a long process. All five measures were integrally included in the Government coalition between VVD (right-liberal) and PvdA (social democrat). The Agreement stated that all measures would be taken before 1 September 2013. That deadline was not met, but the Agreement has propelled legislation. Amending laws is a slow and cumbersome process. Currently four out of the five proposals have been fully accepted by Parliament and the laws have been amended accordingly. One proposal has been passed by the Lower House of Parliament, but is still under scrutiny of the Senate.

EXPERTISE AND EFFECTIVENESS

COC has two main strategies in terms of dealing with Dutch politics to influence laws. The first is the Gay Vote strategy, the second is the Inside-Out approach.

The Gay Vote strategy

This strategy mobilizes the power of the electorate. Prior to each election COC conveys a very clear message to political parties: 'LGBTI comprise 5 to 10% of the overall population, about 1 million people, representing 10 to 15 seats in the Lower House of Parliament, so we are asking you to take our wishes and needs into account'.

At a very early stage in each election cycle COC reaches out to all political parties. At the time that parties are drafting their respective political programs, COC sends them a 'wish list'.

COC lists the issues that are apparent within the LGBTI community in the Netherlands. Most political parties subsequently adopt at least one but often more items of this wish list into their election program.

These parties welcome the input from COC as it presents clear information to them on what is relevant 5 to 10% of their potential voters. In doing so, COC makes it conveniently easy for the parties to clarify their position LGBTI relevant issues.

Before the elections take place, the website gayvote.nl is activated. Again, at the moment that political parties are most receptive, COC asks them to take a stand and to make promises to their LGBTI constituency via this platform. COC sends the parties a list with around 50 statements that are directly relevant to LGBTI. The political parties respond by indicating to which extend they agree or disagree with each of these statements. The forms are usually returned very soon, as most political parties acknowledge that it is in their direct interest to reach out to LGBTI voters.

COC publishes the detailed results of the statements per political party on gayvote.nl. COC is a politically neutral organization, the feedback by political parties is neither filtered nor edited. The unbiased information allows visitors of gayvote.nl to make an independent assessment which party best represents their views and priorities. The information on gayvote.nl is not only relevant to LGBTI but to everybody that cares about equality and an inclusive society.

Since 2006, COC has consistently organized debates for political party leaders prior to each national or European election.

COC provides political parties with a stage to show the electorate LGBTI equality issues are important to them.

But also, of course, COC holds parties accountable to promises that have been made at the debates.

After elections, COC sends a letter to the Formateur of the new coalition government, suggesting to include specific LGBTI priorities in the new Coalition Agreement.

As it is essential to get through to the people who make the decisions for the new government, COC also uses its network within the political parties to make sure this letter to the Formateur reaches the relevant desks. In this way COC has managed to get paragraphs on LGBTI emancipation in all four consecutive Coalition Agreements (2006, 2007, 2010, 2012). This is a major accomplishment, taking into account that a Coalition Agreement is a comprised document listing only the main agreed priorities for the new government in a maximum of 10 to 15 pages.

The Gay Vote cycle is completed after the coalition government is formed and COC again writes separate letters to each relevant Minister or State Secretary of the new government with a wish list specific to their ministry. Together all these letters comprise 50 to 100 pages of detailed information and suggestions for tailor-made solutions.

In between elections, COC has regular dialogues with government officials and members of Parliament. During such meetings COC always refers to letters previously sent and appeals to government or Parliament to take position on a clearly defined item in the advocacy plan. The most intense dialogue are on the topics of social safety, asylum law, family law and foreign affairs. For the national government, COC is the prime partner within the LGBTI movement.

A guiding principle for COC in this cycle is that we do not stop at only bringing forward inequalities in Dutch laws or policies, but make concrete and realistic, achievable suggestions for positive change. Thus, over the years, COC has achieved the profile of a critical but politically neutral civil society organisation that partners with Dutch government in working towards a diverse and inclusive society in which LGBTI are able to participate to their full potential.

A second guiding principle is that our concrete advocacy plan is developed in close consultation with the many organisations and initiatives that comprise the Dutch LGBTI movement.

In this way we make effective use of the available specific knowledge within the movement on the broad variety of issues that we need to address. It also means that most of the letters to Ministers and State Secretaries are co-signed by relevant organisations; sometimes up to 20 others join in (e.g. Transgender Netwerk Nederland, Landelijk Netwerk Bisexualiteit, Nederlands Netwerk Intersekse/DSD, Landelijk Coördinatiepunt Kerk en Homoseksualiteit, WorkPlace Pride, Gay Union through Sports etc.).

