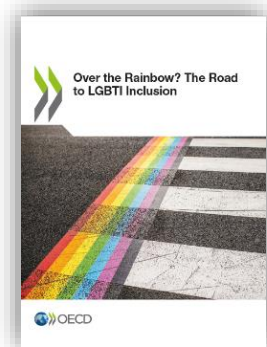


Ensuring that LGBTI people – i.e. lesbians, gay men, bisexuals, transgender and intersex individuals – can live as who they are without being discriminated against or attacked should concern us all. Discrimination against LGBTI people remains pervasive. It harms the LGBTI population, but also the wider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



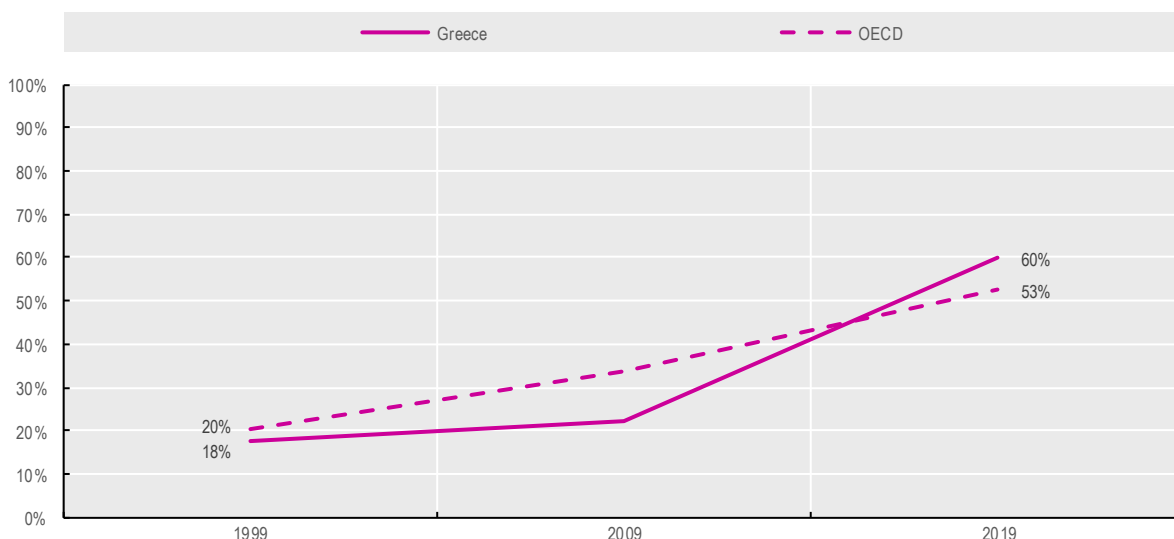
Legal LGBTI inclusivity in Greece

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. Greece 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 Greece has dramatically improved over the past decade

Evolution of legal LGBTI inclusivity between 1999 and 2019 in Greece 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 Greece has been particularly strong over the past decade (Figure 1). As of 2019, Greece performs better than the OECD average concerning laws protecting LGBTI individuals against discrimination and violence (Figure 2). Since 2016, discrimination explicitly based on sexual orientation, gender identity, and sex characteristics/intersex status has been prohibited. 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 *Greek Ombudsman* has been in charge of enforcing this provision ever since. Moreover, since 2014, the *Penal Code* explicitly criminalises hate crime and hate speech motivated by bias against a person’s sexual orientation and gender identity. Additionally, *Law 4356/2015* amends the *Penal Code* to criminalise offenses motivated by the sex characteristics of the victim. Finally, persecution (or a well-founded fear of persecution) based on sexual orientation and gender identity is explicitly recognised as a valid reason for granting asylum since 2013.

Significant strides have also been made towards protecting transgender individuals more specifically. Greece is one of 15 OECD countries that have abolished medical requirements initially attached to legal gender recognition: since 2017, transgender people can change their gender marker in the civil registry without undergoing sterilisation, sex-reassignment surgery or treatment, or a psychiatric diagnosis.

How could Greece further improve legal LGBTI inclusivity?

Although Greek same-sex couples are granted many of the pecuniary rights to which married couples are entitled since 2015, they are still not given the same access to adoption and assisted reproductive technology. Moreover, Greece 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. Still, 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 Greece has not taken other significant steps towards postponing these interventions (Figure 2). Therefore, further improving legal LGBTI inclusivity in Greece could entail: (i) treating same-sex couples on an equal footing relative to different-sex couples concerning access to civil marriage, adoption and assisted reproductive technology; and (ii) engaging in preparatory steps aimed at gathering support for guidelines banning unconsented non-vital medical interventions on intersex minors.

