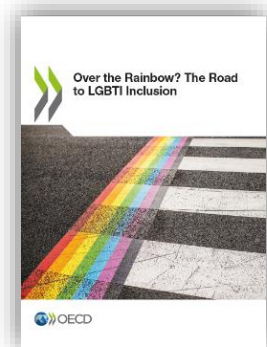


Ensuring that LGBTI people – i.e. lesbians, gay men, bisexuals, transgender and intersex individuals – can live as who they are without being discriminated against or attacked should concern us all. Discrimination against LGBTI people remains pervasive. It harms the LGBTI population, but also the wider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



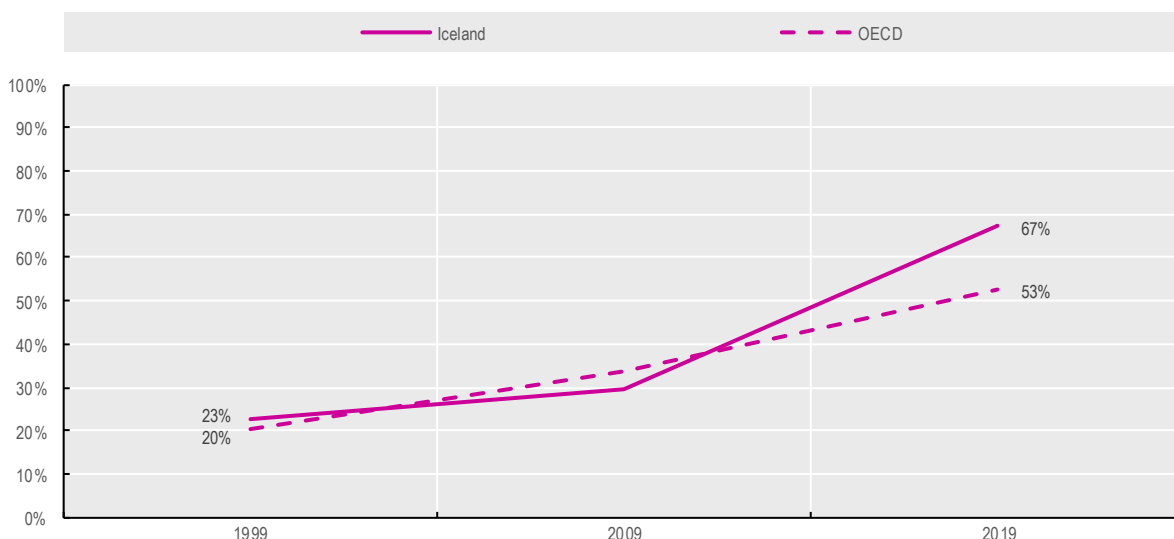
Legal LGBTI inclusivity in Iceland

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. Iceland 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 Iceland has dramatically improved over the past decade

Evolution of legal LGBTI inclusivity between 1999 and 2019 in Iceland 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 Iceland has been particularly strong over the past decade (Figure 1). As of 2019, Iceland performs better than the OECD average concerning laws protecting LGBTI individuals against discrimination (Figure 2). Since 2018, the *Act on Equal Treatment in the Workplace* prohibits discrimination explicitly based on sexual orientation, gender identity and sex characteristics/intersex status, and the *Centre for Gender Equality* has been in charge of enforcing this provision ever since. Discrimination explicitly based on sexual orientation and gender identity is also outlawed in access to goods and services and public accommodations.

Iceland's achievements in addressing the unique challenges faced by same-sex couples have also been extraordinary (Figure 2). As early as 1996, same-sex couples were allowed to register their partnership and entitled to many of the pecuniary rights granted to different-sex married couples. In 2010, 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, Icelandic same-sex couples are also treated on an equal footing relative to different-sex couples concerning access to adoption and assisted reproductive technology. Moreover, significant progress has been made towards protecting transgender and intersex individuals more specifically (Figure 2). Since 2019, Iceland is one of 15 OECD countries that have abolished medical requirements initially attached to legal gender recognition: the change of gender marker in the civil registry is based on self-determination. Moreover, since 2019, transgender and intersex individuals are granted access to a non-binary gender option in the civil registry. This provision notably alleviates the pressure to categorise intersex babies as either female or male and, hence, reduces the perceived need for unconsented medically unnecessary sex-normalising interventions on them.

How could Iceland further improve legal LGBTI inclusivity?

Hate speech explicitly based on sexual orientation and gender identity is criminalised since 2014. However, contrary to the situation in a majority of OECD countries, this is not the case of hate *crime* explicitly targeted at LGBT individuals. Moreover, physical and verbal violence motivated by bias against a person's sex characteristics is not considered as an aggravating circumstance (Figure 2). Therefore, further improving legal LGBTI inclusivity in Iceland could entail explicitly criminalising: (i) hate crime based on sexual orientation and gender identity; and (ii) both hate crime and hate speech based on sex characteristics.

