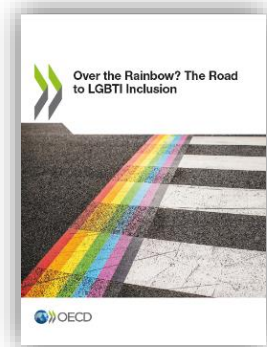


Ensuring that LGBTI people – i.e. lesbians, gay men, bisexuals, transgender and intersex individuals – can live as who they are without being discriminated against or attacked should concern us all. Discrimination against LGBTI people remains pervasive. It harms the LGBTI population, but also the wider 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.



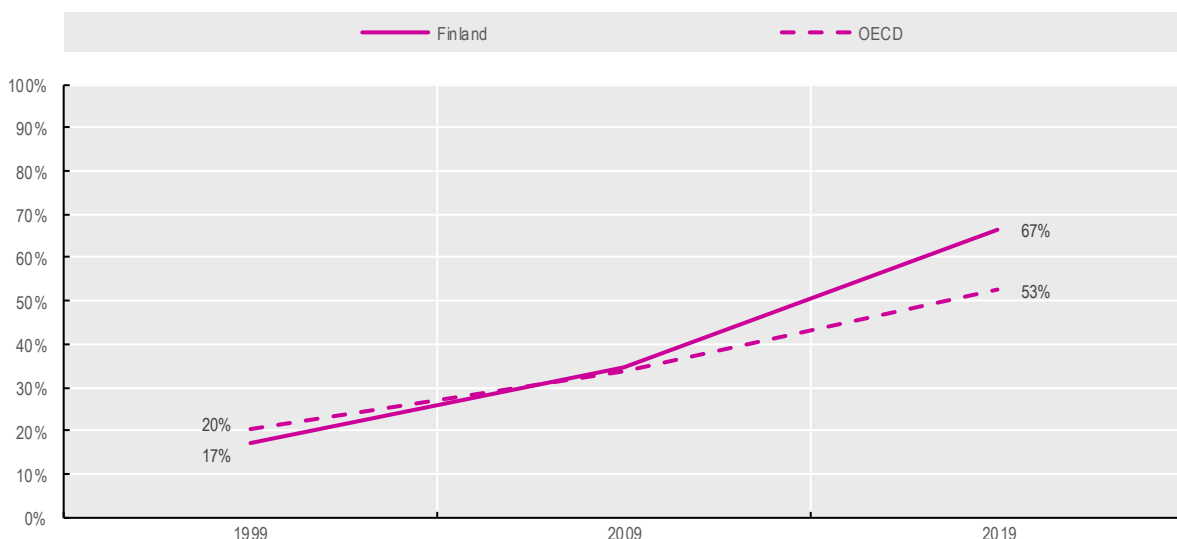
Legal LGBTI inclusivity in Finland

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. Finland 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).

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

Evolution of legal LGBTI inclusivity between 1999 and 2019 in Finland 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 Finland has been particularly strong over the past decade (Figure 1). As of 2019, Finland performs better than the OECD average concerning laws protecting LGBTI individuals against discrimination (Figure 2). Discrimination explicitly based on sexual orientation is prohibited since 1995, while the *Law on Equality between Women and Men* was amended in 2013 to prohibit discrimination on a set of new grounds, including gender identity as well as intersex status, i.e. “sex characteristics that are not unambiguously female or male”. Discrimination on these grounds is banned in employment, education and training, and the *Office of the Ombudsman for Equality* has been in charge of enforcing this provision ever since. Persecution (or a well-founded fear of persecution) based on the aforementioned grounds is also explicitly recognised as a valid reason for granting asylum.

Finland’s achievements in addressing the unique challenges faced by same-sex couples have also been extraordinary (Figure 2). As early as 2002, same-sex couples were allowed to register their partnership and entitled to many of the pecuniary rights granted to different-sex married couples. In 2017, the *Act on Registered Partnerships* was repealed and replaced by a gender-neutral marriage law. On top of being granted full legal recognition of their partnerships, Finnish same-sex couples are also treated on an equal footing relative to different-sex couples concerning access to adoption and assisted reproductive technology.

How could Finland further improve legal LGBTI inclusivity?

Since 2011, hate crime and hate speech based on sexual orientation are explicitly prohibited, but this is not the case of physical or verbal violence motivated by bias against a person’s gender identity or intersex status. Moreover, although Finnish transgender individuals are allowed to change their gender marker in the civil registry, this legal gender recognition is still conditioned on sterilisation (Figure 2). Yet, the trend OECD-wide is to de-pathologise this process: in the past ten years, 15 OECD countries have abolished medical requirements initially attached to legal gender recognition. Therefore, further improving legal LGBTI inclusivity in Finland could entail: (i) explicitly criminalising hate crime and hate speech based on gender identity and intersex status; and (ii) basing the change of gender marker for transgender people on self-determination.

