The Road to LGBTI+ Inclusion in Germany

PROGRESS AT THE FEDERAL AND LÄNDER LEVELS

OECD

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Foreword

The OECD Directorate for Employment, Labour and Social Affairs (ELS) has been supporting the inclusion of increasingly diverse groups in member countries through its work on gender equality, ageing and employment, the labour market integration of youth, the inclusion of people with disability, or the integration of immigrants and their families. Since 2016, following a Call to Action signed by 12 member countries, ELS has been leading the organisation's work on the inclusion of LGBTI+ people, i.e. lesbians, gay men, bisexuals, transgender and intersex individuals.

With the 2019 edition of *Society at a Glance* and with *Over the Rainbow? The Road to LGBTI Inclusion* (2020), the OECD previously explored the socio-economic situation of sexual and gender minorities and the extent to which laws in OECD countries ensure equal treatment of LGBTI+ people.

Building on these analyses, this report investigates legal and policy achievements towards LGBTI+ equality in Germany at both the national and subnational levels. The key findings are encouraging. Although anti-LGBTI+ discrimination and violence is a reality that continues to hamper the well-being of millions in Germany, legal and policy achievements towards LGBTI+ equality have been substantial. Yet, margins for improvement exist. In particular, legal safeguards against discrimination by state public entities are still limited. Beyond laws, there is also room for enhancing preventive policies aimed at fostering a culture of equal treatment of LGBTI+ individuals at school, in the workplace, and in health care and for strengthening remedial policies aimed at enforcing antidiscrimination and anti-violence laws.

This report was written by Marie-Anne Valfort under the supervision of Monika Queisser (Head of the Social Policy Division), with excellent research assistance provided by Evamaria Hahn, Hlodver Hakonarson and Nancy Napolitano. We are very grateful to all German officials who helped us answer the OECD 2021 questionnaires on LGBTI+-inclusive laws and policies directed at the German federal and state levels: Nicoletta Finter (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth), Gerrit Bopp (State Ministry for Social Affairs, Health and Integration in Baden-Württemberg), Ariane Wißmeier-Unverricht (State Ministry for Family, Labour and Social Affairs in Bavaria), Florencio Chicote (Senate Department for Justice, Diversity and Anti-Discrimination in Berlin), Sarah Staeck (State Ministry for Social Affairs, Health, Integration and Consumer Protection in Brandenburg), Greta Riemann (Senate Department for Social Affairs, Youth, Integration and Sports in Bremen), Theresa Wiechmann (Authority for Science, Research, Equality and Districts in Hamburg), Klaus Stehling (State Ministry for Social Affairs and Integration in Hesse), Kristina Lunk (State Ministry for Social Affairs, Health and Equality in Lower Saxony), Elke Möller (State Ministry for Social Affairs, Integration and Equality in Mecklenburg-Western Pomerania), Sebastian Pahl (State Ministry for Children, Family, Refugees and Integration in North Rhine-Westphalia), Birgitta Brixius-Stapf (State Ministry for Family, Women, Youth, Integration and Consumer Protection in Rhineland-Palatinate), Thomas Dörr (State Ministry for the Interior, Construction and Sport in Saarland), Marion Ernst (State Ministry for Social Affairs, Health, Women and the Family in Saarland), Uta Leupolt (State Ministry for Justice and for Democracy, Europe and Equality in Saxony), Bettina Goetze (State Ministry for Justice and Equality in Saxony-Anhalt), Julia Marberth (State Ministry for Social Affairs, Health, Youth, Family and Senior Citizens in Schleswig-Holstein) and Christoph Bender (State Chancellery in Thuringia). We also warmly thank Regina Arant, Klaus Boehnke and Georgi Dragolov from Jacobs University for sharing the data on attitudes toward non-heterosexual and non-cisgender individuals that were collected in each 16 German states in the framework of the German Diversity Barometer published in 2019 by the Robert Bosch Foundation. Finally, we are very grateful to Denise Baryszow, Natalie Etzholz and Mark Kamperhoff (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth) as well as to Ilka Bartsch (Federal Ministry for Labour and Social Affairs) for their thoughtful comments on an earlier version of this report. Natalie Corry and Lucy Hulett prepared the report for publication.

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Executive summary

Ensuring that LGBTI+ people can live as who they are without being discriminated against or attacked is a key policy imperative. This report is the first country review undertaken as part of the OECD work on LGBTI+ inclusion. It explores legal and policy achievements towards LGBTI+ equality in Germany at both the national and subnational levels, to identify progress and remaining challenges as well as facilitate the sharing of good practices within and across different levels of governance. After investigating the life situation of LGBTI+ Germans, the report analyses the extent to which laws and policies conducive to LGBTI+ equality have been passed and implemented, at both the federal and state levels.

How do LGBTI+ Germans fare?

Despite improvements, social acceptance of sexual and gender minorities remains limited in Germany, especially with regard to transgender and intersex individuals: in 2019, 59% of Germans were comfortable with having an LGB son- or daughter-in-law while this share fell to 45% when the son- or daughter-in-law was transgender or intersex, noting that these national averages hide strong disparities across states.

Complementary data confirm that anti-LGBTI+ discrimination and violence is a reality. In 2019, more than half of LGBTI+ Germans reported having personally felt discriminated against during the 12 months prior to the survey, while a little more than one-third reported having been physically or sexually attacked or threatened with violence in the past five years. Similar findings emerge from more objective evidence.

Against this backdrop, it comes as no surprise that LGBTI+ Germans show lower levels of well-being than their non-LGBTI+ counterparts. In the late 2010s, life satisfaction of LGBTI+ Germans was 10% lower than among the general population, noting that, at least partly due to the stigma they face, LGBTI+ Germans are also characterised by worse mental and physical health outcomes.

What are Germany's legal achievements towards LGBTI+ equality?

Although legal achievements towards LGBTI+ equality have been substantial at the federal level, they remain modest at the state level. Considering the laws that are under the purview of the federal government (which coincide with all those viewed as critical to achieve equal treatment of sexual and gender minorities), Germany had advanced more than three-quarters of the way towards full legal equality of LGBTI+ people in 2021. Yet, margins for improvement exist, including:

- Adding sexual orientation in the list of grounds that the *Basic Law* protects from discrimination;
- Closing the legal loopholes of the *General Equal Treatment Act* (*Allgemeines Gleichbehandlungsgesetz − AGG*) that prevent sexual and gender minorities from being fully protected against discrimination in employment and in access to (and supply of) goods and services;
- Granting automatic co-parent recognition to lesbian couples who rely on assisted reproductive technology;

- Basing legal gender recognition on self-determination rather than on validation by a third party to ensure complete depathologisation of being transgender;
- Reforming the law of parentage to guarantee that parents who proceed to a legal change of their first name and civil status are referred to by their new first name and gender on their child(ren)'s birth certificate, a prerequisite for outright equal treatment of transgender and intersex parents.

Although German states have little scope for enhancing LGBTI+ inclusion through legislation, they still can take an active part in fostering legal LGBTI+ equality in two ways: (i) by introducing legislative initiatives in the Bundesrat in order to trigger LGBTI+-inclusive laws at the federal level; (ii) by passing laws in their state parliament in order to protect LGBTI+ individuals against discrimination by state public entities. Yet, few states exploit this room for action, despite the returns of doing so in terms of improved attitudes towards sexual and gender minorities and economic development. Notably, Berlin is the only state to have passed in 2020 an antidiscrimination law (*Landesantidiskriminierungsgesetz – LADG*) that enables people to take action against discrimination by state public entities, with the help of the Ombudsman's office (*Ombudsstelle*) whose powers to enforce people's rights are unprecedented. By following suit and implementing similar LADGs, other German states could make immense progress in protecting LGBTI+ individuals against discrimination together with other groups at risk of unfair treatment.

What are Germany's policy achievements towards LGBTI+ equality?

Beyond laws, policy achievements towards LGBTI+ equality in Germany have been significant, at both the federal and state levels. But there is still room for the federal and state governments to continue joining forces to improve LGBTI+ inclusion through policies. Although implementation power lies primarily with the subnational level, the federal government has undertaken landmark initiatives concerning all policies critical to achieve LGBTI+ equality. Moreover, each German state has implemented a majority of these policies, noting that policy achievements positively depend on the number of successive action plans a given state set up, and on whether an advisory board oversees the execution of those action plans. Follow-up policies needed to make further strides towards LGBTI+ equality include:

- Better advertising low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence while ensuring that greater outreach go hand in hand with high-quality service delivery;
- Combining the establishment of an LGBTI+ unit or of LGBTI+ liaison officers within the police force with significant workload relief giving them time to fulfil the tasks associated with their role, on top of their regular policing activities;
- Complementing protection plans aimed at ensuring the safety of LGBTI+ asylum seekers in reception facilities by detailed terms of reference for reception facility operators and regular inspection by an independent body;
- Devising and administering school climate surveys throughout the national territory to create awareness among schools where homophobia and transphobia are pervasive and thus encourage them to enhance their reliance on LGBTI+-inclusive teacher and student training;
- Ensuring that both public and private employers are properly trained on the *General Equal Treatment Act* and the set of grounds this *Act* protects from discrimination;
- Expanding efforts to make the curriculum for the training of nurses more LGBTI+-inclusive to the training of personal care workers and doctors, and improving the demand of health care facilities for staff duly trained on dealing with LGBTI+ patients.

1 LGBTI+ inclusion in Germany: An overview

This introductory chapter summarises the report's findings on the state of LGBTI+ inclusion in Germany. After investigating the life situation of LGBTI+ Germans, the report analyses the extent to which laws and policies conducive to LGBTI+ equality have been passed and implemented, at both the federal and state levels. The report yields three main takeaways: (i) despite improvements in social acceptance of sexual and gender minorities, anti-LGBTI+ discrimination and violence is a reality that hampers the well-being of millions in Germany; (ii) although legal achievements towards LGBTI+ equality have been substantial at the federal level, they remain modest at the state level; (iii) beyond laws, policy achievements towards LGBTI+ equality have been significant, at both the federal and state levels, although margins for improvement exist notably in the field of preventive policies.

1.1. Introduction and main findings

This report is the first country review undertaken as part of the OECD work on LGBTI+ inclusion (oe.cd/lgbti). It aims to explore legal and policy achievements towards LGBTI+ equality in Germany, a federal country, at both the national and subnational levels, to identify progress as well as remaining challenges and facilitate the sharing of good practices within and across different levels of governance.

Chapter 1 summarises the report's findings on the state of LGBTI+ inclusion in Germany. After investigating the life situation of LGBTI+ Germans, Chapter 1 analyses the extent to which laws and policies conducive to LGBTI+ equality have been passed and implemented, at both the federal and state levels.

Main findings

- Despite improvements in social acceptance of sexual and gender minorities, anti-LGBTI+ discrimination and violence is a reality that hampers the well-being of millions in Germany.
  - Assuming no overlap between non-heterosexual and non-cisgender individuals, the share of LGBTI+ Germans varies between 2.5% or 2.1 million people (the equivalent of the population of Slovenia) based on the Socio-Economic Panel (SOEP) and the German Health Update (GEDA 2019/2020-EHIS) and 14% or 11.6 million people (the equivalent of the population of Belgium) based on IPSOS' *LGBT+ Pride 2021 Global Survey*.
  - Despite improvements, social acceptance of sexual and gender minorities remains limited, especially with regard to transgender and intersex individuals: 59% of Germans are comfortable with having an LGB son- or daughter-in-law while this share falls to 45% when the son- or daughter-in-law is transgender or intersex, noting that these national averages hide strong disparities across states.
  - Anti-LGBTI+ discrimination and violence is a reality. In 2019, more than half of LGBTI+ Germans reported having personally felt discriminated against during the 12 months prior to the survey, while a little more than one-third reported having been physically or sexually attacked or threatened with violence in the past five years. Similar findings emerge from more objective evidence.
  - LGBTI+ Germans show lower levels of well-being than their non-LGBTI+ counterparts. In the late 2010s, life satisfaction of LGBTI+ Germans was 10% lower than among the general population, noting that, at least partly due to the stigma they face, LGBTI+ Germans are also characterised by worse mental and physical health outcomes.
- Although legal achievements towards LGBTI+ equality have been substantial at the federal level, they remain modest at the state level.
  - Considering the laws that are under the purview of the federal government (which coincide with all those viewed as critical to achieve equal treatment of sexual and gender minorities), Germany had walked more than three-quarters of the way towards full legal equality of LGBTI+ people in 2021. Yet, margins for improvement exist, including:
    - Adding sexual orientation in the list of grounds that the *Basic Law* protects from discrimination;
    - Closing the legal loopholes of the *General Equal Treatment Act* (*Allgemeines Gleichbehandlungsgesetz – AGG*) that prevent sexual and gender minorities from being fully protected against discrimination in employment and in access to (and supply of) goods and services;
    - Granting automatic co-parent recognition to lesbian couples who rely on assisted reproductive technology;

  - Basing legal gender recognition on self-determination rather than on validation by a third party to ensure complete depathologisation of being transgender;
  - Reforming the law of parentage to guarantee that parents who proceed to a legal change of their first name and civil status are referred to by their new first name and gender on their child(ren)'s birth certificate, a prerequisite for outright equal treatment of transgender and intersex parents.
- Although German states have little scope for enhancing LGBTI+ inclusion through legislation, they still can take an active part in fostering legal LGBTI+ equality in two ways: (i) by introducing legislative initiatives in the Bundesrat in order to trigger LGBTI+-inclusive laws at the federal level; (ii) by passing laws in their state parliament in order to protect LGBTI+ individuals against discrimination by state public entities. Yet, few states exploit this room for action, despite the returns of doing so in terms of improved attitudes towards sexual and gender minorities and economic development. Notably, Berlin is the only state to have passed in 2020 an antidiscrimination law (*Landesantidiskriminierungsgesetz – LADG*) that enables people to take action against discrimination by state public entities, with the help of the Ombudsman's office (*Ombudsstelle*) whose powers to enforce people's rights are unprecedented. By following suit and implementing similar LADGs, other German states could make immense progress in protecting LGBTI+ individuals against discrimination together with other groups at risk of unfair treatment.

- Beyond laws, policy achievements towards LGBTI+ equality in Germany have been significant, at both the federal and state levels. But there is still room for the federal and state governments to continue joining forces to improve LGBTI+ inclusion through policies.
  - Although implementation power lies primarily with the subnational level, the federal government has undertaken landmark initiatives concerning all policies critical to achieve LGBTI+ equality.
  - Each German state has implemented a majority of these policies, noting that policy achievements positively depend on the number of successive action plans a given state set up, and on whether an advisory board oversees the execution of those action plans.
  - Follow-up policies needed to make further strides towards LGBTI+ equality include:
    - Better advertising low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence while ensuring that greater outreach go hand in hand with high-quality service delivery;
    - Combining the establishment of an LGBTI+ unit or of LGBTI+ liaison officers within the police force with significant workload relief giving them time to fulfil the tasks associated with their role, on top of their regular policing activities;
    - Complementing protection plans aimed at ensuring the safety of LGBTI+ asylum seekers in reception facilities by detailed terms of reference for reception facility operators and regular inspection by an independent body;
    - Devising and administering school climate surveys throughout the national territory to create awareness among schools where homophobia and transphobia are pervasive and thus encourage them to enhance their reliance on LGBTI+-inclusive teacher and student training;
    - Ensuring that both public and private employers are properly trained on the *General Equal Treatment Act* and the set of grounds this Act protects from discrimination;
    - Expanding efforts to make the curriculum for the training of nurses more LGBTI+-inclusive to the training of personal care workers and doctors, and improving the demand of health care facilities for staff duly trained on dealing with LGBTI+ patients.

1.2. How do LGBTI+ individuals fare in Germany?

Despite improvements in social acceptance of sexual and gender minorities, anti-LGBTI+ discrimination and violence is a reality that hampers the well-being of millions in Germany.

