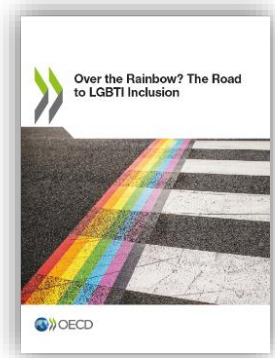


Ensuring that LGBTI people – i.e. lesbians, gay men, bisexuals, transgender and intersex individuals – can live as who they are without being discriminated against or attacked should concern us all. Discrimination against LGBTI people remains pervasive. It harms the LGBTI population, but also the wider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



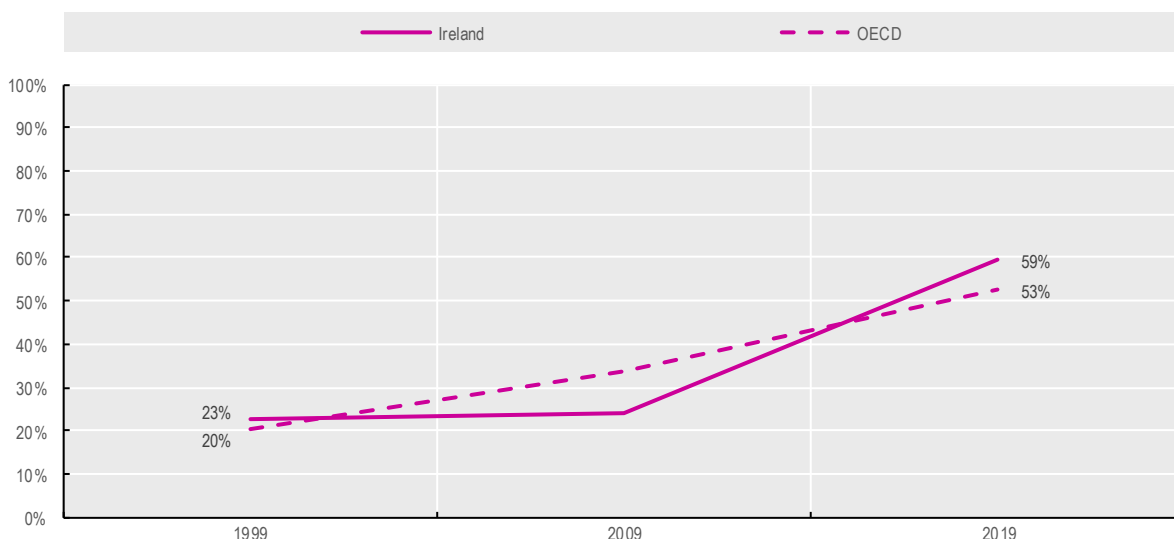
Legal LGBTI inclusivity in Ireland

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. Ireland 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 Ireland has dramatically improved over the past decade

Evolution of legal LGBTI inclusivity between 1999 and 2019 in Ireland 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 Ireland has been particularly strong over the past decade (Figure 1). As of 2019, Ireland performs better than the OECD average concerning laws protecting LGBTI individuals against discrimination (Figure 2). Discrimination explicitly based on sexual orientation and gender identity is outlawed in a broad range of fields (employment, education, the provision of and access to goods and services including housing, etc.). Moreover, since 2014, the *Irish Human Rights and Equality Commission* is explicitly in charge of protecting and promoting human rights and equality, in particular in relation to sexual orientation and gender identity.

Ireland's achievements in addressing the unique challenges faced by same-sex couples and transgender individuals have also been extraordinary (Figure 2). In 2015, Ireland became the first country worldwide to legalise same-sex marriage on a popular vote, following the successful "Yes Equality" campaign that has become a best practice example on how to effectively communicate human rights. On top of being granted full legal recognition of their partnerships, Irish same-sex couples are also treated on an equal footing relative to different-sex couples concerning access to adoption and assisted reproductive technology. Moreover, Ireland is one of 15 OECD countries where legal gender recognition is not conditioned on medical requirements. Since the *Gender Recognition Act* that came into force in 2015, the change of gender marker for transgender people is based on self-determination.

How could Ireland further improve legal LGBTI inclusivity?

Hate speech explicitly based on sexual orientation is criminalised since 1989. But, contrary to the situation in a majority of OECD countries, this is not the case of hate *crime* explicitly based on sexual orientation. Additionally, Ireland 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 Ireland has not taken other significant steps towards postponing such interventions. Therefore, further improving legal LGBTI inclusivity in Ireland could entail: (i) explicitly criminalising hate crime based on sexual orientation; and (ii) granting transgender and intersex individuals access to a non-binary gender option in the civil registry.

