**LGBT data issues – UN call for input**

**Short reaction concerning the activities in Belgium**

In 2007, the **Institute For Equality Between Women and Man**, the equality body responsible for gender, organised a large scale survey on discrimination and inequalities suffered by trans people in Belgium, which it published under the title “Living as Transgender In Belgium” ([Link](https://igvm-iefh.belgium.be/fr/publications/leven_als_transgender_in_belgi_) to study in French).

Ten years later a new study was organised to have a look at the well-being and social being of trans people. It was published under the title of “Ten years later – Living as a transgender in Belgium” ([Link](https://igvm-iefh.belgium.be/fr/publications/etre_une_personne_transgenre_en_belgique_dix_ans_plus_tard) to study in French).

In 2016, a first national study was financed by the Federal government and the Flemish authorities on the topic of “DSD. Differences of sex development / Intersex in Belgium. Medical care and legislative needs”.

The **Fundamental Rights Agency of the European Union** did an EU-wide LGBT survey in 2013. Some 2901 Belgians responded to the LGBT survey . The survey contained victimization question, questions on discrimination on the job market or in the purchase of goods or access to services, health care, or the housing market.

The **local and federal police** in Belgium record nationwide data on discrimination and hate crimes. The recording of hate crimes is based on instructions that are published in a joined circular for police forces and public prosecutors. In terms of data recording and policies, no distinction is made in Belgium between hate crimes and other forms of discrimination punishable under criminal law. In the Belgian context, hate crime is subject to the same process and recorded in the same manner as any violation of non-discrimination legislation which constitutes a criminal offence.

When the police discovers an offence, the base crime is registered under the appropriate thematic code (e.g. assault and battery, code 43). If, in addition, the police discovers that the motive behind the offence is racist, xenophobic, sexist or homophobic or against persons with a disability, this motive will be mentioned in the context field for the public prosecutor’s office that it is a case of “discrimination and hate crime”.

The registration system used by the police and the prosecutors allows disaggregation based on “sexual orientation” and “gender identity”.

**Unia**, the equality body responsible for sexual orientation (amongst other criteria) publishes yearly statistic on the reports of discrimination it gets and disaggregates them by protected criteria, including sexual orientation.

**The Institute for Equality between Women and Men** also collects statistics on the reports of discrimination it gets on the basis of gender identity.

The **Flemish Community** and the **Flemish Region**  have a long tradition in equal opportunities policy with regard to sexual diversity and -more recently- gender diversity. This entails an equally long tradition in scientific research in this field.

Specifically on the topic of violence against LGBT’s, three research projects where finished in 2014: 1) an ethnographic research project in the center of Brussels concerning the context of homophobic violence in the public sphere ([Link to study in French)](http://gelijkekansen.be/Portals/GelijkeKansen/Onderzoek/Nieuw%20Onderzoek/Le-contexte-de-la-violence-homophobe-Heleen-Huysentruyt-240215-bvl.pdf), 2) a research project on the experiences of LGB’s with violence and the aftermath (coping mechanisms, experiences reporting, etc.), 3) a research project on the nature, prevalence and circumstances of violence against transgender people. In all the reports a distinction was made between several kinds of violence: 1) verbal and psychological, 2) material, 3) sexual and 4) physical violence.

Other recent research projects focused amongst others on:

- the psychological well-being of LGBT people;

- the effect of a transitioning parent on well-being of the family

- the living conditions and the social and mental well-being of transgender youngsters between the age 14 and 24 and their close environment;

- the sexual health of non-Belgian transgenders sex workers in the Flemish Region;

- equal opportunities for gay, lesbian and bisexual persons in the educational system (sexual orientation was one of several criteria taken into account);

- experiences of LGBTI youngsters in secondary education (e.g. safety, positive environment, discrimination, etc.).

A fairly recent development is the attention for intersex/DSD people. This led e.g. to research into the experiences of intersex/DSD people and their parents, with a focus on their experiences with healthcare and their psychosocial wellbeing;

Moreover, since 2005 the attitude within the Flemish society towards LGB’s is being monitored. Every 2 to 3 years a module of questions on this theme is included in the survey ‘Social-cultural changes in Flanders’, a survey of a representative sample of 1500 Dutch-speaking inhabitants of Flanders and Brussels.