1.2.1. How many Germans self-identify as LGBTI+?

Germany has been active in bridging the data gap to ease estimates of the size of the LGBTI+ population. It is among the very few OECD countries which collect information on sexual orientation (since 2016) and on gender identity (since 2021) in one of their nationally representative surveys, the Socio-Economic Panel (SOEP). While an estimate of the share of non-cisgender individuals based on SOEP 2021 is not yet available, it was estimated to amount to 0.6% by the German Health Update (GEDA 2019/2020-EHIS). As for the share of Germans who self-identify as lesbians, gays or bisexuals, it is equal to 1.9% according to SOEP. Assuming no overlap between LGB and non-cisgender people, these findings suggest that LGBTI+ Germans represent 2.5% of the population, hence 2.1 million people or the equivalent of the population of Slovenia.

Yet, the share of non-response or of individuals who indicate “prefer not to say” is high, suggesting that a significant percentage of LGBTI+ individuals do not yet live openly as such, or do not yet feel comfortable with disclosing this personal information in a survey conducted by public authorities.

In a context where respondents may feel more secure in disclosing sensitive information to non-governmental polling companies than to national statistical offices, attempts of these companies to measure the share of LGBTI+ individuals merit attention, although caution is warranted: in this field, polling companies typically rely on opt-in panels rather than probability sampling, meaning that findings may overstate the size of the LGBTI+ population. The *LGBT+ Pride Global Survey* that IPSOS conducted in 2021 is the first attempt to quantify the size of sexual and gender minorities across 27 countries, including 19 OECD countries. This survey reveals that:

- 11% of Germans self-identify as non-heterosexual: 2% as lesbian or gay, 6% as bisexual and 3% as “other”, i.e. “asexual”, “pansexual”, etc;
- 3% of Germans self-identify as non-cisgender.

Based on these estimates, the share of LGBTI+ individuals in the German population may be as high as 14% or 11.6 million people (the equivalent of the population of Belgium).

1.2.2. How do Germans perceive LGBTI+ individuals?

While cross-continent surveys like the World Values Survey (WVS) include questions on attitudes towards homosexuals since the early 1980s, the *Special Eurobarometer on Discrimination* has the advantage of also measuring acceptance of bisexuals (along with acceptance of homosexuals) since 2009, transgender individuals since 2015 and, most recently, intersex individuals (since 2019). Although data are limited to EU member countries and cover a shorter timeframe, they permit a more comprehensive estimate of acceptance of LGBTI+ individuals.

The *Special Eurobarometer on Discrimination* confirms the shift towards greater acceptance of sexual and gender minorities that has also been observed in non-EU OECD countries (OECD, 2019[1]). Whereas the overall rate of social acceptance of LGBTI+ people in Germany was 10 percentage points lower than the EU-OECD average in 2015 (36% vs 46%), it had risen to 4 percentage points above this average by 2019 (57% vs 53%).

Yet, levels of social acceptance remain limited in 2019. This pattern is particularly obvious when the hypothetical LGBTI+ individual referred to in social acceptance questions is depicted as a family member. While 66% of Germans would feel comfortable with an LGBTI+ work colleague, only 50% report comfort

with the idea of their child being in “a love relationship” with an LGBTI+ person. Transgender and intersex individuals face lower social acceptance than do LGB individuals: 59% of Germans are comfortable with having an LGB son- or daughter-in-law while this share falls to 45% when the son- or daughter-in-law is transgender or intersex.

These national averages hide strong disparities across German states. Overall, levels of social acceptance of LGBTI+ individuals are higher in states of former West than former East Germany: the rate of social acceptance of LGBTI+ individuals is equal to 74% in Bremen, but only 50% in Saxony (Robert Bosch Foundation, 2019[2]).

1.2.3. Are LGBTI+ Germans exposed to discrimination and violence?

In 2012 and 2019, the European Union Agency for Fundamental Rights (FRA) conducted the first two cross-country surveys among non-heterosexual and non-cisgender individuals (93 000 LGBT respondents in 2012 and 140 000 LGBTI respondents in 2019). LGBTI+ Germans report strong feelings of being discriminated against as well as high levels of violence. Contrary to the evolution of social acceptance of sexual and gender minorities, perception of discrimination and experience of violence self-reported by LGBTI+ individuals have worsened over time. Rather than an increase in discriminatory and violent acts against non-heterosexual and non-cisgender individuals (that would be difficult to reconcile with greater acceptance of this population), these two opposite trends suggest greater readiness of sexual and gender minorities to report the unfair treatment they are subjected to. More precisely, in 2019:

- More than half (58%) of LGBTI+ Germans reported having personally felt discriminated against during the 12 months prior to the survey in at least one of eight hypothetical situations, including in education, labour market or health care settings: 41% among LGBs and 66% among transgender and intersex respondents, which is slightly more than the EU-OECD average. Feelings of discrimination have generally increased across the EU since 2012, a trend mainly driven by transgender respondents. Germany is no exception: the share of LGBTI+ Germans reporting discrimination was nearly 10 percentage points higher in 2019 than in 2012.
- A little more than one-third (36%) of LGBTI+ respondents reported having been physically or sexually attacked or threatened with violence in the past five years prior to the survey (as compared to 33% on average across EU-OECD countries): 26% among LGBs and 41% among transgender and intersex respondents. Germany is among the few OECD countries where self-reported experience of violence by sexual and gender minorities has increased rather than decreased since 2012, a trend that concerns both non-heterosexual and non-cisgender individuals.

Similar findings emerge from more objective evidence:

- Analyses based on SOEP 2016-19 reveal significant unexplained gaps in labour market outcomes between LGBTI+ and non-LGBTI+ Germans. Although these groups show similar employment rates, LGBTI+ Germans have a 30% higher risk to be engaged in precarious work than their non-LGBTI+ counterparts. LGB Germans are also characterised by lower hourly wages, a result driven by men: the hourly wage of homosexual and bisexual men is 15% lower than that of heterosexual men. As for homosexual and bisexual women, they earn as much as heterosexual women, despite facing fewer family responsibilities. Although field experiments are scarce, they confirm suspicions of anti-LGBTI+ discrimination. In Munich for instance, a correspondence study conducted in 2012 unveiled that straight female candidates were between 20% and 30% more likely to be invited to a job interview than lesbian candidates with similar CVs and letters of application.
- Measures of anti-LGBTI+ violence that go beyond subjective accounts also reveal a worrying situation for sexual and gender minorities. In 2020, violent hate crimes motivated by the presumed sexual orientation of the victim accounted for more than 10% of all violent politically motivated crimes. This figure is over ten times higher than it was two decades ago, when their share constituted less than 1%, presumably due to massive underreporting. When the gender identity of the victim is taken into account (an information introduced in 2020), this share rises above 15%.

1.2.4. How do LGBTI+ Germans compare in terms of well-being?

LGBTI+ Germans show lower levels of well-being than their non-LGBTI+ counterparts. In the late 2010s, life satisfaction of LGBTI+ Germans was 10% lower than among the general population: when asked to report on a scale from 0 to 10 how satisfied they are with their life, LGBTI+ individuals responded 6.7, as compared to 7.4 across the German population at large (OECD, 2020[3]; FRA, 2020[4]). Consistent with stigma impairing health, LGBTI+ Germans are characterised by worse mental and physical health outcomes than the rest of the German population. LGBTI+ Germans are (Kasprowski et al., 2021[5]):

- 2.6 times more likely to have ever been diagnosed with a depressive disorder compared to heterosexual cisgender Germans (26% vs 10%).
- 30% more likely to have ever been diagnosed with any physical health condition. In particular, they are 2.5, 1.7 and 1.3 times more likely to have been diagnosed with a heart disease, with migraines and with chronic back pain respectively.

The coronavirus pandemic contributed to worsen these health disparities (BMFSFJ, 2021[6]; OECD, 2021[7]; LSVD, 2021[8]; ILGA Europe, 2020[9]).

1.3. Legal steps towards LGBTI+ equality in Germany: Achievements and way forward

Although legal achievements towards LGBTI+ equality have been substantial at the federal level, they remain modest at the state level.

1.3.1. Achievements and way forward at the federal level

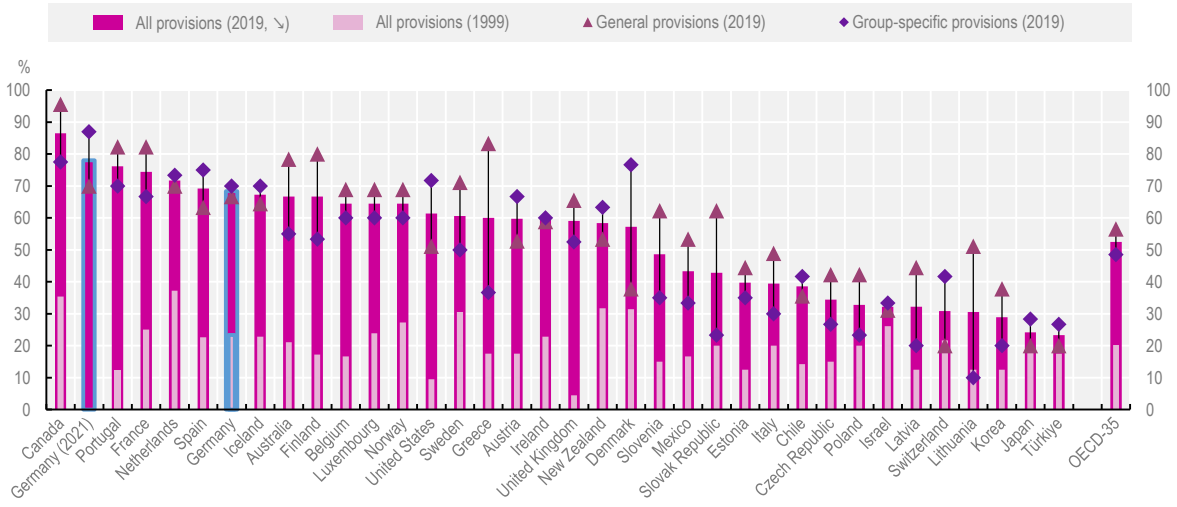
All the laws viewed as critical to achieve equal treatment of sexual and gender minorities (see Box 1.1) fall under the purview of the federal government. By 2021, Germany had walked more than three-quarters of the way towards full legal equality of LGBTI+ people. Yet, margins for improvement exist.

Legal achievements at the federal level

Germany shows high levels of legal LGBTI+ inclusivity, defined as the share of LGBTI+-inclusive laws that have been passed at the federal level among the set summarised in Box 1.1. In 2019, Germany had walked more than two-thirds of the way towards full legal equality of LGBTI+ people, with a level of legal LGBTI+ inclusivity equal to 68% (as compared to 53% OECD-wide), noting that the trend is strongly upward: legal LGBTI+ inclusivity in Germany has increased nearly threefold between 1999 and 2019, and has again increased by 10 percentage points (or 15%) between 2019 and 2021, up to 78% (Figure 1.1).

Figure 1.1. Legal LGBTI+ inclusivity in Germany is improving at a fast pace

Legal LGBTI+ inclusivity as of 1999 and 2019 (*plus* 2021 for Germany), by OECD country (all provisions, general provisions and group-specific provisions)



Note: Colombia, Costa Rica and Hungary are absent from the analysis. Hungary decided not to participate while Colombia and Costa Rica were not yet OECD Members when the analysis was initiated.
Source: OECD questionnaire on LGBTI+-inclusive laws (2019) and its 2021 update for Germany.

While OECD countries are on average more active in passing general provisions than group-specific provisions, the opposite is the case in Germany. This pattern has been reinforced since 2019, with most of the strides made by Germany directed at further addressing the unique challenges faced by LGB, transgender, and intersex individuals: in 2021, legal LGBTI+ inclusivity attached to LGB-specific and TI-specific provisions soared to 93% and 80% respectively (Figure 1.2). Notably, Germany became in 2020 the first OECD country to implement a nationwide ban on conversion therapy on minors and unconsenting adults. Moreover, Germany became in 2021 the second OECD country to prohibit, throughout its national territory, medically unnecessary sex-normalising treatment or surgery on intersex minors until they can provide informed consent (Portugal was the first in 2018).

Figure 1.2. Germany shows high levels of LGBTI+ inclusivity, ranging from 70% for general provisions to 87% for group-specific provisions

Legal LGBTI+ inclusivity in Germany as of 2021, by component

Legal LGBTI+ inclusivity
2021 level: 78% (up from 68% in 2019)

General provisions (50% wgt)
2021 level: 70% (up from 67% in 2019)

Protecting LGBTI+ people against discrimination (10% wgt)
2021 level: 67% (same as in 2019)
Up: SOGISC-based discrimination explicitly banned in labour law and in part of private law since 2006
Down: no explicit protection against SOGISC-based discrimination in the Basic Law

Protecting LGBTI+ people against violence (10% wgt)
2021 level: 17% (up from 0% in 2019)
Up: SO-based hate speech explicitly criminalised since 2021
Down: no explicit criminalisation of SOGISC-based hate crime and of GISC-based hate speech

Protecting LGBTI+ people against persecution abroad (10% wgt)
2021 level: 67% (same as in 2019)
Up: SOGI-based persecution explicitly recognized as a valid ground for granting asylum since 2013
Down: no explicit recognition of SC-based persecution as a valid ground for granting asylum

Guaranteeing LGBTI+ people's civil liberties (10% wgt)
2021 level: 100% (same as in 2019)
No restriction on the freedom of expression, peaceful assembly and association of LGBTI+ individuals since the late 1960s

LGBTI+-inclusive human rights institution (10% wgt)
2021 level: 100% (same as in 2019)
The Federal Anti-Discrimination Agency contributes to enforce and improve equal treatment legislation, in particular for LGBTI+ people, since 2006

Group-specific provisions (50% wgt)
2021 level: 87% (up from 70% in 2019)

LGB-specific provisions (25% wgt)
2021 level: 93% (up from 73% in 2019)

No criminalisation (5% wgt)
2021 level: 100% (same as in 2019)
Same-sex conduct decriminalised since the late 1960s and age of consent equalised since 1994

No conversion therapy (5% wgt)
2021 level: 100% (up from 0% in 2019)
Conversion therapy on minors and unconsenting adults banned since 2020

Partnership recognition (5% wgt)
2021 level: 100% (same as in 2019)
Registered Life Partnerships and same-sex marriage legal since resp. 2001 and 2017

Adoption rights (5% wgt)
2021 level: 100% (same as in 2019)
Joint adoption and second-parent adoption* by same-sex partners legal since resp. 2017 and 2005

Assisted reproduction (5% wgt)
2021 level: 67% (same as in 2019)
Up: Equal access since 1991
Down: No automatic co-parent recognition

TI-specific provisions (25% wgt)
2021 level: 80% (up from 67% in 2019)

Clinical classification (5% wgt)
2021 level: 0% (same as in 2019)
ICD-11 not yet implemented in Germany

Legal gender recognition (5% wgt)
2021 level: 100% (same as in 2019)
Change of gender marker in the civil registry legal since 1981

No medical requirements (5% wgt)
2021 level: 100% (same as in 2019)
Legal gender recognition not conditioned on medical requirements since 2011**

Non-binary gender (5% wgt)
2021 level: 100% (same as in 2019)
Non-binary gender option legal for intersex and transgender individuals since resp. 2019 and 2020

No sex-normalising surgery (5% wgt)
2021 level: 100% (up from 33% in 2019)
Medically unnecessary sex-normalising interventions on intersex minors banned since 2021

Note: *Adoption of the biological child(ren) of one registered partner by the other partner ("stepchild adoption") became legal in 2005. Adoption of the adopted child(ren) of one registered partner by the other partner ("successive adoption") became legal in 2013. In 2020, stepchild and successive adoption were opened up to cohabitating same-sex partners, meaning that they ceased being reserved only to same-sex registered or married partners.
**Yet, legal gender recognition is still not based on self-determination.
The abbreviation "wgt" in the figure refers to "weight". It recalls that general and group-specific provisions are given equal weight when computing level of legal LGBTI inclusivity across all 15 components, meaning that each of the five components of general provisions is assigned a 10% weight, while each of the ten components of group-specific provisions is assigned a 5% weight.
"SO" refers to "sexual orientation", "GI" to "gender identity" and "SC" to "sex characteristics.
Source: OECD questionnaire on LGBTI+-inclusive laws (2019) and its 2021 update for Germany.

Box 1.1. Which laws should be passed to advance LGBTI+ equality?