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

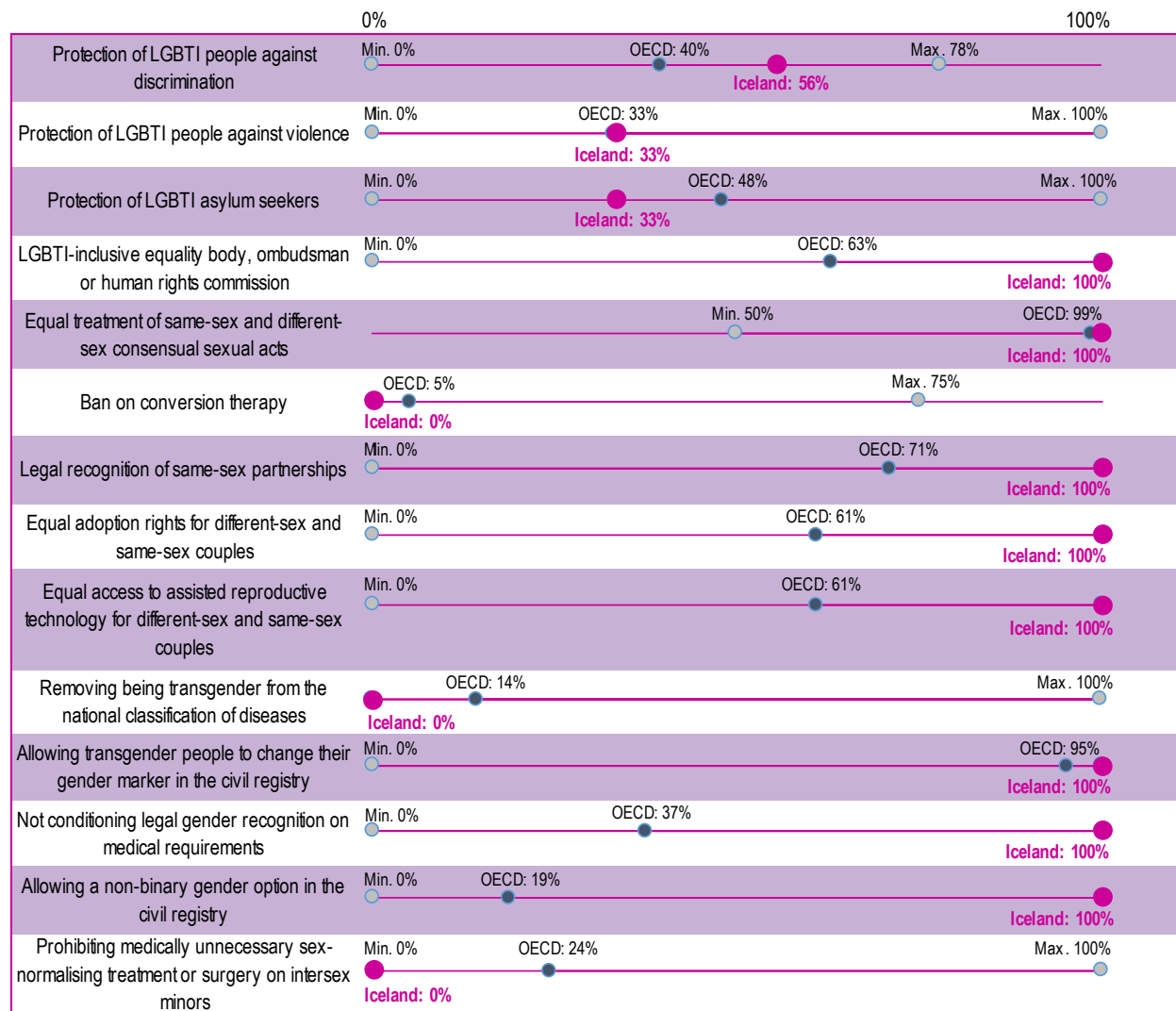
LGBTI-inclusive laws should come along significant efforts to make LGBTI individuals better represented and visible in national statistics. Without appropriate data collection, policymakers aiming to improve LGBTI inclusion will continue to do so with little if any relevant information. As of 2018, Iceland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

Legal LGBTI inclusivity as of 30 June 2019 in Iceland 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 Iceland equal to 56% regarding the protection of LGBTI people against discrimination means that five of the nine antidiscrimination provisions critical to protect LGBTI people are in force in Iceland 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 Iceland. 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](#))