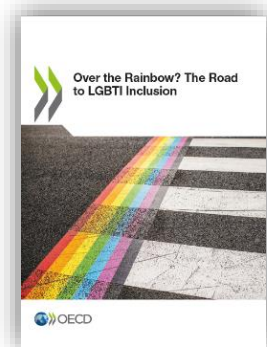


Ensuring that LGBTI people – i.e. lesbians, gay men, bisexuals, transgender and intersex individuals – can live as who they are without being discriminated against or attacked should concern us all. Discrimination against LGBTI people remains pervasive. It harms the LGBTI population, but also the wider society. It lowers investment in human capital due to bullying at school, as well as poorer returns on educational investment in the labour market. It reduces economic output by excluding or under-valuing LGBTI talents in the labour market and impairing their mental and physical health, hence their productivity. The report **Over the Rainbow? The Road to LGBTI Inclusion** provides a comprehensive overview of the extent to which laws in OECD countries ensure equal treatment of LGBTI people, and of the complementary policies that could help foster LGBTI inclusion.



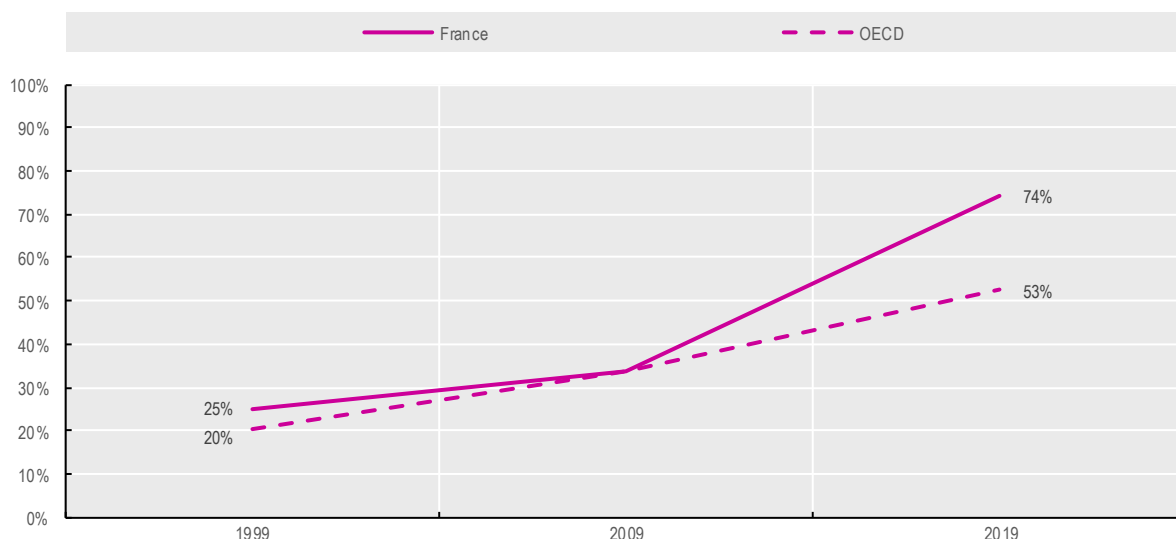
## Legal LGBTI inclusivity in France

### Levels and trends in legal LGBTI inclusivity

Legal LGBTI inclusivity is defined as the share of laws that are in force among those critical to ensure equal treatment of LGBTI people. France is one of 17 countries in the OECD that have most legal protections for sexual and gender minorities. These countries are characterised by an above-average performance regarding both their level of legal LGBTI-inclusivity as of 2019 and their progress in legal LGBTI-inclusivity between 1999 and 2019.

### Figure 1: Legal inclusion of LGBTI people in France has dramatically improved over the past decade

Evolution of legal LGBTI inclusivity between 1999 and 2019 in France and OECD-wide



Note: Legal LGBTI inclusivity refers to the percentage of LGBTI-inclusive laws that have been passed, among a basic set of laws defined based on international human rights standards.