The protection of individuals on the basis of sexual orientation, gender identity and sex characteristics should not imply the creation of new or special rights for LGBTI+ people but, rather, extending the same rights to LGBTI+ persons as those enjoyed by everyone else by virtue of international human rights standards. These standards are at the core of treaties, conventions or charters issued by the European Union, the United Nations, the Council of Europe or the Organization of American States that have been signed and ratified by OECD countries. Applying these standards to LGBTI+ issues points to two broad categories of LGBTI+-inclusive laws (OECD, 2020[10]):

- General provisions that are relevant for the inclusion of lesbian, gay, bisexual, transgender and intersex people altogether: they entail protecting LGBTI+ individuals against discrimination and violence, and guaranteeing their civil liberties.
- Group-specific provisions that seek to address the unique challenges faced by subgroups of the LGBTI+ population. These provisions can be further decomposed into LGB-specific and TI-specific provisions:
  - LGB-specific provisions aim to foster equal treatment of lesbians, gay men and bisexuals, relative to heterosexual individuals. They include equal treatment of same-sex and different-sex consensual sexual acts, legal recognition of same-sex partnerships, equal adoption rights, equal access to assisted reproductive technology, and ban on conversion therapies.
  - TI-specific provisions aim to foster equal treatment of transgender and intersex individuals, relative to cisgender and non-intersex individuals. They entail depathologising being transgender, i.e. not categorising being transgender as a mental illness in national clinical classification, permitting transgender people to change their gender marker in the civil registry, and not conditioning legal gender recognition on medical requirements. They also imply allowing a non-binary gender option in the civil registry and banning medically unnecessary sex-normalising interventions on intersex minors until they can provide informed consent.

Possible legal next steps at the federal level

A number of legal next steps at the federal level, that concern all categories of LGBTI+-inclusive laws would help improve LGBTI+ equality in Germany:

- Regarding general provisions:
  - Sexual orientation is not part of the list of grounds that the *Basic Law* protects from discrimination (nor is gender identity or sex characteristics/intersex status, although the latter grounds are implicitly covered under the word “sex”). Following other OECD countries who ban discrimination explicitly based on sexual orientation in their national constitution, the federal government could consider proceeding to this change, which has been long advocated by various stakeholders.
  - Although the *General Equal Treatment Act* (*Allgemeines Gleichbehandlungsgesetz − AGG*) is supposed to protect individuals, including sexual and gender minorities, against discrimination in employment relationships and in access to (and supply of) goods and services, this safeguard remains incomplete: religious exemptions to the law are allowed, and certain cases of private transactions lie outside the scope of the law, such as discrimination by landlords if they rent out less than 50 flats. Closing these legal loopholes is important to secure the rights of LGBTI+ individuals.

- Regarding LGB-specific provisions, Germany could consider granting automatic co-parent recognition to lesbian couples who rely on assisted reproductive technology.
- Regarding TI-specific provisions, full depathologisation of being transgender implies basing legal gender recognition on self-determination rather than on validation by a third party. Last but not least, following legal initiative 223/21 introduced in 2021 by Berlin, Hamburg and Thuringia in the Bundesrat, the German federal government could consider reforming the law of parentage to ensure that parents who proceed to a legal change of their first name and civil status are referred to by their new first name and gender on their child(ren)'s birth certificate.

1.3.2. Achievements and way forward at the state level

Although states have little scope for enhancing LGBTI+ inclusion through legislation, they still can take an active part in fostering legal LGBTI+ equality in two ways: (i) by introducing legislative initiatives in the Bundesrat in order to trigger LGBTI+-inclusive laws at the federal level; (ii) by passing laws in their state parliament in order to protect LGBTI+ individuals against discrimination by state public entities. Yet, German states have fallen short of exploiting this room for action.

Legal achievements at the state level

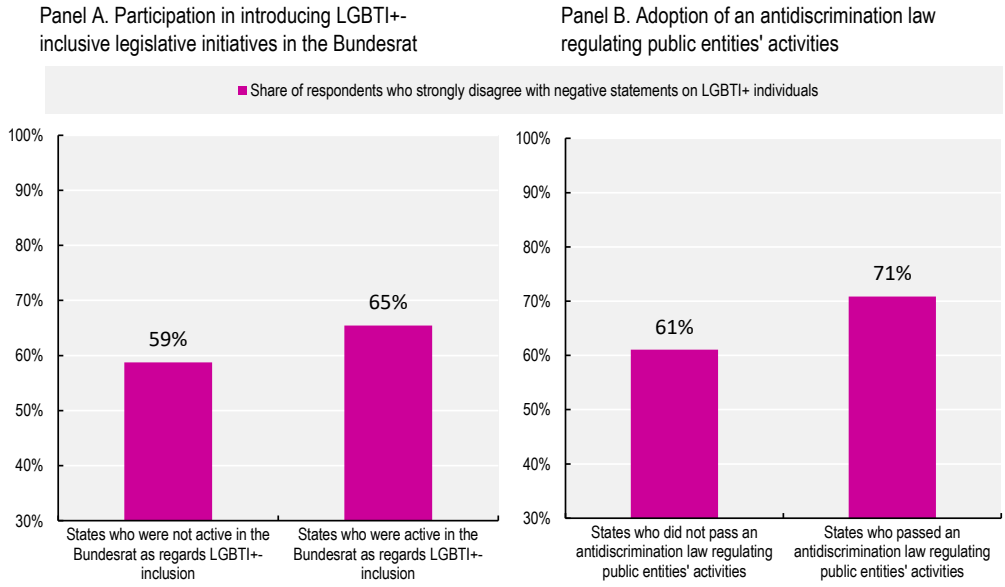
In the past two decades, a total of 10 legal initiatives (LIs) were introduced in the Bundesrat to foster LGBTI+ equality at the federal level. Yet, a majority of states (9) either remained outside the process (Bavaria and Saxony) or contributed to launch only one of the 10 LIs (Baden-Württemberg, Hesse, Lower Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Saarland and Saxony-Anhalt). Among the 7 states who participated in introducing three or more of them, Berlin and Bremen have been the most active.

In addition, Berlin is the only state to have passed in 2020 an anti-discrimination law (*Landesantidiskriminierungsgesetz – LADG*) that enables people to take action against discrimination by state public entities, notably with the help of the Ombudsman's office (*Ombudsstelle*) whose powers to enforce people's rights are unprecedented.

These modest achievements preclude German states from reaping the returns that advancing legal LGBTI+ equality entails in terms of improved attitudes towards sexual and gender minorities and economic development. Indeed, evidence shows that, while countries with greater acceptance of LGBTI+ individuals are more likely to pass LGBTI+-inclusive laws, legal changes in favour of sexual and gender minorities in turn do cause positive changes in attitudes towards this population (Sansone, 2019[11]; Aksoy et al., 2020[12]). Legal LGBTI+-inclusivity also contributes to economic development by reducing anti-LGBTI+ discrimination and its huge cost (Carcillo and Valfort, 2023[13]). Consistent with cross-country analyses that confirm these positive relationships (OECD, 2020[10]), legal achievements towards LGBTI+ equality at the German state level are associated with greater acceptance of LGBTI+ individuals and with greater economic development, noting that causation can run in both directions. German states which were active in introducing LGBTI+-inclusive legislative initiatives in the Bundesrat are characterised by a level of social acceptance of LGBTI+ individuals that is 10% higher than in others (65% vs 59%), as shown in Figure 1.3. They are also characterised by a gross regional product (GRP) per capita that is more than 2 600 EUR larger than the average of other states (Figure 1.4).

Figure 1.3. Legal achievements towards LGBTI+ equality are associated with greater acceptance of LGBTI+ individuals at the German state level

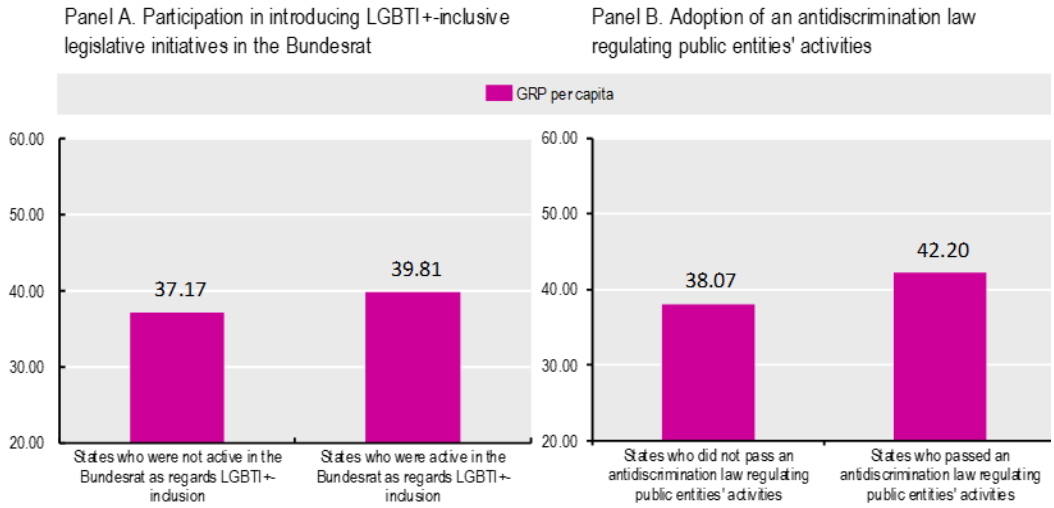
Share of respondents who strongly disagree with negative statements on LGBTI+ individuals



Note: The share of respondents who strongly disagree with negative statements on LGBTI+ individuals is computed as the average of the share of respondents who answer "strongly disagree" to the following four statements: "It is disgusting when homosexuals kiss in public"; "The fact that homosexuals could raise their own children is simply unthinkable"; "Changing one's gender is against nature"; "Transsexual people should stay among themselves". In Panel A, the mention "states who were not active in the Bundesrat as regards LGBTI+ inclusion" refers to states who, as of 2021, participated in introducing none or one of the 10 LGBTI+-inclusive legislative initiatives in the Bundesrat since the 2000s. By contrast, the mention "states who were active in the Bundesrat as regards LGBTI+ inclusion" refers to states who participated in introducing more than 3 of the 10 LGBTI+-inclusive legislative initiatives in the Bundesrat since the 2000s.
Source: "Diversity Barometer" (*Vielfaltsbarometer*) conducted in 2018 by the Robert Bosch Foundation and the Bundesrat database (Panel A).

Figure 1.4. Legal achievements towards LGBTI+ equality are associated with greater economic development at the German state level

Gross regional product (GRP) per capita in 2020 (in thousands EUR)



Note: In Panel A, the mention "states who were not active in the Bundesrat as regards LGBTI+ inclusion" refers to states who participated in introducing none or one of the 10 LGBTI+-inclusive legislative initiatives in the Bundesrat since the 2000s. By contrast, the mention "states who were active in the Bundesrat as regards LGBTI+ inclusion" refers to states who participated in introducing more than 3 of the 10 LGBTI+-inclusive legislative initiatives in the Bundesrat since the 2000s.
Source: Federal Statistical Office of Germany (*Statistisches Bundesamt*) and the Bundesrat database (Panel A).

Possible legal next steps at the state level

Legal loopholes still exist in Germany regarding protection against discrimination. Although the *General Equal Treatment Act* (AGG) covers several areas of labour and private law since 2006, it does not apply to public law activities. In other words, while it protects (although imperfectly) against discrimination by an employer or a landlord it cannot provide redress if discrimination originates from state administration and authorities, such as schools or the police.

Against this backdrop, the Berlin antidiscrimination law (LADG) goes a long way in closing legal gaps. Not only does the LADG support victims if discrimination from state public entities occurs, it also plays a deterrent role by obliging the entire state public sector to take concrete actions to prevent discriminatory behaviour. By following suit and implementing similar LADGs, other German states could make immense progress in protecting LGBTI+ individuals against discrimination together with other groups at risk of unfair treatment.

1.4. Beyond laws: Policies to achieve LGBTI+ equality in Germany

Guidelines by international and national human rights stakeholders highlight several policies critical to achieve LGBTI+ equality, beyond passing LGBTI+-inclusive laws:

- Remedial policies aimed at enforcing laws that protect LGBTI+ individuals against discrimination and violence. They entail low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence, actions to help these victims view the police as trustworthy, and guaranteeing the safety of LGBTI+ asylum seekers in reception facilities
- Preventive policies aimed at fostering a culture of equal treatment of LGBTI+ individuals in key areas, chief of which at school, in the workplace, and in health care.

1.4.1. Policy achievements at the federal level

Although implementation power lies primarily with the subnational level, the federal government supports states in their journey towards LGBTI+ equality by undertaking landmark initiatives concerning all categories of policies critical to advance LGBTI+ inclusion.

These initiatives are primarily spearheaded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend − BMFSFJ*) whose commitment to combat "anti-Semitism", "antigypsyism", "islamophobia", "racism against black people", as well as "homophobia and transphobia" was formalised by the launch in 2017 of a "National Action Plan against racism". These initiatives benefit from strong partnerships with several nationwide LGBTI+ CSOs that manage both federal- and state-level projects, for instance in the framework of the "Live Democracy!" programme that the BMFSFJ set up in 2015. Policy achievements at the federal level are expected to be further enhanced with the launch in Fall 2022 of a national plan specifically focused on LGBTI+ inclusion.

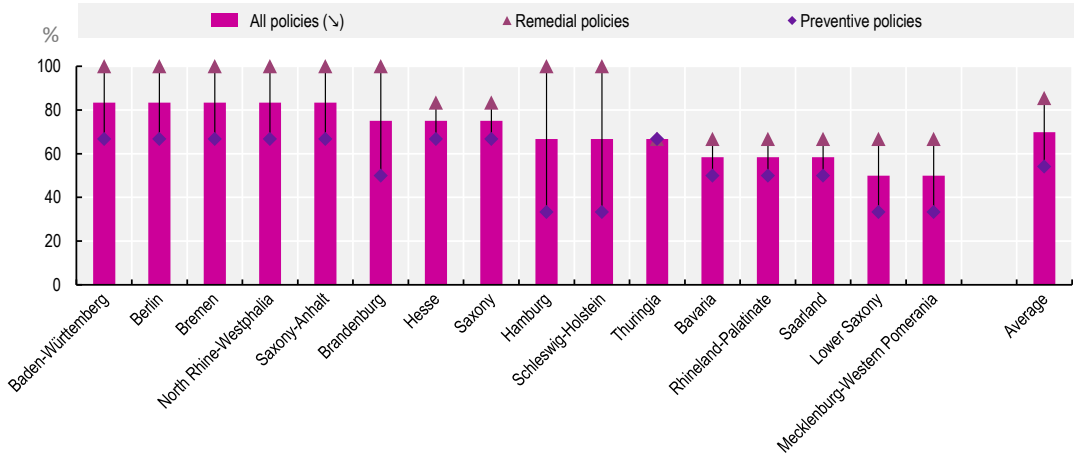
1.4.2. Policy achievements at the state level

All 16 German states have established partnerships with local LGBTI+ CSOs that they subsidise to foster LGBTI+ equality. With the exception of Bavaria where substantial collaboration around LGBTI+ inclusion with civil society organisations started only recently (in 2021), these partnerships are formalised by an ongoing state-wide action plan that typically covers both the remedial and preventive policies mentioned above. In two states, Berlin and North Rhine-Westphalia, the current action plan is already the second implemented, noting that a third action plan is planned for launch in Berlin in 2023. In the other 13 states, the ongoing action plan is unprecedented, with start years varying between 2013 (Rhineland-Palatinate) and 2020 (Saarland).

German states have been successful in putting many of the good intentions expressed in their action plan into practice. German states show high levels of policy-based LGBTI+ inclusivity, defined as the share of LGBTI+-inclusive policies that are implemented among the aforementioned set of policies. In 2021, policy-based LGBTI+-inclusivity is equal to 70%, with moderate variation by state: it ranges from 50% in Lower Saxony and Mecklenburg-Western Pomerania to 83% in Baden-Württemberg, Berlin, Bremen, North Rhine-Westphalia and Saxony-Anhalt (Figure 1.5).