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

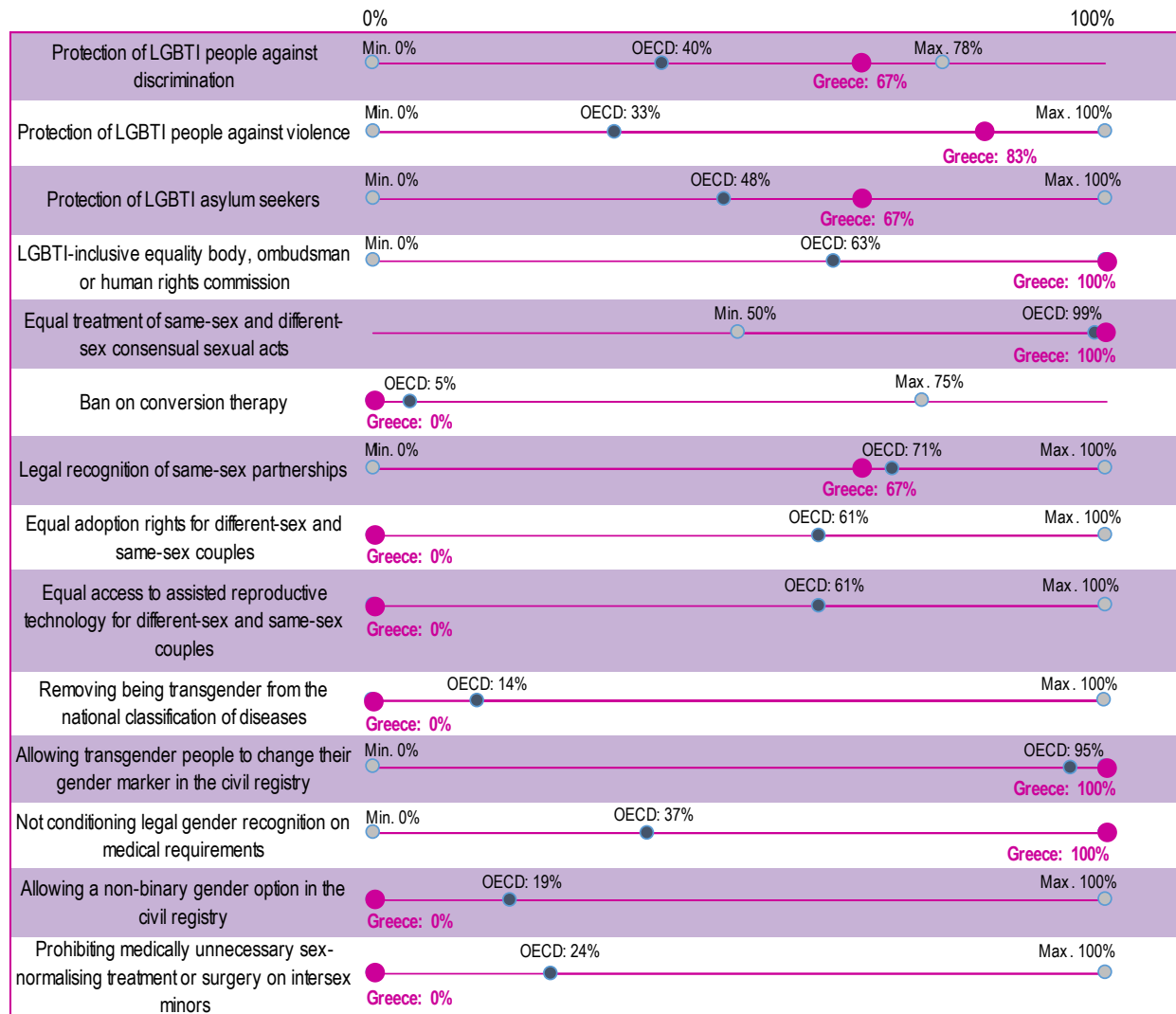
LGBTI-inclusive laws should come along significant efforts to make LGBTI individuals better represented and visible in national statistics. Without appropriate data collection, policymakers aiming to improve LGBTI inclusion will continue to do so with little if any relevant information. As of 2018, Greece 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 Greece 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 Greece compares

Legal LGBTI inclusivity as of 30 June 2019 in Greece 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 Greece 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 Greece 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 Greece.

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

Contact:

Marie-Anne Valfort, +33 (0)1 45 24 98 65, Marie-Anne.VALFORT@oecd.org

Directorate for Employment, Labour and Social Affairs/Social Policy Division ([@OECD_Social](#))