In 2016 for the first time a module concerning the attitude of the Flemish society towards transgenders has been included.

The module on the attitude towards LGB’s was also included in the survey ‘Living in diversity’(2018) in which 750 people of Belgian, Moroccan, Turkish, Polish, Romanian and Congolese descent between the ages of 15 and 85 were questioned on a wide range of integration-related topics. A follow up research project will deepen the results from an experience based perspective of LGBT people belonging to those ethnic groups.

From a methodological point of view, it’s worth mentioning that the Flemish authorities asked researchers to list and reflect on ways that gender diversity can be adequately included as a variable in (general population) surveys and other means of data gathering. The researchers were asked to give an overview of (best) (international) practices and needs, and to formulate concrete advices. The paper will be finished at the end of March 2019.

In most of research projects on LGBT-related topics, commissioned by the Flemish authorities, civil society is closely involved: both in steering committees and (if relevant) as a partner in reaching respondents.

It’s also worth mentioning that the Flemish authorities recently introduced a new strategy for the development, production and publication of official statistics. This entails a new legal framework and the development and implementation of a coordinated statistical policy, focused on the flexible, helpful provision of high quality statistics to all users (for more information <https://www.statistiekvlaanderen.be/in-english>). One of the main principles in the new strategy is the conviction that official statistics must serve society as a whole. This implies that not only the government’s needs for statistical information will be taken into account, but also the needs of society at large. Therefore interaction with stakeholders -including LGBT-organizations- is structurally embedded in the new working process.

The **Walloon Region** supports and recognizes organizations named "The Rainbow Houses" and the Federation of Rainbow Houses, which aim at the emancipation and well-being of LGBT people.

The Walloon Region uses the statistics on the number of files registered and treated during the past year per type of action in order to guide its policies.

As a city hosting a large LBGT community, the **Brussels-Capital Region** undertook several actions.

In 2014, it financed a study entitled “Beyond the Box” that measured population attitudes concerning sexism, homophobia and transphobia.

In 2017 a regional SOGI plan was set up for Brussels. Its leading body, the Steering committee of the Regional SOGI Plan, put together all officials and community actors working on LGBT issues. Among other actions, this committee follows up the data monitoring and initiatives to combat the under-reporting of cases (crime and discrimination). Two specific actions are under way concerning this issue.

The Brussels Capital Region is organizing a crime survey within the LGBTQI+ communities. This qualitative study has a double purpose. The first is to give a better understanding of the quantitative surveys that have been done in the past years, and also to be able to more accurately formulate the questionnaires for future surveys. The second goal is to get more insights in the intersectional aspect of the experience of violence and unsafety, with respondents from ethnic minority groups and less privileged background. Using this approach, we will be able to map out the reasons why especially LGBTQI+ people with these profiles face barriers to seeking assistance from authorities.

Another initiative to tackle the above issues is the Crime monitoring forms. This project was just launched in collaboration with RainbowHouse, the local LGBTQI+ center. It aims to incite people within the communities to share their experiences and to feel heard. This approach hopefully also makes it easier for them to report to the Police, UNIA or Institute for Equality between Women and Men.

The general applicable rule concerning the collection of data on sexual orientation (amongst others) is contained in the Regulation (EU) 2016/679 (General Data Protection Regulation) of the **European Union** and which applies to Belgium. It states that under article 9 of the Regulation, processing of personal data revealing sexual orientation is prohibited unless specific conditions are fulfilled. These conditions are summarized below :

* the data subject has given explicit consent;
* processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law;
* processing is necessary to protect the vital interests of the data subject;
* processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim;
* processing relates to personal data which are manifestly made public by the data subject;
* processing is necessary for the establishment, exercise or defence of legal claims;
* processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law;
* processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law;
* processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices;
* processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

If the data is anonymized, it doesn’t have to comply with these criteria.

Article 24 *quinquies* of 4th July 1962 Act on Public Statistics says that “In no case may the investigations and statistical studies of the National Statistical Institute concern private life, including sexual life, political, philosophical or religious opinions or activities, race or ethnic origin.” However, this only concerns the National Statistical Institute.

Other entities are free to gather data provided voluntarily on that basis of self-identification provided they comply with the General Data Protection Regulation.