Figure 1.5. German states have been successful in putting many of the good intentions expressed in their action plan into practice

Policy-based LGBTI+-inclusivity in 2021, by German state (all policies, remedial policies and preventive policies)

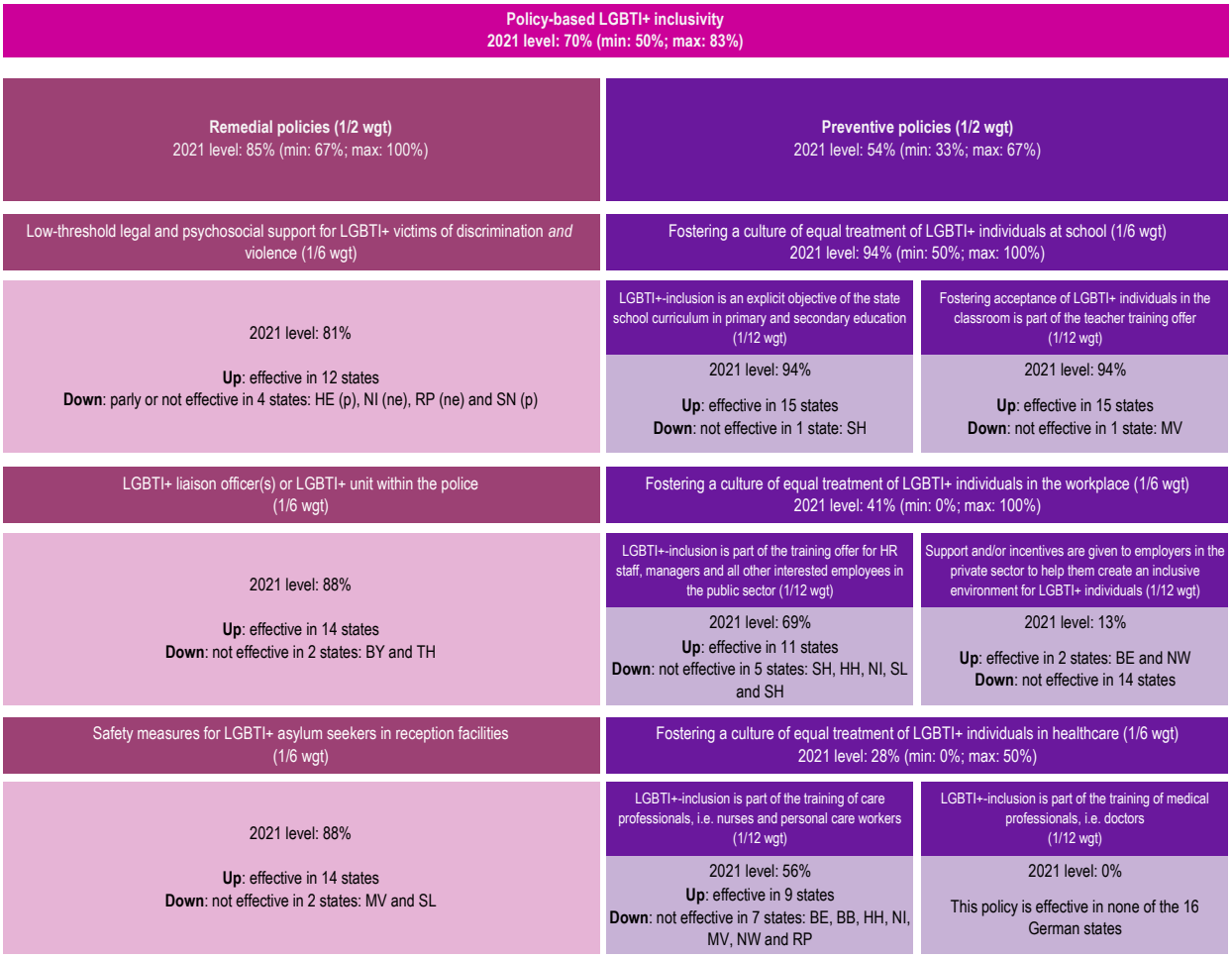


Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

German states are better at implementing remedial than preventive policies. More than 80% of remedial policies are carried out across German states, noting that this observation holds irrespective of the component considered. By contrast, this is the case of only 54% of preventive policies, with strong variation by component: policies to foster a culture of equal treatment of LGBTI+ individuals are implemented at an average rate of 94% in education but 41% in the labour market and 28% in health care (Figure 1.6).

Figure 1.6. German states are better at implementing remedial than preventive policies

Policy-based LGBTI+-inclusivity across the 16 German states as of 2021, by component



Note: The abbreviation "wgt" in the figure refers to "weight". It recalls that remedial and preventive policies are given equal weight when computing the average level of policy-based LGBTI+-inclusivity associated with all 16 German states.
Germany state codes are defined as follows: Baden-Württemberg: BW; Bavaria: BY; Berlin: BE; Brandenburg: BB; Bremen: HB; Hamburg: HH; Hesse: HE; Lower Saxony: NI; Mecklenburg-Western Pomerania: MV; North Rhine-Westphalia: NW; Rhineland-Palatinate: RP; Saarland: SL; Saxony: SN; Saxony-Anhalt: ST; Schleswig-Holstein: SH; Thuringia: TH.
Concerning the component "Low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence", "(p)" stands for "partly effective" and "(ne)" stands for "not effective".
Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

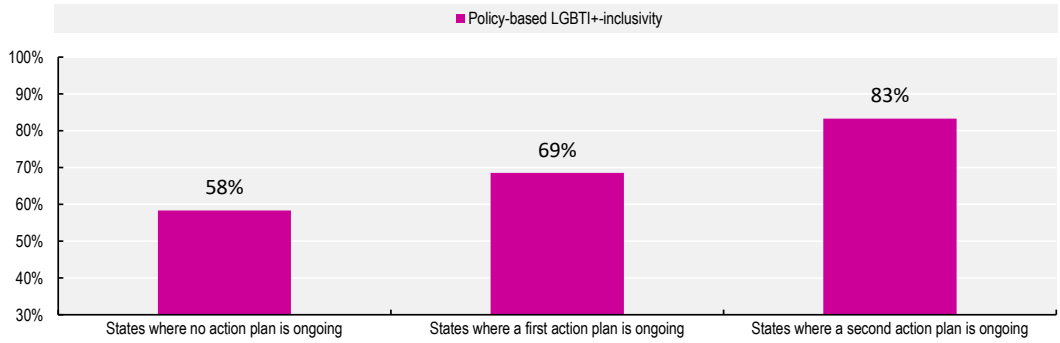
1.4.3. Policy achievements depend on whether and how an action plan is implemented

By establishing concrete goals and clear timelines, action plans should help public authorities make significant progress towards LGBTI+ equality. Figure 1.7 confirms that policy-based LGBTI+-inclusivity is positively associated with implementation of an action plan: it is equal to 58% in the only German state with no ongoing (nor past) action plan (Bavaria), 69% in the 13 states where a first action plan is ongoing and 83% in the two

states (Berlin and North Rhine-Westphalia) where already a second action plan is ongoing. Implementation of a second action plan not only helps deepen initiatives undertaken under the previous one, but also provides an opportunity to cover issues that this previous action plan failed to address (Schürer, 2018[14]).

Figure 1.7. Policy-based LGBTI+-inclusivity is positively associated with the number of state-wide action plans implemented

Policy-based LGBTI+-inclusivity in German states as of 2021, by number of state-wide action plans implemented

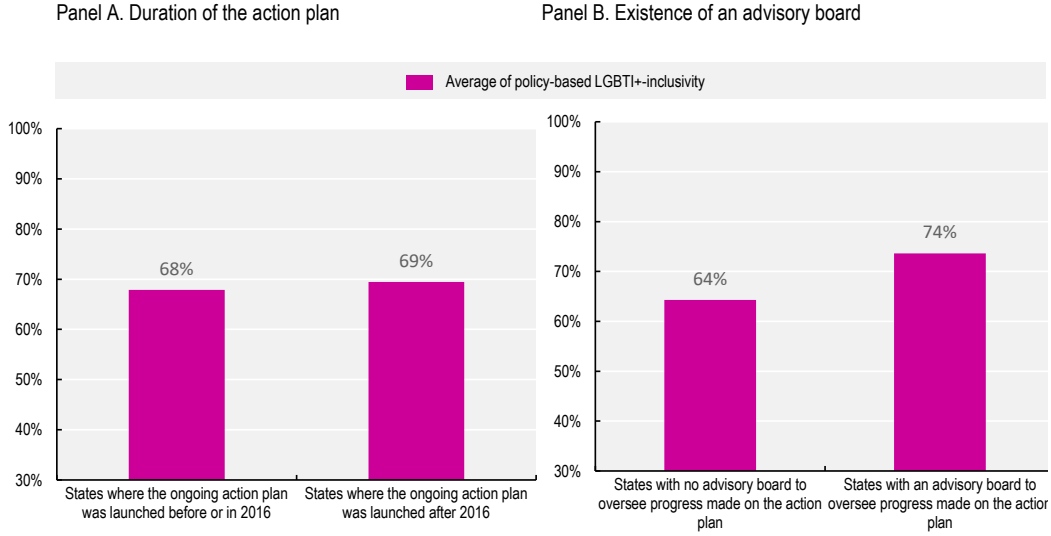


Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Zooming in on the 13 states where a first action plan is ongoing, it appears that the time elapsed since the launch of the action plan is not correlated with greater policy achievements (Panel A of Figure 1.8). The way the action plan is implemented does seem to matter however (Panel B of Figure 1.8). Oversight from an advisory board composed of all stakeholders who meet regularly (at least once a year) to discuss progress made turns out to be essential: the share of policies critical for LGBTI+ equality that have been implemented in states with such advisory board is 10 percentage points higher (74% vs 64%) than in states with no advisory board.

Figure 1.8. While the duration of an ongoing action plan is unrelated to policy achievements towards LGBTI+ equality, oversight from an advisory board does matter

Policy-based LGBTI+-inclusivity in German states where a first action plan is ongoing, as of 2021



Note: 2016 is the average year when the action plan was launched in states where a first action plan is ongoing. It is thus used as a cut-off point in Panel A.
Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

1.4.4. Further improving LGBTI+ equality in Germany through policies

Although policy achievements towards LGBTI+ equality have been significant, challenges remain that call for further actions as part of the continuing collaboration between the state and the federal levels. Possible next steps concerning remedial policies include:

- Better advertising low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence while ensuring that greater outreach go hand in hand with high-quality service delivery;
- Combining the establishment of an LGBTI+ unit or of LGBTI+ liaison officers within the police force with significant workload relief giving them time to fulfil the tasks associated with their role, on top of their regular policing activities;
- Complementing protection plans aimed at ensuring the safety of LGBTI+ asylum seekers in reception facilities with detailed terms of reference for reception facility operators and regular inspection by an independent body.

Further action is also needed concerning preventive policies:

- LGBTI+-inclusive policies in education are characterised by low outreach. To push *all* schools to engage in LGBTI+-inclusive teacher and student training, especially those where homophobia and transphobia are pervasive, the federal and state levels of governance could join forces to devise and administer school climate surveys throughout the national territory. These surveys could be conducted on a regular basis among school staff and students in primary schools and in secondary general and vocational schools to monitor levels and trends in school bullying based on a set of protected grounds, including sexual orientation and gender identity.
- Similarly, outreach is low with regards to preventive policies in the labour market, especially in the private sector. The federal and state governments could co-operate to make training on the *General Equal Treatment Act* and the set of grounds this Act protects compulsory for both public and private employers (such training is mandatory in France, for instance). To help employers fulfil their training obligations in an effective way, public authorities could devise detailed terms of reference for training providers based on results flowing from rigorous impact evaluation on what works to counter discriminatory attitudes and behaviours in the workplace. In addition, to avoid imposing a financial burden on employers, public authorities could develop and give access to free-of-charge e-learning modules complying with these terms of reference.
- In health care, efforts to make the curriculum for the training of nurses more LGBTI+-inclusive could be expanded to the training of personal care workers and doctors. To foster compliance, action could be taken to increase the demand of inpatient care facilities and outpatient care services for staff duly trained on dealing with LGBTI+ patients, which entails improving their buy-in of the certification programme “Diversity as a Place to Live – Seal of quality” (*Lebensort Vielfalt – Qualitätssiegel*). This objective could be achieved by broadening the scope of this certification programme to ensure it is not viewed as only focused on the well-being of LGBTI+ patients, and by advertising this change among health care facilities and beyond throughout the national territory.

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2 The life situation of LGBTI+ individuals in Germany

This chapter sheds light on the life situation of LGBTI+ individuals in Germany. It presents the most up-to-date data on the share of Germans who self-identify as LGBTI+, and evaluates the extent to which sexual and gender minorities are on a level playing field with other groups, including at the subnational level. It concludes by investigating how LGBTI+ Germans fare in terms of well-being. The results call for further action to improve the lives of LGBTI+ individuals. The share of LGBTI+ Germans may be as high as 14% (11.6 million people), and this population is still exposed to significant discrimination and violence, with detrimental effects on their life satisfaction and health.

Who are LGBTI+ individuals?

LGBTI+ is the acronym for "lesbian, gay, bisexual, transgender and intersex". LGBTI people are defined with respect to three distinct features: sexual orientation; gender identity; and sex characteristics. The "plus" (+) leaves the demographic category open ended to acknowledge additional sexual orientations and gender identities that are not explicitly present in the acronym.

Sexual orientation

Sexual orientation allows for differentiating between heterosexuals, lesbians, gay men and bisexuals. It is indicative of a person's capacity for emotional and/or sexual attraction to different-sex, same-sex individuals, or both different- and same-sex individuals. In this context, the "plus" refers to additional sexual orientations, such as "asexual" (lacking emotional and/or sexual attraction to anyone), "pansexual" (considering gender as irrelevant in determining whether one will be emotionally or sexually attracted to someone), among others.

Gender identity

Gender identity refers to a person's internal sense of being masculine, feminine, androgynous or neither, regardless of sexual orientation. For individuals for whom gender identity corresponds to their biological sex, the Latin prefix *cis* ("on this side of") is used to define them as "cisgender". For those where this is not the case, the Latin prefix *trans* ("on the other side of") is used to define them as "transgender". A transgender person can be: (i) a transgender man (a person who was assigned female at birth but whose gender identity is male); (ii) a transgender woman (a person who was assigned male at birth but whose gender identity is female); (iii) a non-binary (or gender queer) person (a person who identifies with neither, both, or a combination of male and female genders). In this context, the "plus" refers to additional gender identities, such as "gender fluid" (not identifying oneself as having a fixed gender).

Sex characteristics

Sex characteristics refer to chromosomal patterns, hormonal structures, reproductive organs and sexual anatomy that determine an individual's biological sex. Sex characteristics are sometimes ambiguous in comparison to medical standards rooted in binary concepts of "male" and "female". An individual whose sex characteristics are neither wholly female, nor wholly male is called "intersex". Due to this non-binary pattern, and although being intersex is distinct from a person's sexual orientation or gender identity, intersex individuals are over-represented among the LGBT population (Jones et al., 2016[1]) – this explains why the letter "I" is typically added to the LGBT acronym to include intersex people. Importantly, being intersex is not a pathological condition, and rarely is life-threatening (Fundamental Rights Agency, 2015[2]).

Source: (OECD, 2020[3]; Kasprowski et al., 2021[4]).

2.1. Introduction and main findings

Social acceptance of sexual and gender minorities − commonly referred to as "LGBTI+" individuals – dramatically improved across the OECD, as did their legal recognition (OECD, 2019[5]; OECD, 2020[3]). Yet, LGBTI+ equality is still far from being achieved. OECD countries are only halfway to full legal acceptance of LGBTI+ individuals and backsliding is being witnessed.[1] Even in the most LGBTI+ inclusive

OECD countries, sexual and gender minorities are not sheltered from discrimination and violence, as was revealed by the rise in abuse against LGBTI+ individuals due to forced proximity with unaccepting family members during COVID-19 lockdowns (OECD, 2021[6]).

Chapter 2 provides a detailed overview of the life situation of LGBTI+ individuals in Germany to identify achievements and remaining challenges. After presenting the most recent data on the share of Germans who self-identify as LGBTI+, Chapter 2 evaluates the extent to which they are exposed to discrimination and violence, including at the subnational (state) level. It concludes by investigating how LGBTI+ Germans fare in terms of well-being.