The Inside-Out approach

The inside-Out approach is based on our firm conviction that change within communities or social systems is best advocated for from within these communities or social systems. People on the inside are best equipped to effectively advocate in the language and manner most appropriate to that specific community or social system. People on the inside are also intrinsically motivated to advocate for change. Facilitating their advocacy, allows COC to optimally mobilize the considerable available strength within the LGBTI movement to strive for positive change.

COC facilitates the 'National Working Group Politics' (LWP) that congregates monthly and consists of people with different professional backgrounds and from different political spectrums and parties. The composition of the LWP is as broad as possible. People from political parties like SP (socialist), VVD (right-liberal), GroenLinks (green liberal), PvdA (social-democrat), CDA (Christian democrat) and D66 (left liberal) take part. Thematic specialists include Trans- and Intersex activists, and e.g. specialists on sexual and reproductive rights and health, asylum law or education.

The working group is chaired by COC. The LWP serves as a crucial sounding board for COC's advocacy officers and as a network to reach out to relevant parties in the national LGBTI movement and to the different political parties. The LWP serves as a mechanism to define and calibrate the direction in which the national LGBTI movement is heading and to signal and explore new issues.

The members of the LWP take relevant issues and possible solutions home to their own political parties, organisations or communities to address them with key stakeholders.

For advocacy efforts, COC also taps into its informal network of volunteer experts who advise the organisation on specific matters and function as an additional sounding board. COC can call on various university staff, people from Christian communities, lawyers, and many others.

The main human resource at COC focusing explicitly on national advocacy is the manager public affairs. He has a background in Law and, as a former political advisor to a member of Parliament, knows the other side of the political process in detail. He is aware of what is needed to achieve change, on what politicians want and need in order to come into action.

This helps COC to focus the advocacy efforts. COC furthermore has two international advocacy officers. Knowledge and information is shared between COC's national and international advocacy officers.

The Board of COC plays an important role. As officials elected by the LGBTI community, they are an important sparring partner for COC's professional staff and represent COC at official external meetings. The Chair of the Board is the main spokesperson for COC both towards the media as towards members of government.

The Chair of the Board preferably has achieved social stature prior to being elected, e.g. the current Chair is Director of UWV, the main executive body for social security.

LESSONS LEARNED

Throughout the advocacy process leading to the Pink Ballot Agreement, COC has continuously adjusted its strategy according to what worked and what didn't. For example, in the case of Lesbian parenthood it became clear that the advocacy message that having two legal parents is in the best interest of the child, worked much better with certain political parties than advocating for equal treatment of same sex and mixed couples.

In the following paragraphs we will outline how we have incorporated change and adjusted our advocacy efforts on the five items of the Pink ballot Agreement.

Compulsory, inclusive sexuality education

In 2008 COC stepped up its community work with LGBTI youth.

Under the label Jong&Out, a social website was created and in 12 Dutch cities monthly social gatherings were organised for LGBTI youth until 18 years.

Our closer communication with LGBTI youth made us understand how bad the situation in Dutch schools still was, homophobic bullying had in recent years increased. This community observation was soon backed up by research, that showed that about three quarter of all LGBTI students were being bullied in school and suicide rates were reported to be five times higher than among their straight peers.

COC brought this information to the attention of the media and of politicians which prepared the ground for the introduction of compulsory, inclusive sexuality education in all primary and secondary schools in the Netherlands, including the Netherlands Antilles. Recently, COC has successfully lobbied with the Inspection for Education that 8,000 schools in the Netherlands will be checked to see how they adhere to this.

Ending conscience based refusal to wed same sex couples

Until recently, government officials had the right to refuse to wed same sex couples based on their personal religion or conscience (*weigerambtenaar*). COC perceived this as a flaw; individual, private beliefs of a government official should not be allowed to infringe on the access to the law of other people.

COC organised a public mobilization event around the Amsterdam Gay Pride 2011 to tackle both the issue of the situation for LGBTI in schools and the discriminating effects of the law on marriage. Banners with slogans were put up on all the bridges that the Canal Parade would pass underneath. The Minister of Emancipation at the time, van Bijsterveld, could not avoid seeing this message.

In addition to the banners, people with posters stood on her boat and even above the city, airplanes spread the same message on banners.

When politicians realise an issue is placed in the middle of public debate, they are far more likely to seriously explore the issue. It is therefore paramount to feed the media with information on why we advocate for such issues. COC does this by helping to bring forward individuals from the community that are directly affected by the debated laws.

We had LGBTI youth speak to the media about their experiences in schools and a lesbian couple speaking about their experience with a government official who had refused to marry them.