Source: OECD (2020), *Over the Rainbow? The Road to LGBTI Inclusion*, Chapter 3. [Download data from [Statlink](#)]

The increase in legal LGBTI inclusivity in France has been particularly strong over the past decade (Figure 1). As of 2019, France performs better than the OECD average concerning laws protecting LGBTI individuals against discrimination and violence (Figure 2). Since 2012, discrimination, hate crime and hate speech based on both sexual orientation and gender identity are explicitly criminalised. Discrimination on these grounds is banned in a broad range of fields (employment, education, the provision of and access to goods and services including housing, etc.), and the *Defender of Rights* has been in charge of enforcing this provision ever since – this national equality body is also explicitly entrusted with protecting intersex individuals. Additionally, persecution based on sexual orientation, gender identity and sex characteristics/intersex status is explicitly recognised as a valid reason for granting asylum.

France’s achievements in addressing the unique challenges faced by transgender individuals have also been extraordinary (Figure 2). In 2010, France became the first country worldwide to remove being transgender from the list of mental illnesses in its national clinical classification. Moreover, since 2017, France no longer conditions the change of gender marker in the civil registry on medical requirements.

As of June 2019, French same-sex couples were treated on an equal footing relative to different-sex couples concerning access to civil marriage and adoption. However, they were not entitled to the same rights regarding access to assisted reproductive technology (Figure 2). This discriminatory situation has ended in October 2019 when medically assisted insemination and *in vitro* fertilisation initially restricted to different-sex couples were open to female same-sex couples.

### **How could France further improve legal LGBTI inclusivity?**

France’s efforts to address barriers to the inclusion of intersex individuals more specifically have been more modest. France is not one of the eight OECD countries that allow for a non-binary gender option in the civil registry to ensure recognition of transgender and/or intersex individuals who do not self-identify as either female or male. By alleviating the pressure to assign an intersex baby into one of these two categories, this legal provision would also contribute to reduce the perceived need for unconsented medically unnecessary sex-normalising interventions on intersex minors – noting that such interventions are not yet banned in France. Therefore, further improving legal LGBTI inclusivity in France could entail granting transgender and intersex individuals access to a non-binary gender option in the civil registry.