Main findings

- LGBTI+ individuals in Germany stand for a sizeable minority.
  - Germany is among the very few OECD countries which collect information on sexual orientation (since 2016) and on gender identity (since 2021) in one of their nationally representative surveys, the Socio-Economic Panel (SOEP). While an estimate of the share of non-cisgender individuals based on SOEP 2021 is not yet available, it was estimated to amount to 0.6% by the German Health Update (GEDA 2019/2020-EHIS). As for the share of Germans who self-identify as lesbians, gays or bisexuals, it is equal to 1.9% according to SOEP. Assuming no overlap between LGB and non-cisgender people, these findings suggest that LGBTI+ Germans represent 2.5% of the population, hence 2.1 million people or the equivalent of the population of Slovenia.
  - Yet, these estimates likely understate the reality given the high rate not only of non-response but also of presumably false response.
  - In a context where respondents may feel more secure in disclosing sensitive information to non-governmental polling companies than to national statistical offices, attempts of these companies to measure the share of LGBTI+ individuals merit attention, although caution is warranted: in this field, polling companies typically rely on opt-in panels rather than probability sampling, meaning that findings may overstate the size of the LGBTI+ population. According to the *LGBT+ Pride 2021 Global Survey* conducted by IPSOS, 11% of Germans self-identify as non-heterosexual: 2% as lesbian or gay, 6% as bisexual and 3% as “other”, i.e. “asexual”, “pansexual”, etc. Moreover 3% of Germans self-identify as non-cisgender. Assuming no overlap between non-heterosexual and non-cisgender people, the share of LGBTI+ individuals in the German population may be as high as 14% or 11.6 million people (the equivalent of the population of Belgium).
- Despite strong improvements in social acceptance of LGBTI+ individuals in Germany, sexual and gender minorities are still exposed to significant discrimination and violence.
  - There has been a shift towards greater acceptance of sexual and gender minorities in Germany (as in most other OECD countries). However, social acceptance remains limited and uneven across the national territory.
    - While the overall rate of social acceptance of LGBTI+ people in Germany was 10 percentage points lower than the EU-OECD average in 2015 (36% vs 46%), it had risen to 4 percentage points above this average by 2019 (57% vs 53%).
    - Yet, levels of social acceptance remain limited in 2019. This pattern is particularly observed when the hypothetical LGBTI+ individual referred to in social acceptance questions is depicted as a family member. While 66% of Germans would feel comfortable with an LGBTI+ work colleague, only 50% report comfort with the idea of their child being in “a love relationship” with an LGBTI+ person. Transgender and

intersex individuals face lower social acceptance than do LGB individuals: 59% of Germans are comfortable with having an LGB son- or daughter-in-law while this share falls to 45% when the son- or daughter-in-law is transgender or intersex.

  - Survey data collected at the subnational level reveal strong regional disparities. Overall, levels of social acceptance of LGBTI+ individuals are higher in states of former West than former East Germany: while the rate of social acceptance of LGBTI+ individuals is equal to 74% in Bremen, it is 50% in Saxony.

- LGBTI+ Germans report strong feelings of being discriminated against together with high levels of violence, noting that the situation hasn't improved over the past decade.
  - In 2019, more than half (58%) of LGBTI+ Germans reported having personally felt discriminated against during the 12 months prior to the survey in at least one of 8 hypothetical situations, including in education, labour market or health care settings: 41% among LGBs and 66% among transgender and intersex respondents, which is slightly more than the EU-OECD average. Feelings of discrimination have generally increased since 2012, a trend mainly driven by transgender respondents. Germany is no exception: the share of LGBTI+ Germans reporting discrimination was nearly 10 percentage points higher in 2019 than in 2012.
  - In 2019, a little more than one-third (36%) of LGBTI+ respondents report having been physically or sexually attacked or threatened with violence in the five years prior to the survey (as compared to 33% on average across EU-OECD countries): 26% among LGBs and 41% among transgender and intersex respondents. Germany is among the few OECD countries where self-reported experience of violence by sexual and gender minorities has increased rather than decreased since 2012, a trend that concerns both non-heterosexual and non-cisgender individuals.
- Objective measures confirm substantial levels of anti-LGBTI+ discrimination at work and of violence in Germany.
  - Analyses based on SOEP 2016-19 reveal significant unexplained gaps in labour market outcomes between LGBTI+ and non-LGBTI+ Germans. Although these groups show similar employment rates, LGBTI+ Germans have a 30% higher risk to be engaged in precarious work than their non-LGBTI+ counterparts. LGB Germans are also characterised by lower hourly wages, a result driven by men: the hourly wage of homosexual and bisexual men is 15% lower than that of heterosexual men. As for homosexual and bisexual women, they earn as much as heterosexual women, despite facing fewer family responsibilities. Although field experiments are scarce, they confirm suspicions of anti-LGBTI+ discrimination. In Munich for instance, a correspondence study conducted in 2012 unveiled that straight female candidates were between 20% and 30% more likely to be invited to a job interview than lesbian candidates with similar CVs and letters of application.
  - In 2020, violent hate crimes motivated by the presumed sexual orientation of the victim accounted for more than 10% of all violent politically motivated crimes. This figure is over ten times higher than it was two decades ago, when their share constituted less than 1%, presumably due to massive underreporting. When the gender identity of the victim is taken into account (an information introduced in 2020), this share rises above 15%.

- LGBTI+ Germans show lower levels of well-being than their non-LGBTI+ counterparts.
  - In the late 2010s, life satisfaction of LGBTI+ Germans was 10% lower than among the general population: when asked to report on a scale from 0 to 10 how satisfied they are with

their life, LGBTI+ individuals responded 6.7, as compared to 7.4 across the German population at large.

- Consistent with stigma impairing health, LGBTI+ Germans are characterised by worse mental and physical health outcomes than the rest of the German population, based on SOEP 2016-19.
  - LGBTI+ Germans are 2.6 times more likely to have ever been diagnosed with a depressive disorder compared to heterosexual cisgender Germans (26% vs 10%).
  - LGBTI+ Germans are 30% more likely to have ever been diagnosed with any physical health condition. In particular, they are 2.5, 1.7 and 1.3 times more likely to have been diagnosed with a heart disease, with migraines and with chronic back pain respectively.
- The coronavirus pandemic contributed to worsen these health disparities.

2.2. How many Germans self-identify as LGBTI+?

Identifying who is LGBTI+ is a critical prerequisite not only to assess whether, on average, a LGBTI+ person faces greater hurdles relative to a non-LGBTI+ person, but also to estimate the size of the LGBTI+ population and compute its overall disadvantage (if any). Yet, only two OECD countries have included a question on sexual orientation and/or gender identity in their census as of 2022: Canada in 2021 regarding gender identity; and the United Kingdom, also in 2021, regarding both sexual orientation (Great Britain and Northern Ireland) and gender identity (Great Britain only). In other OECD countries, data collection on these characteristics is limited. As of 2018, 15 OECD countries have regularly or sporadically deployed self-identification questions through representative surveys conducted by their national statistical offices (or equivalent) to collect data on sexual orientation, and only three countries have done so to collect data on gender identity – information on sex characteristics/intersex status has thus far been absent from official statistics (OECD, 2019[5]).

An alternative to data collected by national statistical offices are data flowing from surveys conducted by polling firms, in a context where interest in LGBTI+-related insights keeps increasing. For instance, the *LGBT+ Pride 2021 Global Survey* undertaken by IPSOS is the first attempt to measure the share of LGBTI+ individuals on a cross-national basis (Ipsos, 2021[7]).

2.2.1. National statistical data

In Germany, steps are being taken to actively bridge the data gap which has thus far hindered estimates of the size of the LGBTI+ population (Box 2.1). In 2016, a self-identification question on sexual orientation was added to the largest household panel survey in Germany, the Socio-Economic Panel (SOEP). Prior to this addition, data on sexual orientation was inferred indirectly, based on the kinship and relationship status of cohabitating adults. This method overlooked single non-heterosexual individuals as well as bisexual individuals living in a different-sex partnership; it also failed to capture data on the sexual orientation of other household members, such as adult children living with their parents. In 2021, a self-identification question on gender identity was also introduced in the SOEP. The results have not been published yet, but they will shed light on the share of Germans who self-identify not only as LGB (an information available since 2016), but also as non-cisgender.

Box 2.1. Who does the Socio-Economic Panel count, and how?

The Socio-Economic Panel (SOEP) is a representative panel survey of over 20 000 private households in Germany conducted annually since 1984; it currently includes over 30 000 interviews with household members aged 12 and older, though data on sexual orientation and gender identity are only collected among adults aged 18 and older.

SOEP 2016

In 2016, the following self-identification question on sexual orientation was added: "In the context of relationships, the question of sexual orientation arises. Would you describe yourself as..?" Response options include: (i) "Heterosexual or straight (that is, attracted to the opposite sex)"; (ii) "Homosexual (gay or lesbian, that is, attracted to the same sex)"; (iii) "Bisexual (attracted to both sexes)"; (iv) "Other"; (v) "Prefer not to say"; (vi) No answer. This approach allowed to identify 405 non-heterosexual households within the existing SOEP sample, i.e. households with at least one adult LGB member.

SOEP-LGB 2019

LGB people were too scarcely represented in the SOEP to allow for meaningful analysis. In order to glean more reliable conclusions from the survey, the German Federal Ministry of Education and Research funded in 2019 an initiative to create an additional sample of a hard-to-survey population that would include not only individuals who self-identify as lesbians, gays or bisexuals, but also who define themselves as transgender (including non-binary). In computer assisted telephone interviews (CATI), households were screened based on the following two questions:

- A question on sexual orientation: the same as that introduced in 2016, except for the response option "Other" where respondents could this time specify their identifier (e.g.: "asexual", "pansexual", "demisexual", etc.)
- A question on gender identity that relied on the two-step method. With this approach, respondents were first asked to indicate whether they were assigned female or male in their birth certificate – noting that at the time of birth of people who are now 18 years and older, there was no option to have anything but female or male entered into birth certificates in Germany ("Which sex was assigned to you on your birth certificate?" Possible responses are: "Female"; "Male"; No answer). Respondents were then asked to indicate their current gender identity, which may be female, male, transgender, or none of these ("How would you yourself describe your gender?" Possible responses are: "Female"; "Male"; "Transgender"; "None of these, …"; No answer). People who identified as transgender or none of these genders were recorded as non-cisgender, as well as people whose current gender identity did not align with the sex they were assigned at birth.

The initiative added 477 households into the SOEP sample, bringing the total to 882 households with 1 237 respondents aged 18 and older who identify as LGBTI+. Yet, given that these additional households were reached out through oversampling, they cannot be used to estimate the share of Germans who self-identify as LGBTI+.

SOEP 2021

In 2021, a two-stage question on gender identity similar to the one used in SOEP-LGB 2019 was introduced. Results have not yet been published.

Source: (De Vries et al., 2021[8]; Kasprowski et al., 2021[4]; Socio-Economic Panel (SOEP), 2021[9]; De Vries et al., 2020[10]; Kühne, Kroh and Richter, 2019[11]; Kroh et al., 2017[12]; University of Bielefeld, n.d.[13]; Fischer et al., 2021[14]).

According to the 2016 SOEP, 1.9% of Germans self-identify as lesbians, gays or bisexuals. Though the proportion appears small, this nonetheless corresponds to 1.6 million Germans, hence more than the estimated population of Estonia.[2] Moreover, although results from SOEP 2021 have not been released yet, estimates of the share of non-cisgender individuals have recently been inferred from the German Health Update (GEDA 2019/2020-EHIS), a survey representative of the German resident population aged 15 or above that was conducted between 2019 and 2022 among 23 000 respondents (Allen et al., 2021[15]). This survey includes a two-stage question similar to the one reported in Box 2.1 to measure sex assigned at birth and current gender identity. Based on this question, the share of non-cisgender Germans is equal to 0.6%: 0.5% concerning transgender individuals and 0.1% concerning gender-diverse individuals (Pöge et al., 2022[16]). Assuming no overlap between LGB and non-cisgender people, these findings suggest that LGBTI+ Germans represent 2.5% of the population, hence 2.1 million people or the equivalent of the population of Slovenia.[3]

Even so, these estimates likely understate the reality. For instance, SOEP data show 5.6% of Germans unwilling to answer the self-identification question on sexual orientation, either by outright non-response or by indicating “prefer not to say”. In addition, a further 7.1% of Germans responded to the question using the option “other”, which SOEP statisticians interpret predominantly as a form of non-response. Like with other sensitive subjects, a significant percentage of these non-responses may flow from non-heterosexual individuals who do not live openly as such, or do not feel comfortable disclosing this personal information in a survey conducted by public authorities (Kühne, Kroh and Richter, 2019[11]).

This discomfort appears highly dependent on age (Kühne, Kroh and Richter, 2019[11]; Kroh et al., 2017[12]). SOEP data demonstrate that respondents over 60 are less likely to provide a response to the self-identification question on sexual orientation compared to younger cohorts, which constitutes a commonly observed pattern (OECD, 2019[5]). Older generations may take a more conservative approach to sharing information that was once considered taboo. In addition, false responses may occur among older respondents who have historically experienced marginalisation and stigmatisation, and thus feel a social pressure to align with heteronormative standards.

The survey mode has also been found to have a significant impact on response rates, especially where sensitive or personal questions are concerned. The 2016 SOEP was predominantly carried out through computer-assisted personal interviews (CAPI): 72% of the more than 24 000 respondents who were asked for their sexual orientation were interviewed by an interviewer face-to-face, with 90% of those interviews conducted via CAPI. The remaining 28% of respondents used a printed or digital self-administered questionnaire (SAQ) without an interviewer present. The rate of non-response to the direct question on sexual orientation was lower with CAPIs (4.4%) than with SAQs (8.7%), but the proportion of self-identified non-heterosexual respondents decreased by nearly half when an interviewer was present (Kühne, Kroh and Richter, 2019[11]). This result suggests that participants are more likely to provide false responses in face-to-face scenarios where there is a felt pressure, not only to provide a definitive answer, but one that may be perceived as socially desirable.[4] For some SOEP participants, this pressure may have been exacerbated by the presence of other household members or intimate partners.

2.2.2. Polling data

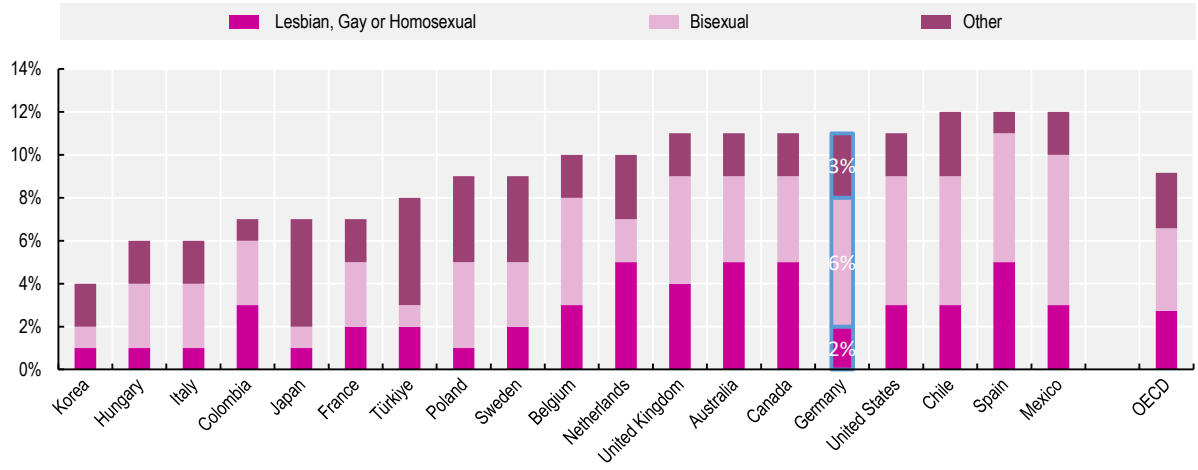
In a context where respondents may feel more secure in disclosing sensitive information to non-governmental polling companies than to national statistical offices, attempts of these companies to measure the share of LGBTI+ individuals merit attention. Yet, contrary to national statistical offices, these companies rarely rely on probability sampling, e.g. contacting respondents following a random draw from the phone directories. Rather, polling companies typically base their surveys on opt-in panels. This approach consists in exploiting pre-existing samples held by the survey provider where members have signed up to take online surveys, in exchange of small rewards. Polling companies employ a variety of statistical techniques to adjust opt-in panels to ensure they match the national population on a chosen set

of dimensions. That said, the fact that respondents are self-selected raises a risk that those who answer surveys related to LGBTI+ issues are the most open to those issues (Lehdonvirta et al., 2020[17]). Against this backdrop, while data collected by national statistical offices likely understate the share of LGBTI+ individuals, polling data likely overstate the size of sexual and gender minorities.