***Enkele-feit constructie* (sole fact construct)**

The sole fact construct is the oldest, remaining thorn in the flesh of equal rights for LGBTI in the Netherlands. In 1994 the General Equality Law was adopted, COC is one of the organisations that had successfully advocated for this law. However, the law contained one exemption, called the 'sole fact construct' which allows faith based schools the refusal or dismissal of teachers or students based on additional circumstances related to their SOGIE. They cannot be refused or expelled for the sole fact of being LGBT, but they can if they give expression to their sexual orientation in a way non-conducive with the identity of the school. With this article students and teachers alike who are open about their sexual orientation can be expelled from schools in faith based schools. For example in a Christian school a gay student who would do a presentation on homosexuality could be sent away for not fitting in with the school's beliefs. Equally, teachers could be, and sadly have been, dismissed for being openly gay.

From the introduction of the equality law COC has expressed its discontentment. COC provided input for the evaluation of the law, but every time COC addressed this particular loophole one or the other party in government obstructed change.

In 2009 during the Amsterdam Gay Pride, COC intensified its campaign through generating massive media attention to the issue and through community mobilisation.

COC youth boarded the Minister of Emancipation's vessel during the Canal Parade from a 'Greenpeace' boat surrounded by fireworks and sirens to hand over a report on removing the sole fact construct from the Equality law.

This act generated a lot of media attention. That same day COC started an online petition that was signed by 30,000 people among which many prominent Dutch people with attached media attention.

Subsequently, a proposition for a change in the law was designed but it was left unfinished during the remaining government cycle.

In 2011 a gay teacher was suspended from the Christian school he worked at. He challenged the school's decision at court and at the National Human Rights Institute. When COC reached out to him to support him in this case of strategic litigation, he was willing to work with us and be a spokesperson for the issue. This again generated a lot of positive media coverage.

In 2012 abolishing the sole fact construct was included in the Pink Ballot Agreement and in 2013 a member of Parliament, and incidentally former COC Chair, finalised the draft law and defended it in the political process. COC expects that also this last item in the Pink Ballot Agreement will be approved in Senate soon.

Lesbian parenthood

Marriage is gender neutral in the Netherlands since 2001. It now mentions two partners instead of a woman and a man. However, a few relating issues have not been arranged correctly. If a man and a woman have a baby, the man simply reports the baby at the municipality to register as father; whether or not he is the biological father is not checked. If a woman and a woman had a baby together, however, the duo-mother had to legally adopt the baby, a process that takes six months and brings considerable costs of legal fees.

COC considered this a flaw in the law and advocated for equal treatment of same sex parents compared to straight parents. COC wrote a feature article in a national newspaper and in a radio show called upon lesbian couples to send letters to the Senate to explain why this law was so crucial to them.

The personal impact that the letters conveyed was so obvious that it touched the decision makers and subsequently the law was changed.

In advocacy efforts COC always emphasizes what laws are really about, for real people. In this case this particular law was about that lesbian mother who forms a family with her partner and feels not acknowledged by the government. Following the success again a ceremony was held with the first duo-mothers to register their babies. One mother told COC that the most important to her was 'the feeling that I am now recognized as equal to straight parents'.

The transgender law

Until recently, the Dutch policy for changing gender registration in official documents, constituted a clear human rights violation.

The procedure required full medical transition to the chosen identity, including surgery. Not every transperson however, wants to undergo surgery e.g. removal of the uterus.

Since the adoption of the new gender registration law, official registration can be arranged within a day. It now only requires a statement from a transgender expert, and with that statement the formalities can be arranged at the city council immediately.

Until the last minute doubt existed in Parliament whether to pass or block the newly proposed law. COC fed the media in anticipation of the voting to positively influence perceptions simply by showing the impact of the initial law in the lives of individuals. Three transgender people were interviewed in a well-known news programme on television to show this impact.

The next day the new law passed with a large majority.

To celebrate this important victory, COC organised a ceremony for the first two cases of gender registration change in Amsterdam. This celebration was featured in the media and illustrated again the impact of the law at the individual level.

ORGANISATIONAL BACKGROUND

COC is an Community Based Organisation (CBO) with 7,000 members. In terms of social media COC has 14,000 followers on Facebook and Twitter, and 16,000 followers on the youth pages of Gay Straight Alliance websites for secondary school students. COC is a democratic federation of 20 local chapters that are located throughout the country.

Long term strategy, annual plans and annual reports are brought before the General Assembly and are subject to approval of the membership. Furthermore the detailed annual financial report is published on our website.

