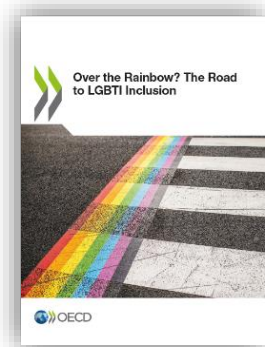


Ensuring that LGBTI people – i.e. lesbians, gay men, bisexuals, transgender and intersex individuals – can live as who they are without being discriminated against or attacked should concern us all. Discrimination against LGBTI people remains pervasive. It harms the LGBTI population, but also the wider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



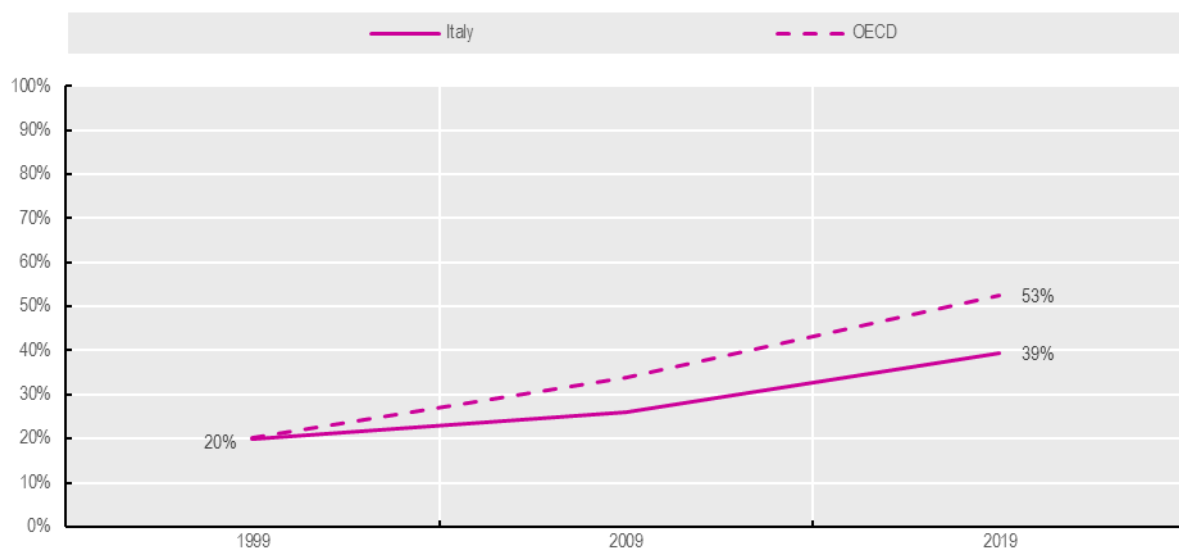
Legal LGBTI inclusivity in Italy

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. Italy is one of 14 countries in the OECD where this share is still moderate. These countries are characterised by a below-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 Italy has only moderately improved over the past two decades

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



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](#)]



Legal LGBTI inclusivity in Italy has improved over the past two decades, but at a moderate pace (Figure 1). As of 2019, Italy performs better than the OECD average concerning the protection of LGBTI asylum seekers. Since 2015, persecution (or a well-founded fear of persecution) based on both sexual orientation and gender identity is explicitly recognised as a valid reason for granting asylum. Moreover, *UNAR* (National Office against Racial Discrimination), the Italian national equality body, is explicitly in charge of assisting victims of discrimination based on sexual orientation and gender identity (Figure 2).

However, as of 2019, Italy is falling behind regarding other LGBTI-inclusive laws such as legal provisions explicitly protecting LGBTI individuals against discrimination and violence, or laws addressing the unique challenges faced by same-sex couples (Figure 2).

How could Italy further improve legal LGBTI inclusivity?

Italy explicitly prohibits discrimination in employment based on sexual orientation, but not based on gender identity. Moreover, Italy does not outlaw discrimination based on these grounds in other fields such as education or the provision of and access to goods and services including housing. Additionally, Italy does not explicitly protect LGBTI individuals against violence, while hate crime and hate speech at least based on sexual orientation is criminalised in a majority of OECD countries. Finally, although Italy passed a civil union law in 2016 which grants same-sex couples many of the pecuniary rights to which married couples are entitled, same-sex partners are still not given access to second-parent and joint adoption, or to medically assisted insemination (Figure 2). Therefore, further improving legal LGBTI inclusivity in Italy could entail: (i) explicitly criminalising discrimination in a broad range of fields, as well as hate crime and hate speech explicitly based on sexual orientation and gender identity; and (ii) treating same-sex couples on an equal footing relative to different-sex couples concerning access to civil marriage, adoption and assisted reproductive technology.

Policies to foster LGBTI inclusion in Italy, 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, Italy 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 Italy 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 Italy compares

Legal LGBTI inclusivity as of 30 June 2019 in Italy 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 Italy equal to 11% regarding the protection of LGBTI people against discrimination means that one of the nine antidiscrimination provisions critical to protect LGBTI people is in force in Italy 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 Italy.

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](#))