Policies to foster LGBTI inclusion in Finland, beyond LGBTI-inclusive laws

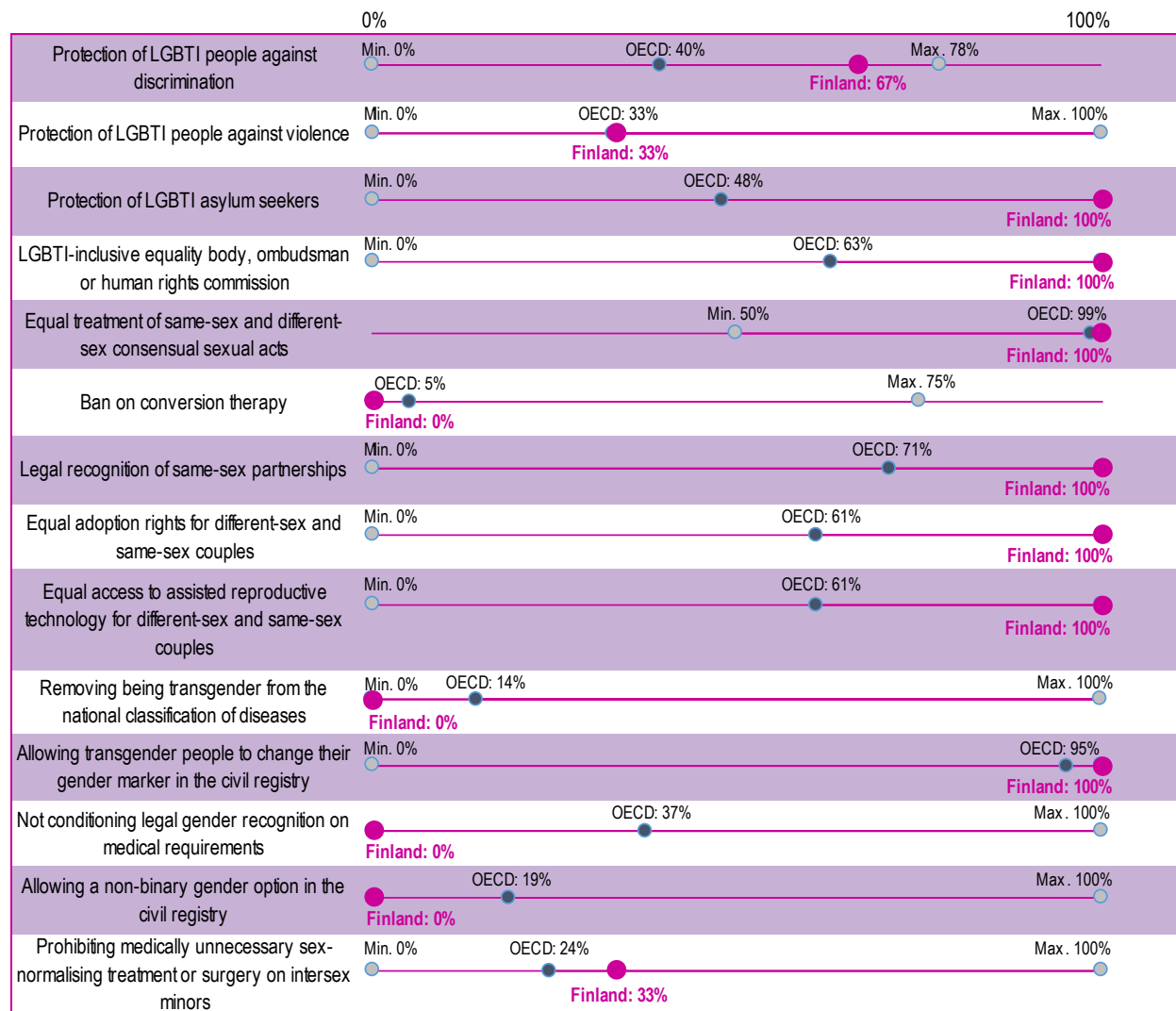
LGBTI-inclusive laws should come along significant efforts to make LGBTI individuals better represented and visible in national statistics. Without appropriate data collection, policymakers aiming to improve LGBTI inclusion will continue to do so with little if any relevant information. As of 2018, Finland does not include questions on self-identification as heterosexual, homosexual, or bisexual in nationally representative surveys. It does not collect information on the share of transgender and intersex people among the adult population either.

It would also be important that Finland 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:

Policy #1	Policy #2	Policy #3
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 Finland compares

Legal LGBTI inclusivity as of 30 June 2019 in Finland 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 Finland equal to 67% regarding the protection of LGBTI people against discrimination means that two thirds (six) of the nine antidiscrimination provisions critical to protect LGBTI people are in force in Finland 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 Finland.

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

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