The case of the Pink Ballot Agreement has shown that COC knows how to mobilise civil society for support. Petitions played a role both in eradicating the sole fact construct by generating roughly 30,000 signatures, and in realizing compulsory, inclusive sexuality education through around 15,000 signatures. For adjustments to the law on lesbian parenthood COC gathered 700 personal letters written by lesbian mothers to the Senate.

These are only a few examples to illustrate the wide support for the advocacy efforts of COC in the case of the Pink Ballot Agreement.

As a Community Based LGBTI Organisation, inclusivity is one of the core values for COC.

Accurately representing the diverse LGBTI community is however a continuous challenge as some sub-communities are less vocal than others and have the subsequent history of being under represented. Awareness of intersectionality, the combined effect of SOGIE and e.g. gender, age, social status, ethnic background etcetera is key to maintain inclusivity.

For a variety of reasons not all sub-communities are sufficiently represented through the formal mechanism of membership. COC balances this through for instance the compositions of the Working Group Politics (explicit representation of trans-and intersex activists) and through community projects like for instance the Respect2Love community for bicultural LGBTI youth, or Café OK for LGBTI with mental disabilities.

By actively participating with the less well-resourced sub-communities, COC ensures that we are knowledgeable of the issues they are faced with and the advocacy they need.

In the case of the Pink Ballot Agreement, the achieved result is legislation. Though laws are not written in stone, equality enshrined in law brings real sustainable change to the lives of individual LGBTI.



Lessons Learned publications in this series:

32. Moving beyond individual counselling of LGBTI people to address central psychosocial issues on community level in Tshwane (Pretoria)
31. Bonela Challenging structural barriers through the Gender and Sexual Minority Rights Coalition in Gaborone (Botswana)
30. CEDEP Advocacy Approaches in Malawi
29. GALZ Lessons learnt amongst MSM in the uptake of Male Circumcision (Zimbabwe)
28. Uptake of Post-Exposure Prophylaxis (PEP) by Men who have Sex with Men in Tshwane (Pretoria).
27. OUT's Peer Education Programme for MSM / LGBT's in Tshwane, Pretoria
26. The Pink Ballot Agreement
25. Peer Education Programme (Malawi)
24. Schorer Monitor
23. Health, culture and network: Interventions with homosexuals living with HIV/AIDS at Rio de Janeiro polyclinics
22. Telling a story about sex, advocating for prevention activities – informational materials about safe sex and harm reduction for gay men and MSM from 14 to 24 years.
21. Mainstreaming of LGBTI/MSM/WSW issues in all areas of service provision: Empowering Service Providers and Policy Makers in Botswana through trainings
20. Now we are talking! – Developing skills and facing challenges.
19. Towards a Comprehensive Health Care Service Model for Transgender People in Ecuador
18. Comparative analysis and account of the outreach process to implement a method to change behaviors of youngsters with homo/lesbo erotic feelings in Costa Rica
17. Methodology for behavioral change in teenagers with same sex feelings, from the Greater Metropolitan Area, in Costa Rica
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15. Prevention Images: notes about a photography workshop with young MSM and people living with HIV/AIDS in Rio de Janeiro
14. Advocacy campaign to prohibit hate lyrics targeted at men having sex with men during a dance hall concert in Suriname.
13. Interactions between young multipliers and young gays and bisexuals in internal and external activities in Rio de Janeiro (Brazil).
12. Information Stands: Prevention Project aimed at young gay men from Tegucigalpa (Honduras)
11. Ndim'lo (This is me) Photovoice with lesbian and bisexual women in the Western Cape, South Africa
10. Me&3 Campaign for lesbian and gay individuals in Pretoria (South Africa)
9. Sensitization of the National Police by transgender organizations in Ecuador
8. Exercising 'Knowledges': Implementing training and prevention activities.
7. Public Incidence Activities: In search of public spaces accessible to teenagers with same sex feelings in the Greater Metropolitan area of Costa Rica. "Specific Case: Incidence with the National Institute for Women - INAMU - Costa Rica"
6. My body, your body, our sex: A Sexual Health Needs Assessment For Lesbians and Women Who Have Sex With Women, Durban, South Africa
5. Working with buddy groups in Zimbabwe
4. 'MAN TO MAN', a joint approach on sexual health of MSM in the Netherlands via the Internet
3. Lessons learned from project "Visual information on sexual health and the exercise of citizenship by the GLBTI beneficiaries of the Organization in Quito, Ecuador".
2. Coffee afternoons: Prevention Project aimed at young gay men from Tegucigalpa (Honduras)
1. Womyn2Womyn (W2W) quarterly open day, for lesbian and bisexual (LB) women at the Prism Lifestyle Centre in Hatfield, Pretoria (South Africa)

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<http://lessons-learned.wikispaces.com/English>

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