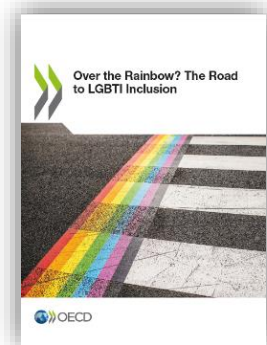


Ensuring that LGBTI people – i.e. lesbians, gay men, bisexuals, transgender and intersex individuals – can live as who they are without being discriminated against or attacked should concern us all. Discrimination against LGBTI people remains pervasive. It harms the LGBTI population, but also the wider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



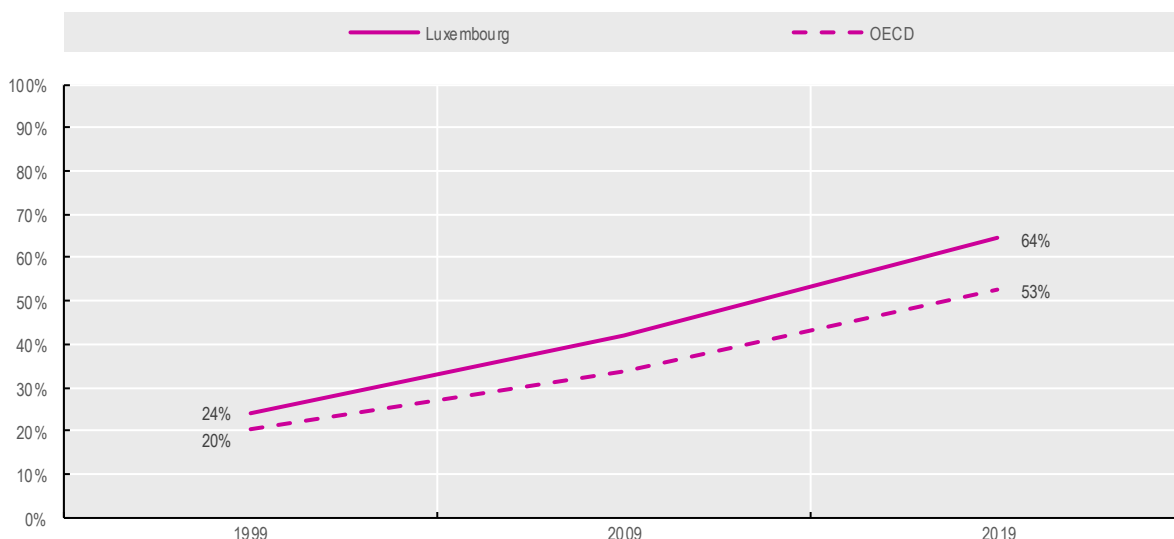
Legal LGBTI inclusivity in Luxembourg

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. Luxembourg 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 Luxembourg has consistently been above the OECD average and this relative advantage has kept growing over the past two decades

Evolution of legal LGBTI inclusivity between 1999 and 2019 in Luxembourg 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](#)]



Legal LGBTI inclusivity in Luxembourg has more than doubled over the past two decades (Figure 1). As of 2019, Luxembourg 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 2006, the *Centre for Equal Treatment* is explicitly in charge of protecting and promoting human rights and equality, in particular in relation to sexual orientation, gender identity and sex characteristics/intersex status.

The progress made by Luxembourg in addressing the unique challenges faced by same-sex couples, transgender and intersex individuals has also been significant (Figure 2). Since 2015, Luxembourg same-sex couples are treated on an equal footing relative to different-sex couples concerning access to civil marriage and adoption, although they are not fully entitled to the same rights regarding access to assisted reproductive technology. Moreover, Luxembourg 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 2018, failure of a transgender person to undergo sterilisation, sex-reassignment treatment or surgery, or a psychiatric diagnosis cannot justify refusal to change their gender marker in the civil registry. Additionally, in 2018, Luxembourg launched a nationwide awareness raising campaign called “Female? Male? Intersex? Let’s Be Open Minded” that aims to promote acceptance of intersex people and, hence, reduce social pressure to categorise intersex babies as either female or male.

How could Luxembourg further improve legal LGBTI inclusivity?

Luxembourg criminalises hate speech explicitly based on sexual orientation and gender identity. 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, contrary to the male partner of a woman who procreates through medically assisted insemination or *in vitro* fertilisation, the same-sex partner of a parent who gives birth through these techniques is not automatically recognised as the second legal parent. Therefore, further improving legal LGBTI inclusivity in Luxembourg could entail: (i) explicitly criminalising hate crime based on sexual orientation and gender identity; and (ii) granting automatic co-parent recognition to the same-sex partners of parents who procreate through assisted reproductive technology.