Consistent with this surmise, the share of Germans who self-identify as LGB in the *LGBT+ Pride 2021 Global Survey* conducted by IPSOS is markedly higher than the estimate deduced from the SOEP (8% vs 1.9%), noting that an additional 3% self-identify as "other", i.e. "asexual", "pansexual", etc (Figure 2.1). Overall, an estimated 11% of Germans thus self-identify as non-heterosexual, with the highest share (6%) identifying as bisexual. The share of individuals who self-identify as non-heterosexual is estimated to be the same (11%) in Australia, Canada, Chile, Mexico and the United States, and is higher in Spain by just 1 percentage point. Considering countries for which data is available, non-heterosexuals comprise 9.1% of the OECD population on average. This average reflects the German pattern in that bisexuals make up the highest proportion (3.8%), followed by individuals who self-identify as "lesbian, gay or homosexual" (2.7%). In addition, an estimated 3% of Germans self-identify as non-cisgender, which is equalled only in Sweden, and is three times higher than the estimated OECD average of 1.6% (Figure 2.2). Overall, assuming no overlap between non-heterosexual and non-cisgender people, IPSOS findings suggest that LGBTI+ Germans represent 14% of the population, hence 11.6 million people or the equivalent of the population of Belgium.

Figure 2.1. More than 10% of Germans self-identify as non-heterosexual

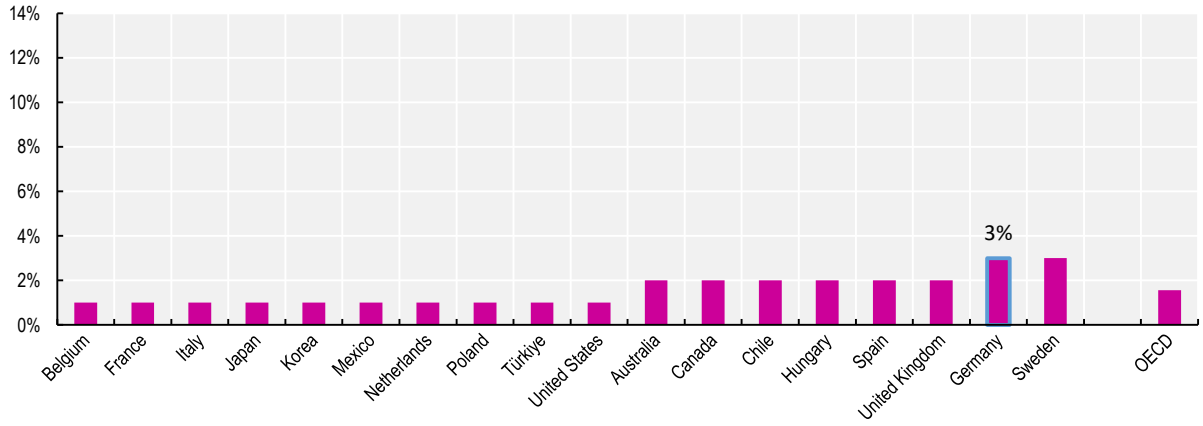
Share of the population who self-identify as non-heterosexual in a selected sample of OECD countries, as of 2021



Note: The category "other" includes individuals who self-identify as "pansexual/omnisexual", "asexual", or as belonging to another unspecified group of non-heterosexual individuals exclusive of "lesbians, gays or homosexuals" and of "bisexuals". This category excludes respondents who indicated "don't know" or "prefer not to say". Surveys were conducted online through the Ipsos Global Advisor platform. The sample consists of approximately 1 000 individuals from each country. Respondents were aged 18-74 in the United States, Canada and Türkiye, and 16-74 in the remaining OECD countries. Samples in Chile, Colombia, Mexico and Türkiye are more urban, more educated and/or more affluent than the general population and should be viewed as reflecting the views of the more "connected" segment of their population.
Source: (Ipsos, 2021[7]).

Figure 2.2. 3% of Germans self-identify as non-cisgender

Share of the population who self-identify as non-cisgender in a selected sample of OECD countries, as of 2021



Note: The category "non-cisgender" includes individuals who self-identify as "transgender", "non-binary/non-conforming/gender-fluid", or as belonging to another unspecified group of non-cisgender individuals. This category excludes respondents who indicated "don't know" or "prefer not to say". Surveys were conducted online through the Ipsos Global Advisor platform. The sample consists of approximately 1 000 individuals from each country. Respondents were aged 18-74 in the United States, Canada and Türkiye, and 16-74 in the remaining OECD countries. Samples in Chile, Colombia, Mexico and Türkiye are more urban, more educated and/or more affluent than the general population and should be viewed as reflecting the views of the more "connected" segment of their population.
Source: (Ipsos, 2021[7]).

It is worthwhile noting that, similar to the SOEP (and other surveys), the probability to self-identify as non-heterosexual and non-cisgender in the IPSOS survey strongly decreases with age. This finding is typically interpreted as reflecting a greater willingness of younger cohorts to disclose who they are in a context of increasing acceptance of sexual and gender minorities,[5] rather than a true shift in sexual orientation and gender identity (OECD, 2019[5]). Regardless of their cause, these generational disparities at least suggest that the share of LGBTI+ individuals is on the rise and will continue rising in the future, as older cohorts give way to younger ones.

2.3. Are LGBTI+ Germans exposed to discrimination and violence?

LGBTI+ individuals account for a significant share of the German population. It is however unclear whether they are treated on an equal footing. After providing an overview of social acceptance of LGBTI+ people at both the federal and state levels (Section 2.3.1), this section investigates the extent to which LGBTI+ people self-report experiences of discrimination and violence (Section 1.3.1). It concludes by exploring LGBTI+ people's exposure to discrimination and violence based on objective measures (Section 2.3.3).

2.3.1. Social acceptance of LGBTI+ individuals in Germany

The level of social acceptance of sexual and gender minorities within the population at large may influence the perceived risk – and lived experience – of discrimination and violence by LGBTI+ individuals (Flores, 2019[18]). This section provides an overview of attitudes towards LGBTI+ individuals at the federal and state levels.

Attitudes towards LGBTI+ individuals at the national level

Regular, representative cross-continent data on attitudes towards homosexuals have been collected as early as 1981, beginning with the World Values Survey (WVS). Similar inquiries have since been conducted by the European Values Survey, AmericasBarometer, LatinoBarometer, AsiaBarometer, AfroBarometer and by Gallup. While they can provide a helpful understanding of attitudes towards some members of the LGBTI+ population and their evolution, such measures are not without limitations (Box 2.2).

Box 2.2. Questions measuring social acceptance of homosexuality in cross-continent surveys present limitations

Three questions have been repeatedly used in cross-continent surveys to measure social acceptance of homosexuality.

Justifiability of homosexuality

"Please tell me whether you think [homosexuality] can always be justified, never be justified, or something in between using this card (the card being a scale from 1 to 10, where 1 means that homosexuality is never justifiable and 10 means that it is always justifiable)"

This question has been included in the World Values Survey since its first wave in 1981, and has since been deployed in such cross-national questionnaires as the AsiaBarometer, the European Values Survey and the Latinobarometer. It presents a number of controversial behaviours or polarising issues which places homosexuality alongside such items as euthanasia, abortion, divorce, prostitution, theft and fraud. The question is framed in such a way as to lead respondents to use morality as a criterion for determining the justifiability of homosexuality. Yet, perception of immorality and lack of acceptance do not necessarily coincide. For example, respondents in more liberal democracies may feel moral discomfort with homosexuality while also acknowledging that homosexuals deserve openness and benevolence from their fellow citizens.

Level of comfort with homosexual neighbours

In the second wave of the World Values Survey (1990), a question was added to measure respondents' level of comfort with having homosexual neighbours, among other hypothetical groups. Since then, variations on this question have been adopted by such surveys as the AmericasBarometer, the AfroBarometer, the LatinoBarometer and the European Values Survey. The World Values Survey presents a list of various groups of people, asking "Could you please mention any that you would not like to have as neighbours?" Homosexuals are featured on the list alongside other demographic minorities such as "people of a different race" or "people of a different religion", but also among such people as "drug addicts" and "heavy drinkers". Yet, the exact wording of this question varies significantly from a survey to the next (and sometimes across rounds within the same survey), which precludes from running thorough cross-national comparisons of levels and trends regarding social acceptance of homosexuality.

Local social acceptance of homosexuality

In the late 2000s, Gallup included a question in their annual survey which asks respondents whether they consider their home city or neighbourhood to be "a good place or not a good place to live for gay or lesbian people". However, the question risks measuring a respondent's perception of local social acceptance of gay men and lesbians, rather than measuring the respondent's own attitude towards homosexuality.

Source: (OECD, 2019[5]; Flores, 2019[18]; World Values Survey, 2017[19]; AfroBarometer, 2019[20]; Vanderbilt University, 2018[21]; Naurath, 2007[22])

The *Special Eurobarometer on Discrimination* provides a valuable alternative to these cross-continent data for the purpose of international comparison of attitudes, not only towards non-heterosexuals (including bisexuals), but also towards transgender individuals and, most recently, intersex individuals.[6] Although data are limited to EU member countries and cover a shorter timeframe, it allows for a more comprehensive estimate of LGBTI+ acceptance.

Considering responses from the three questions detailed in Table 2.1, the average social acceptance for LGBTI+ individuals in Germany (proxied by the share of respondents who would feel totally comfortable[7] with interacting in some way with an LGBTI+ person) was 57% in 2019, slightly higher than the EU-OECD average at the time (53%). However, a closer look at the data reveals strong in-group disparities (see Figure 2.3 for attitudes towards LGB individuals, Figure 2.4 for attitudes towards transgender individuals and Figure 2.5 for attitudes towards intersex individuals). In Germany, as across the EU-OECD, non-cisgender individuals face lower overall rates of social acceptance than do non-heterosexual individuals (OECD, 2019[5]). In 2019, non-heterosexual Germans (LGBs) experienced an average rate of social acceptance equal to 65% while this rate was equal to 54% for non-cisgender Germans (TIs), compared to 60% and 50%, respectively, in the EU-OECD. Even the Netherlands who show the highest social acceptance of LGBTI individuals in 2019 follows this pattern: the acceptance rate of Dutch respondents is equal to 92% concerning lesbians, gays and bisexuals, 81% concerning transgender individuals and 80% concerning intersex individuals.

Levels of acceptance also fluctuate noticeably depending on the hypothetical scenarios presented in each of the three survey questions. Across the EU-OECD, social acceptance is lowest in the scenario involving fictitious LGBTI+ daughter- or son-in-laws. This suggests that levels of acceptance among respondents decrease as their hypothetical ties with the LGBTI+ individual becomes more personal. In Germany, 59% of respondents are comfortable with the idea of their child being in “a love relationship” with a person of the same sex (as compared to 49% in the EU-OECD), noting that this rate drops to 45% when the hypothetical daughter- or son-in-law is transgender or intersex (39% in the EU-OECD).

Table 2.1. The Special Eurobarometer on Discrimination provides measures of attitudes not only towards homosexuals, but also towards bisexual, transgender and intersex individuals

Survey year when each of the three questions measuring attitudes towards LGBTI+ individuals were asked in the Special Eurobarometer on Discrimination, by LGBTI+ subgroup

QUESTION	LGBTI+ subgroup		
	“gay, lesbian or bisexual person”	“transgender or transsexual person”	“intersex person”
Using a scale from 1 to 10, where ‘1’ means that you would feel “not at all comfortable” and ‘10’ that you would feel “totally comfortable”:			
Please tell me how you would feel about having a person from each of the following groups in the highest elected political position in [your country]	2009 2 012 2015 2019	2012 2 015 2019	2019
Regardless of whether you are actually working or not, please tell me how comfortable you would feel, if a colleague at work with whom you are in daily contact, belonged to each of the following groups?	2015 2019	2015 2019	2019
Regardless of whether you have children or not, please tell me how comfortable you would feel if one of your children was in a love relationship with a person from one of the following groups.	2015 2019	2015 2019	2019

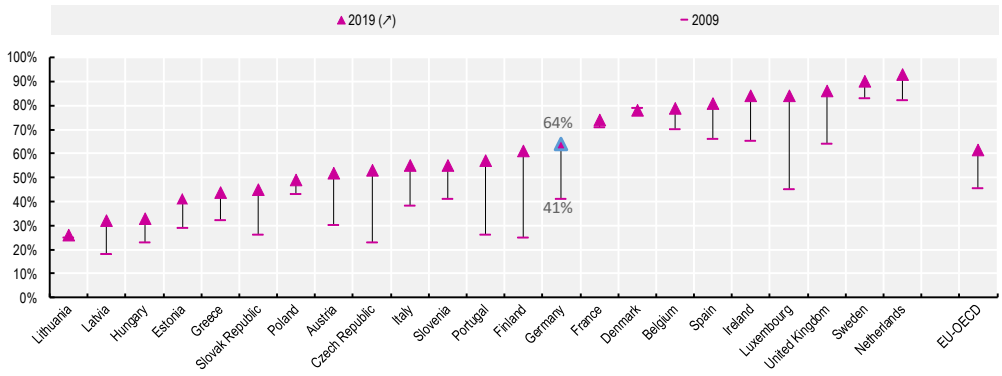
Source: (European Commission, 2012[23]; European Commission, 2015[24]; European Commission, 2019[25]).

Consistent with the well-documented shift towards greater acceptance of homosexuality in the OECD and beyond since the early 1980s (OECD, 2019[5]; Flores, 2019[18]),[8] acceptance rates for LGBTI+ individuals have generally progressed across the EU-OECD. Between 2015 and 2019, average levels of acceptance in the EU-OECD rose by 9 percentage points (or 17%) for LGB people and by 8 percentage points (or 20%) for transgender people. In Germany, the rate of improvement is markedly better, increasing by 23 percentage points for both LGBs and transgender individuals, which corresponds to a growth in the rate of acceptance of 56% and 78% respectively. In fact, while attitudes towards LGBT individuals in Germany were 10 percentage points lower than the EU-OECD average in 2015, this gap was closed and surpassed by 4 percentage points in 2019. This result suggests that significant improvement in attitudes can occur even over a short period of time, regardless of baseline levels of acceptance.