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

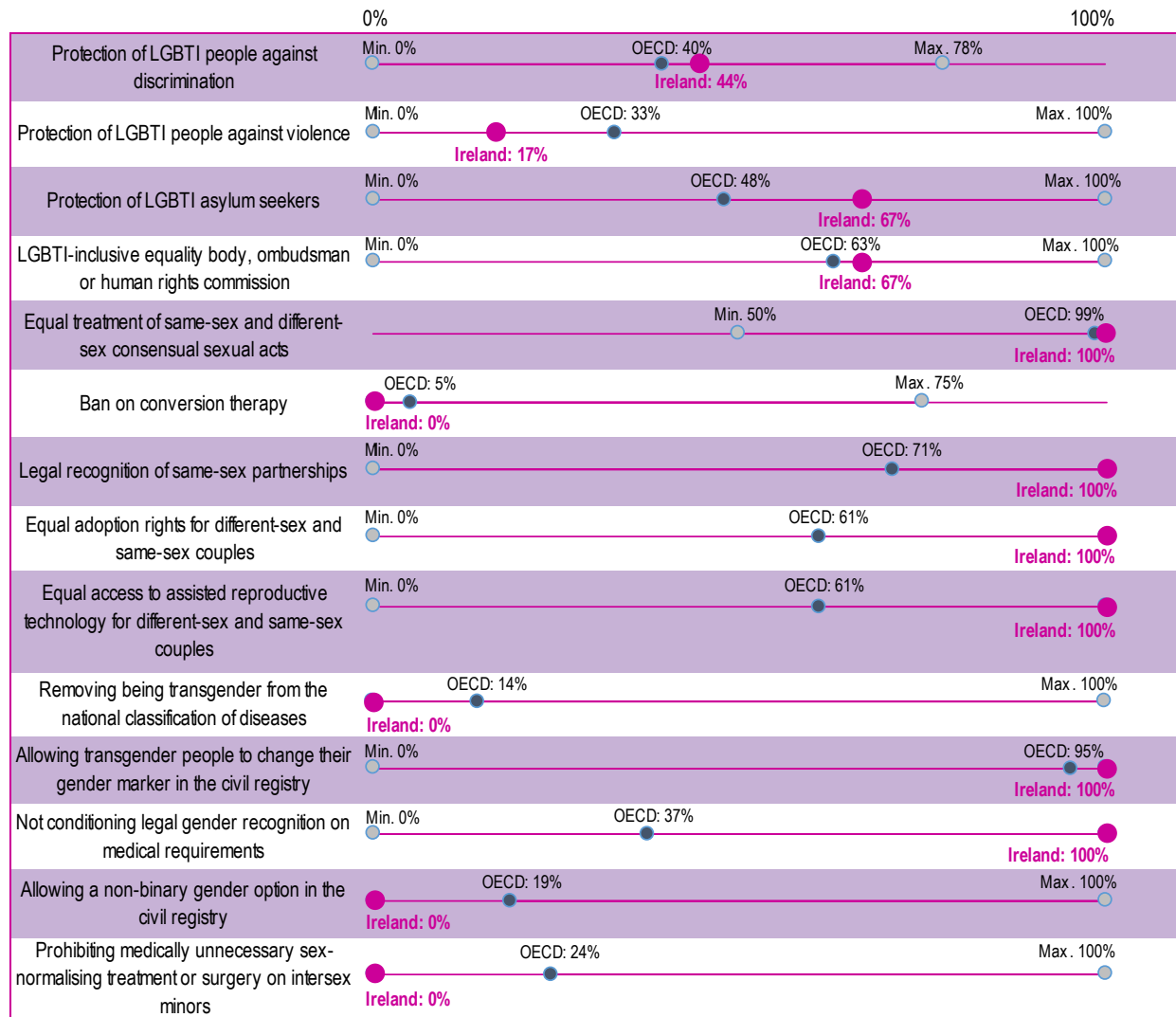
LGBTI-inclusive laws should come along significant efforts to make LGBTI individuals better represented and visible in national statistics. Without appropriate data collection, policymakers aiming to improve LGBTI inclusion will continue to do so with little if any relevant information. As of 2018, Ireland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

Legal LGBTI inclusivity as of 30 June 2019 in Ireland 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 Ireland 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 Ireland 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 Ireland. 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](#))