

Trans Utrecht & Beyond statement on NSC's anti- trans initiative



On 3 April, NSC MP Nicolien van Vroonhoven made a request for the Cabinet to withdraw the draft bill intended to protect the human rights of transgender people in the Netherlands.¹ The bill intended to remove the requirement to obtain an expert's statement (deskundigeverklaring) when submitting a request for gender marker change. Currently, a trans person wishing to have their gender amended in the public registry has to attach such a statement to their request. This change would have simplified a needlessly complex process that causes great stress to trans people throughout the Netherlands, in line with the human right to self-determination. European countries which have introduced legal gender recognition based on self identification – including Belgium, Denmark and Malta – have reported significant benefits to trans people, with no evidence of harm to other groups.²

While the support for the bill had remained tentative for some time, the NSC proposal is a significant and dangerous escalation of transphobic rhetoric in the Netherlands. Trans Utrecht & Beyond is deeply concerned by both the language and arguments which MP van Vroonhoven has deployed, and by the fact that they go against all available evidence. We are resolutely opposed to the abandonment of the transgender bill and call for MPs in the Netherlands to proceed with this bill and adopt self identification as soon as possible.

Van Vroonhoven's statement justifying the call for withdrawal is profoundly inaccurate. In a statement to AD, the MP claimed to be "absolutely not against changing sex, but it should not be too easy either. There are real risks to women's safety. In England, for example, men are suddenly given access to women's prisons, and that is not something we should want."³ Not only does this statement replicate one of the foundational lies of transphobia – that trans women are men – but it also completely misrepresents the situation in England. Legal gender changes there have not been simplified; they still require an invasive and often humiliating appeal to an expert panel.⁴ Consequently, nobody has been 'suddenly given access to women's prisons'.

Moreover, van Vroonhoven's statement reproduces a myth that has been widely spread by transphobic extremists in the UK. In fact, the legal gender is not the only factor which determines where prisoners are held in England. If they are deemed to pose a high risk to other women, trans women can be held in male prisons in the UK. Crucially, the same is

¹<https://www.ad.nl/politiek/nsc-trekt-stekker-uit-wijziging-transgenderwet-geslacht-veranderen-in-paspoort-moet-niet-te-makkelijk-zijn~a087d59f/>

²<https://www.tgeu.org/files/uploads/2023/11/tgeu-self-determination-models-in-europe-2022-en.pdf>

³<https://nltimes.nl/2024/04/04/nsc-uses-transphobic-argument-try-kill-bill-simplify-passport-gender-change>

⁴<https://www.gendergp.com/gender-recognition-certificate/>

also true for cis women; neither the legal nor the assigned gender is decisive in this context.⁵ Van Vroonhoven's claims therefore do not withstand the most basic scrutiny. Instead, they reproduce a myth that has been widely disseminated by transphobic extremists within the UK.



Van Vroonhoven did not put her motion over repealing the law up for a debate; instead, she wanted only a two-minute debate.⁶ By no reasonable standards can this be considered a sufficient level of democratic deliberation over an issue that was already deemed too “controversial” for the outgoing government to handle, and which poses a significant risk of further social and legal exclusion for an already vulnerable minority.⁷

The timing of NSC's transphobic initiative coincides almost to the day with the publication by the Council of Europe High Commissioner for Human Rights of the Issue Paper “Human Rights and Gender Identity and Expression”. The report – an update to a similar paper from 2009 – is a result of the High Commissioner's work throughout her six-year mandate. It includes a comprehensive high-level analysis of the legal, social, and administrative situation trans people face across Europe, focusing on obstacles and systemic inequalities trans people face every day, uneven human rights safeguards within European countries, and recommendations issued to the governments as to how to improve protection of trans people from prejudice and discrimination.

Where the Commissioner recommends to “repeal [the diagnosis requirement] on the basis that they pathologise trans people and undermine their human dignity”, NSC wishes to entrench us in the outdated, petrified, over-medicalised framework that is currently in place in the Netherlands. Both the trans community and the Commissioner – a human rights authority of utmost renown – demand that trans people's right to self-determination and self-identification be respected without administrative hurdles. Meanwhile, our domestic politicians – members of a potential coalition-party – prefer to side with anti-trans movements.

We, as Trans Utrecht & Beyond, want the Netherlands to be a welcoming, open, progressive country, in which “everyone is welcome” functions as more than just a slogan. We wish to see a society where everyone's identity and expression are respected and celebrated, and communal strength comes from diversity. We therefore condemn any attempts at eroding our human rights, and further targeting the already-marginalised trans community. We call on Van Voornhoven and NSC to enter into dialogue with the transgender community, with the goal of strengthening bonds, deepening understanding and protecting human rights.

Signed,
The Trans Utrecht & Beyond board

⁵<https://www.versobooks.com/blogs/news/4090-i-m-not-transphobic-but-a-feminist-case-against-the-feminist-case-against-trans-inclusivity>

⁶<https://www.transgenderennetwerk.nl/nieuws/goed-bestuur-partij-nsclaat-zich-kapen-door-desinformatie-over-transgender-mensen/>

⁷<https://nltimes.nl/2023/09/13/road-pricing-declared-controversial-caretaker-cabinet-asylum-distribution>