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

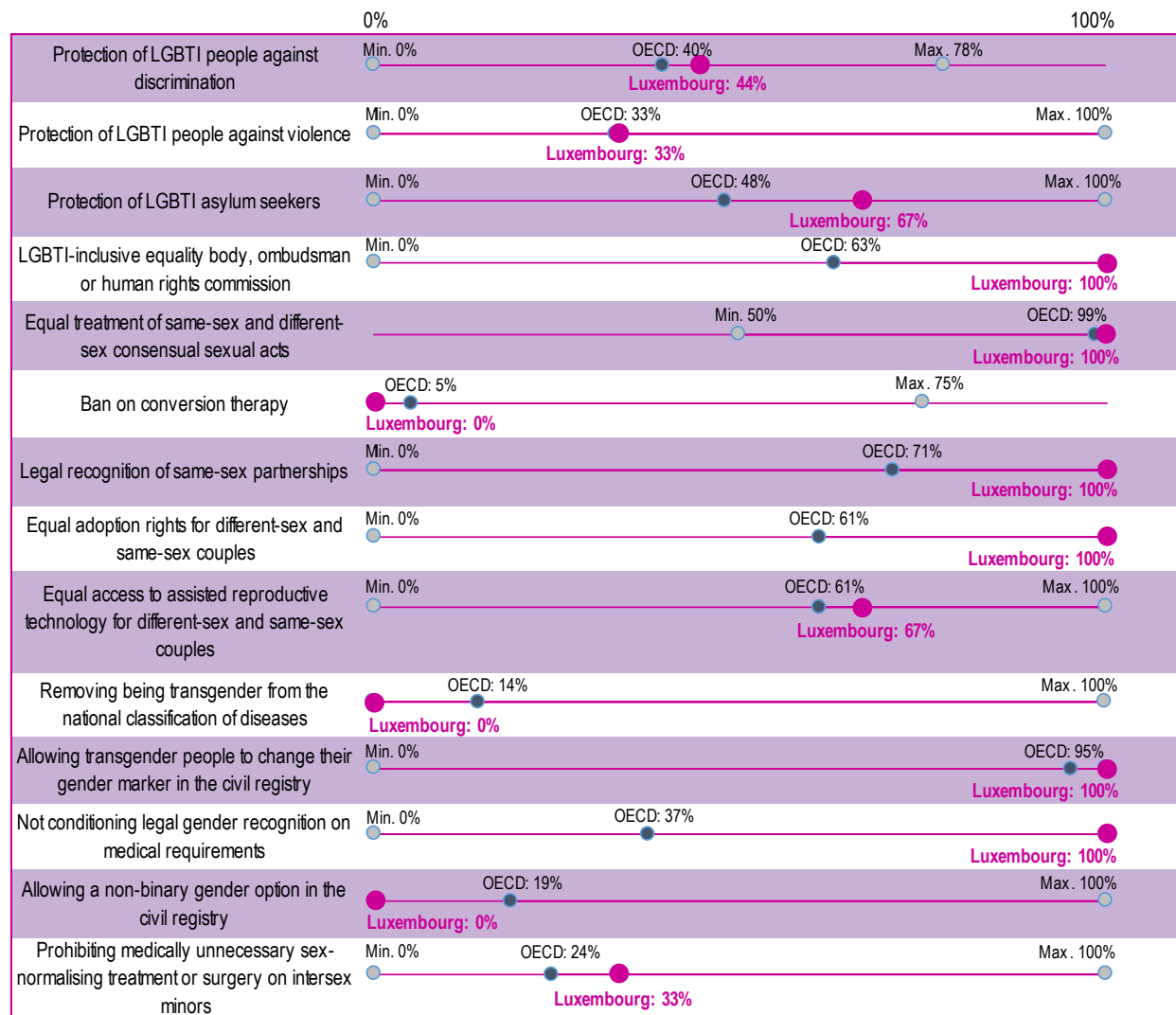
LGBTI-inclusive laws should come along significant efforts to make LGBTI individuals better represented and visible in national statistics. Without appropriate data collection, policymakers aiming to improve LGBTI inclusion will continue to do so with little if any relevant information. As of 2018, Luxembourg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

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

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

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