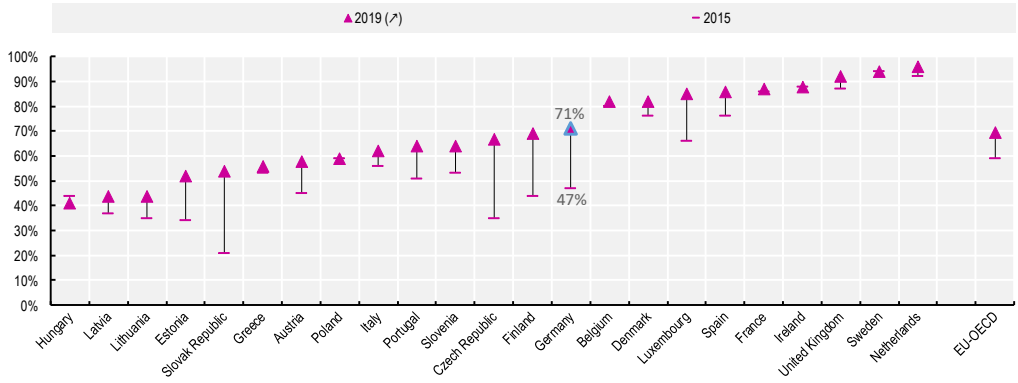
Figure 2.3. Two-thirds of German respondents feel totally comfortable with interacting with a lesbian, gay or bisexual

Levels of and trends in comfort with interacting with a non-heterosexual person

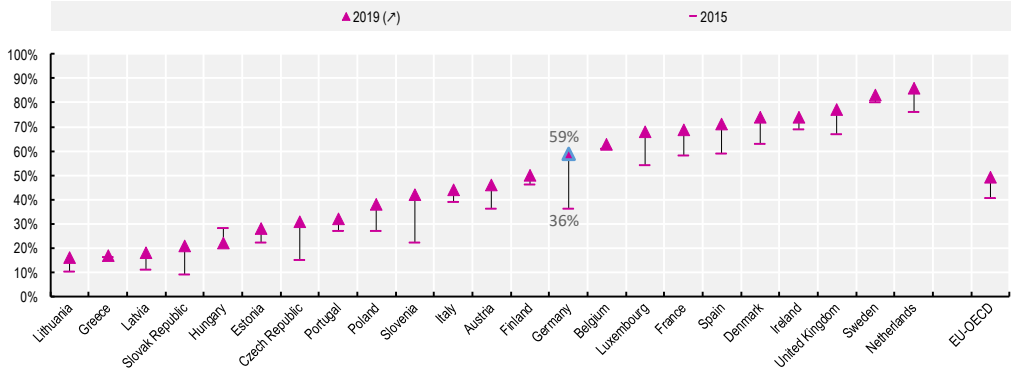
Panel A: Changes in levels of comfort with having a non-heterosexual elected official in the highest political office in OECD countries, 2009 to 2019



Panel B: Changes in levels of comfort with having a non-heterosexual colleague in OECD countries, 2015 to 2019



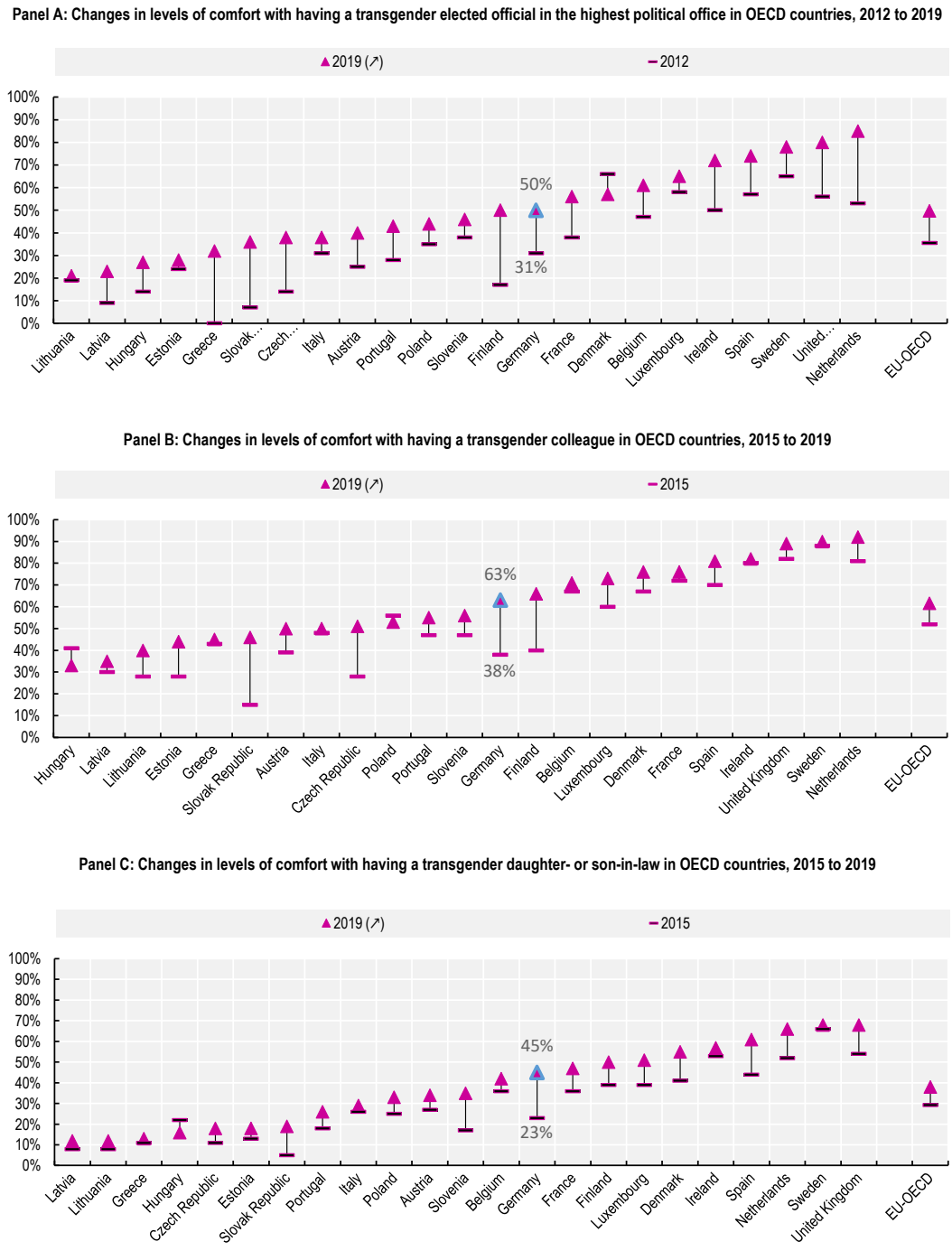
Panel C: Changes in levels of comfort with having a non-heterosexual daughter- or son-in-law in OECD countries, 2015 to 2019



Note: This figure relies on the Special Eurobarometer on discrimination that is collected EU-wide among nationally representative samples of 1 000 individuals aged 15 and older (Luxembourg where 500 individuals were interviewed is an exception). Survey respondents were asked to rate their level of comfort on a scale from 1-10 across various hypothetical scenarios. Respondents who indicated a level of comfort equal to or exceeding "7" are considered "totally comfortable" and are represented here. (↗) in the legend relates to the variable for which countries are ranked from left to right in increasing order.
Source: (European Commission, 2012[23]; European Commission, 2015[24]; European Commission, 2019[25]).

Figure 2.4. Half of German respondents feel totally comfortable with interacting with a transgender person

Levels of and trends in comfort with interacting in some way with a transgender person

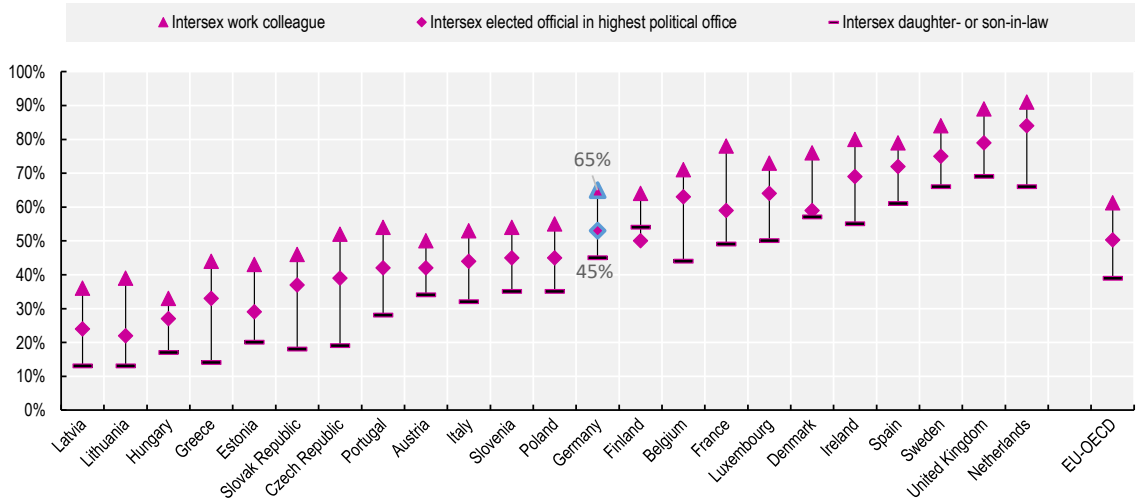


Note: This figure relies on the Special Eurobarometer on discrimination that is collected EU-wide among nationally representative samples of 1 000 individuals aged 15 and older (Luxembourg where 500 individuals were interviewed is an exception). Survey respondents were asked to rate their level of comfort on a scale from 1-10 across various hypothetical scenarios. Respondents who indicated a level of comfort equal to or exceeding "7" are considered "totally comfortable" and are represented here. (↗) in the legend relates to the variable for which countries are ranked from left to right in increasing order.

Source: (European Commission, 2012[23]; European Commission, 2015[24]; European Commission, 2019[25]).

Figure 2.5. Comfort with intersex individuals is as modest as comfort with transgender individuals across the EU-OECD

Levels of comfort with interacting in some way with an intersex person, as of 2019



Note: This figure relies on the Special Eurobarometer on discrimination that is collected EU-wide among nationally representative samples of 1 000 individuals aged 15 and older (Luxembourg where 500 individuals were interviewed is an exception). Survey respondents were asked to rate their level of comfort on a scale from 1-10 across various hypothetical scenarios. Respondents who indicated a level of comfort equal to or exceeding "7" are considered "totally comfortable" and are represented here. (↗) in the legend relates to the variable for which countries are ranked from left to right in increasing order.
Source: (European Commission, 2012[23]; European Commission, 2015[24]; European Commission, 2019[25]).

Attitudes towards LGBTI+ individuals at the subnational level

Germany provides a particularly interesting opportunity for analysis of LGBTI+ acceptance because representative data exist at the subnational level. More precisely, two surveys have been conducted thus far that help derive attitudes towards sexual and gender minorities across Germany's 16 states:

- In 2015, the Change Centre Foundation carried out the "Queer Germany" (*Queeres Deutschland*) survey via online interviews with over 2 000 respondents aged 18 and older about their views related to non-heterosexuals.[9]
- In 2018, the Institute for Applied Social Science (*Institut für angewandte Sozialwissenschaft*) conducted the "Diversity Barometer" (*Vielfaltsbarometer*) survey with support from the Robert Bosch Foundation among over 3 000 respondents aged 16 and older.[10]

This subsection focuses on results from the German Diversity Barometer because, on top of relying on a larger and more recent sample, it measures opinions and behaviour towards a variety of socio-demographic groups, including both non-heterosexuals and non-cisgender individuals.

Regarding attitudes towards non-heterosexuals, the Diversity Barometer asked respondents to rate the following statements:

- "It is disgusting when homosexuals kiss in public" (*Es ist ekelhaft, wenn Homosexuelle sich in der Öffentlichkeit küssen*);
- "The fact that homosexuals could raise their own children is simply unthinkable" (*Homosexuelle und eigene Kinder – das passt einfach nicht zusammen*).

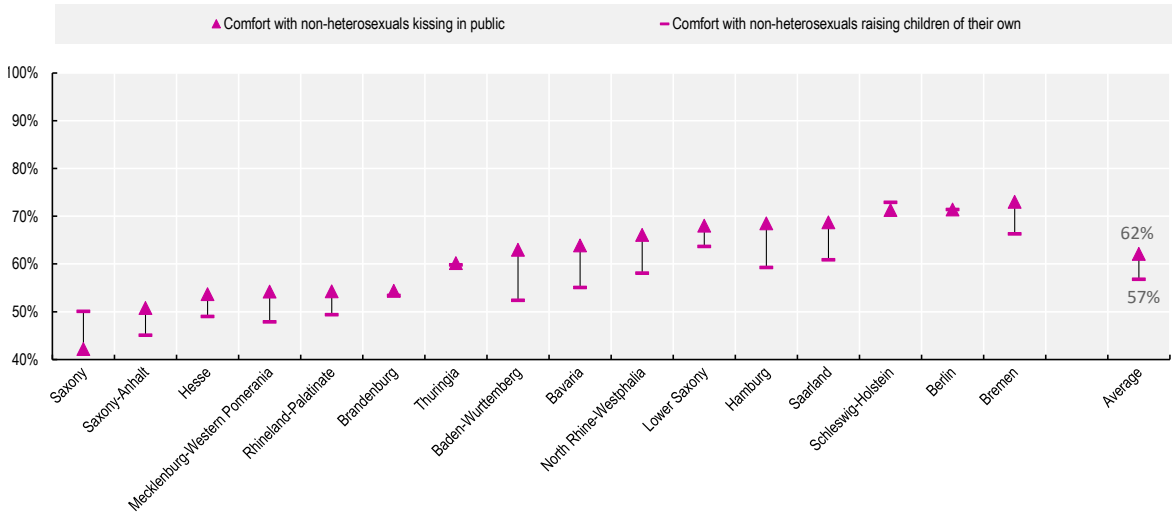
Regarding attitudes towards non-cisgender individuals, the Diversity Barometer asked respondents to react to the following statements:

- "Changing one's gender is against Nature" (*Das Geschlecht zu ändern ist wider die Natur*);
- "Transsexual people should stay among themselves" (*Transsexuelle Menschen sollten unter sich bleiben*).

The level of social acceptance of these LGBTI+ subgroups is represented by the proportion of respondents who answered "strongly disagree" (*stimmt gar nicht*) to the aforementioned statements (Figure 2.6 and Figure 2.7). Rates of acceptance across Germany were slightly higher on average for non-cisgender individuals (64%) than they were for non-heterosexuals (60%), though this may be attributed to differences in language and style among questions for respective subgroups, and the sentiments they may evoke in turn.

Figure 2.6. Comfort with non-heterosexuals is the lowest in Saxony and the highest in Berlin

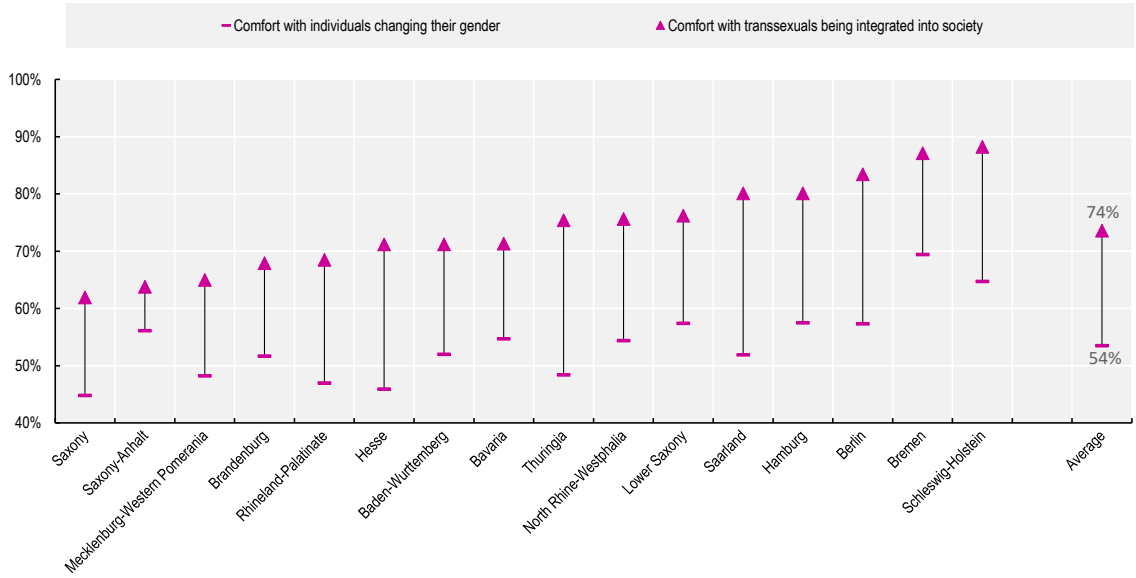
Share of respondents who strongly disagree with negative statements on non-heterosexual individuals in the 16 German states, based on the 2018 German Diversity Barometer



Note: This figure is based on the 2018 German Diversity Barometer that was conducted entirely online, with over 3 000 respondents aged 16 and older. The share of respondents who strongly disagree with negative statements on non-heterosexual individuals is computed as the average of the share of respondents who answered "strongly disagree" to the following two statements: "It is disgusting when homosexuals kiss in public"; "The fact that homosexuals could raise their own children is simply unthinkable".
Source: (Robert Bosch Foundation, 2019[26]).