### **Policies to foster LGBTI inclusion in France, beyond LGBTI-inclusive laws**

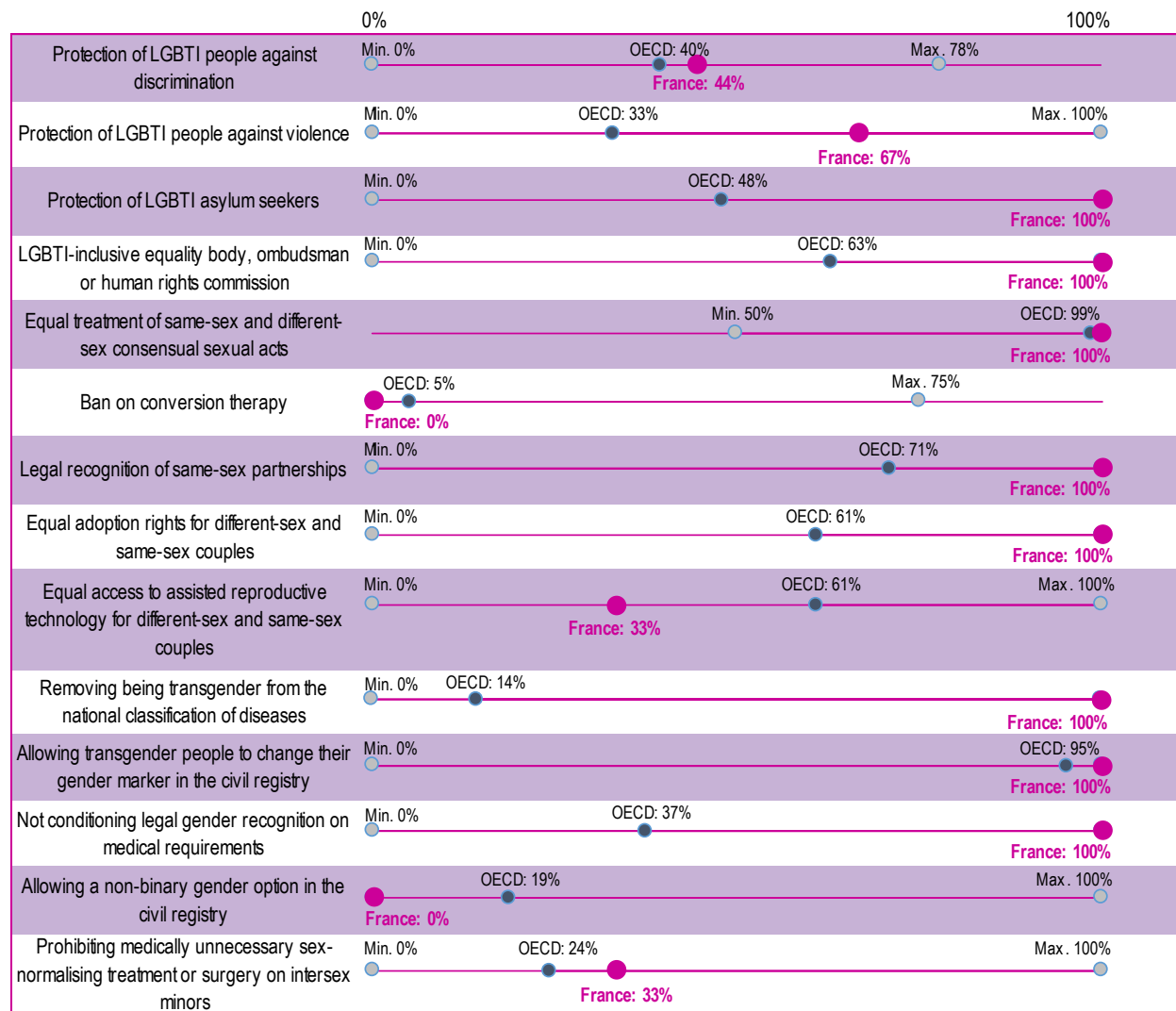
LGBTI-inclusive laws should come along significant efforts to make LGBTI individuals better represented and visible in national statistics. Without appropriate data collection, policymakers aiming to improve LGBTI inclusion will continue to do so with little if any relevant information. As of 2018, France is one of 15 OECD countries that include or have included a question on self-identification as heterosexual, homosexual, or bisexual in at least one nationally representative survey. But it does not yet collect information on the share of transgender and intersex people among the adult population.

It would also be important that France be or remain active in the following complementary policy areas that are viewed as key by ongoing national actions plans aimed at strengthening LGBTI inclusion:

<b>Policy #1</b>	<b>Policy #2</b>	<b>Policy #3</b>
Enforcing LGBTI-inclusive antidiscrimination, hate crime/hate speech and asylum laws, e.g. through training police officers on properly dealing with hate crimes targeting LGBTI people	Fostering a culture of equal treatment in education, employment and healthcare, beyond enforcing laws prohibiting discrimination in these fields, e.g. through a whole-school approach to tackle LGBTI-phobic bullying	Creating and maintaining popular support for LGBTI inclusion, e.g. through well-designed awareness-raising activities among the general public.

**Figure 2: How France compares**

Legal LGBTI inclusivity as of 30 June 2019 in France and OECD-wide, by component



Note: Figure 2 presents the components that serve to compute the average level of legal LGBTI inclusivity reported in Figure 1 as of 30 June 2019. The component "Protection of LGBTI people's civil liberties" is missing since it shows no cross-country variation: no legal provision in OECD countries explicitly restricts the rights to freedom of expression, peaceful assembly, and association of sexual and gender minorities. Legal LGBTI-inclusivity attached to each component can vary between 0% and 100%. For instance, a level of legal LGBTI inclusivity in France equal to 44% regarding the protection of LGBTI people against discrimination means that four of the nine antidiscrimination provisions critical to protect LGBTI people are in force in France as of 2019. "Min." refers to the score of the bottom-performing OECD country(ies) while "Max." refers to the score of the top-performing OECD country(ies). These values are specified except when they coincide with the score of France. Source: OECD (2020), *Over the Rainbow? The Road to LGBTI Inclusion*, Chapter 3. [Download data from [Statlink](#)]

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