Figure 2.7. Comfort with non-cisgender individuals is the lowest in Saxony and the highest in Bremen

Share of respondents who strongly disagree with negative statements on non-cisgender individuals in the 16 German states, based on the 2018 German Diversity Barometer



Note: This figure is based on the 2018 German Diversity Barometer that was conducted entirely online, with over 3 000 respondents aged 16 and older. The share of respondents who strongly disagree with negative statements on non-cisgender individuals is computed as the average of the share of respondents who answered "strongly disagree" to the following two statements: "Changing one's gender is against nature"; "Transsexual people should stay among themselves".
Source: (Robert Bosch Foundation, 2019[26]).

A closer look at the data sheds light on regional disparities with respect to social acceptance of LGBTI+ individuals. These disparities point to a west-east divide. Levels of acceptance towards non-heterosexuals across states of former West Germany are 7 percentage points higher than those across states of former East Germany. The trend persists for non-cisgender individuals who are shown to experience 5 percentage points more social acceptance across states of former West Germany (Table 2.2).

Table 2.2. Social acceptance of LGBTI+ people is highest in the states that once made up West Germany

Share of respondents who strongly disagree with negative statements on non-heterosexual and non-cisgender individuals, by geographic area in Germany (2018 German Diversity Barometer)

	Social acceptance of non-heterosexual people	Social acceptance of non-cisgender people
East German average	55%	61%
West German average	62%	66%

Note: This figure is based on the 2018 German Diversity Barometer that was conducted entirely online, with over 3 000 respondents aged 16 and older. The share of respondents who strongly disagree with negative statements on non-heterosexual individuals is computed as the average of the share of respondents who answered "strongly disagree" to the following two statements: "It is disgusting when homosexuals kiss in public"; "The fact that homosexuals could raise their own children is simply unthinkable". The share of respondents who strongly disagree with negative statements on non-cisgender individuals is computed as the average of the share of respondents who answered "strongly disagree" to the following two statements: "Changing one's gender is against nature"; "Transsexual people should stay among themselves".
Source: (Robert Bosch Foundation, 2019[26]).

2.3.2. Perception of discrimination and experience of violence self-reported by LGBTI+ individuals in Germany

Acceptance of LGBTI+ people in Germany remains limited, which puts sexual and gender minorities at risk of discrimination and violence. Against this backdrop, this section investigates the perception of discrimination and experience of violence self-reported by LGBTI+ individuals based on two surveys conducted by the European Union Agency for Fundamental Rights (FRA):

- The first survey was disseminated online in 2012, and collected anonymous data from over 93 000 respondents aged 18 and older who self-identified as LGBT across the EU.[11]
- The second survey was conducted in 2019, again anonymously and online, among 140 000 respondents aged 15 and older across the EU. This second round also included respondents who self-identified as intersex.[12]

Perception of discrimination by LGBTI+ individuals in Germany

In both rounds of the FRA-LGBT(I) survey, respondents were asked whether they felt personally discriminated against over the last 12 months on the basis of their sexual orientation or gender identity in a variety of situations, such as "when looking for a job": 11 situations were listed in 2012, against 8 in 2019.[13] Compared to the 2012 round, the 2019 round does not cover experiences of discrimination in a bank or insurance company, or at a sport or fitness club. Moreover, in the 2019 data, experiences of discrimination when interacting with health care or social services personnel are grouped together, while they are singled out in the 2012 data.

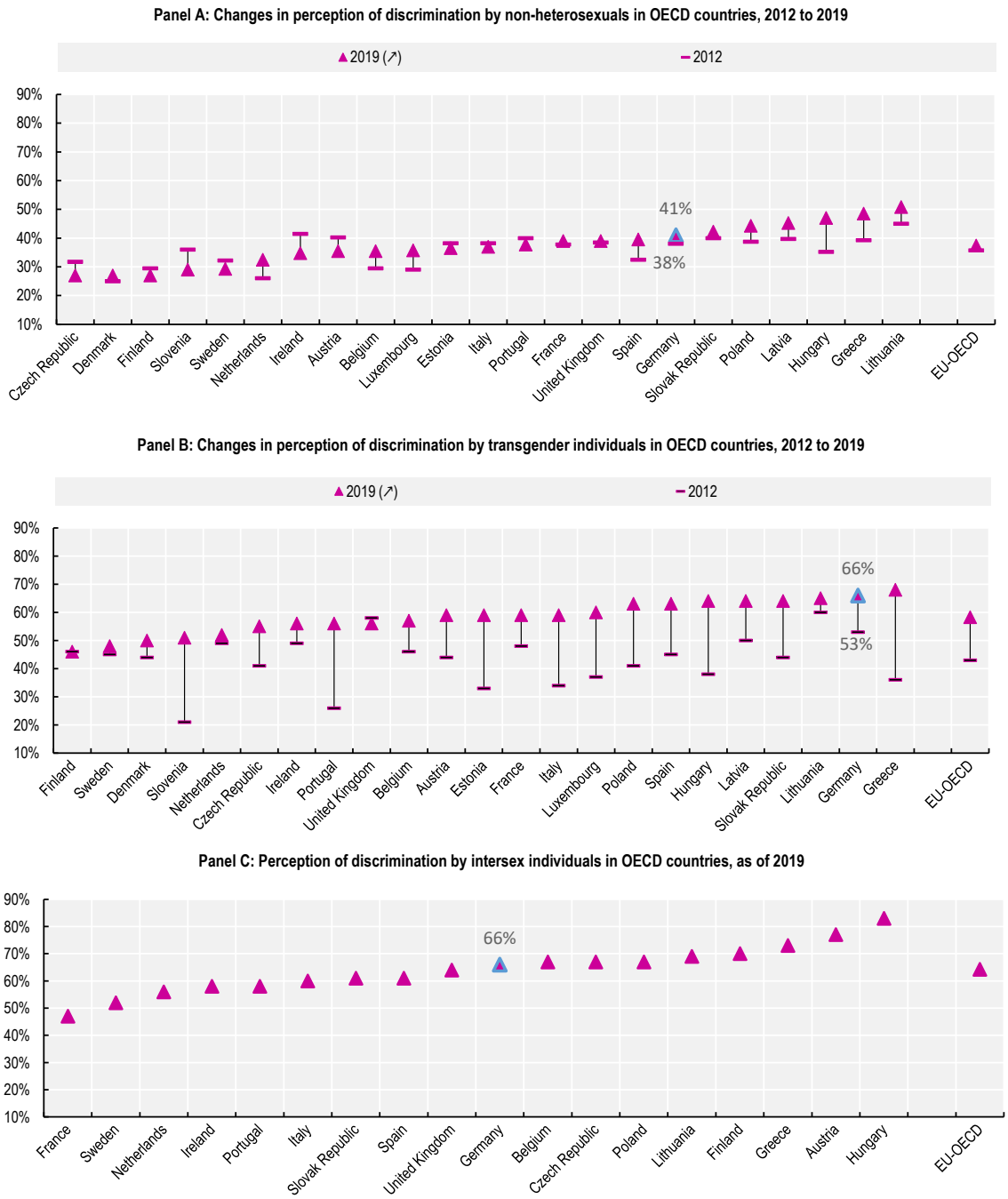
Figure 2.8 presents the share of LGBTI+ respondents who reported having personally felt discriminated against during the 12 months prior to the survey in any (i.e. at least one) of the listed situations, in 2012 and in 2019. On average, more than half (58%) of LGBTI respondents reported feeling discriminated against in Germany in 2019, which is slightly more than the EU-OECD average (53%). Consistent with the fact that transgender and intersex people face lower social acceptance than LGB people, this group reports significantly higher levels of discrimination in all EU-OECD countries. In Germany for instance, 66% of transgender and intersex Germans feel discriminated against as compared to 41% among LGBs.

While the increase in social acceptance of LGBTI+ individuals documented in Section 2.3.1 portended a decrease in the perception of discrimination among this population, this perception stagnates among LGBs (Panel A of Figure 2.8) and strongly increases among transgender individuals (Panel B of Figure 2.8). In Germany, the share of LGBTI+ individuals reporting discrimination was nearly 10 percentage points lower in 2012 than in 2019. This pattern emerges despite the fact that the question measuring perception of discrimination covers fewer areas of life in 2019 (8) than in 2012 (11) − a methodological inconsistency that runs *against* finding a worsening in levels of perceived discrimination. Yet, rather than an increase in discriminatory acts against LGBTI+ individuals (that would be difficult to reconcile with greater acceptance of this population), this result suggests lower reluctance of sexual and gender minorities to report the unfair treatment they are subject to.

A closer look at the eight scenarios used in 2019 highlights that the perception of discrimination among LGBTI Germans is particularly high in health care, educational and labour market settings. The share of LGBTI Germans who report having felt discriminated against in the past 12 months is equal to 19% when interacting with school/university personnel, 17% when looking for a job or at work, and 18% when dealing with health care or social services personnel. Similarly, everyday discrimination in public is frequent, with for instance 21% of LGBTI Germans reporting discrimination at a cafe, restaurant, bar or nightclub. By contrast, sexual and gender minorities in Germany experience discrimination less often on the housing market (13%), or when dealing with the public administration or authorities, at least during check of ID or of any official document that identifies the holder's sex (6%) (FRA, 2012[27]; FRA, 2020[28]).

Figure 2.8. A majority of LGBTI respondents reported feeling discriminated against in Germany as of 2019

Levels of and trends in perception of discrimination by LGBTI individuals



Note: This figure relies on the FRA-LGBT survey (2012) and on the FRA-LGBTI survey (2019). The 2012 survey included over 93 000 respondents aged 18 and older who identify as lesbian, gay, bisexual or transgender in the EU. The 2019 survey included over 139 000 respondents aged 15 and older who identify as lesbian, gay, bisexual, transgender or intersex. The sample of intersex individuals in 2019 was insufficient (<20 cases) in Denmark, Estonia, Latvia and Luxembourg and, as such, results were suppressed. (↗) in the legend relates to the variable for which countries are ranked from left to right in increasing order. The result according to which a majority (58%) of LGBTI respondents reported feeling discriminated against in Germany in 2019 derives from an unweighted average of the mean values in Panels A, B and C.
Source: (FRA, 2012[27]; FRA, 2020[28]).

Self-reported experience of violence by LGBTI+ individuals in Germany

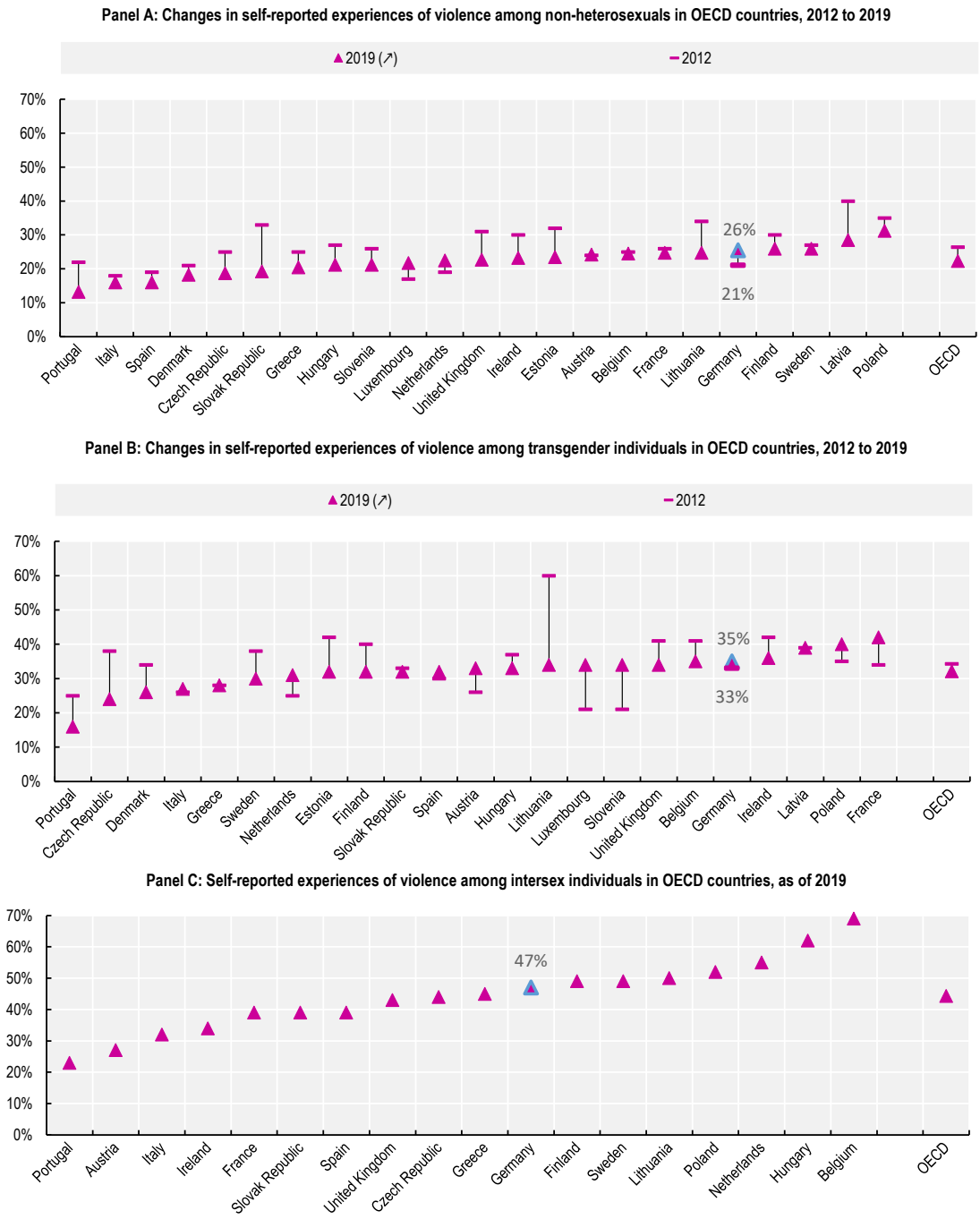
The FRA-LGBT(I) surveys provide respondents with the opportunity to report experiences of violence, by asking them whether they were physically or sexually attacked or threatened with violence in the past five years (Figure 2.9).[14] On average, a little more than one-third (36%) of LGBTI respondents report experiences of violence in Germany in 2019, which, as it was already the case for the perception of discrimination, is slightly higher than the EU-OECD average (33%).

Again, consistent with the fact that transgender and intersex people face lower social acceptance than LGB people, this group reports greater exposure to violence in all EU-OECD countries. In Germany for instance, 41% of transgender and intersex Germans were physically or sexually attacked or threatened with violence in the past five years, as compared to 26% among LGBs.

Concerning trends, self-reported experience of violence by sexual and gender minorities has generally improved between 2012 and 2019, although not in Germany. Germany is among the few OECD countries where accounts of violence has increased rather than decreased.

Figure 2.9. A little more than one-third of LGBTI respondents report experiences of violence in Germany as of 2019

Levels of and trends in experiences of violence self-reported by LGBTI individuals



Note: This figure relies on the FRA-LGBT survey (2012) and on the FRA-LGBTI survey (2019). The 2012 survey included over 93 000 respondents aged 18 and older who identify as lesbian, gay, bisexual or transgender in the EU. The 2019 survey included over 139 000 respondents aged 15 and older who identify as lesbian, gay, bisexual, transgender or intersex. The sample of intersex individuals in 2019 was insufficient (<20 cases) in Denmark, Estonia, Latvia and Luxembourg and, as such, results were suppressed. (↗) in the legend relates to the variable for which countries are ranked from left to right in increasing order. The result according to which a little more than one-third (36%) of LGBTI respondents report experiences of violence in Germany in 2019 derives from an unweighted average of the mean values in Panels A, B and C.
Source: (FRA, 2012[27]; FRA, 2020[28]).

2.3.3. Objective measures of anti-LGBTI+ discrimination and violence in Germany

Social acceptance of LGBTI+ people in Germany remains limited while perception of discrimination and self-reported experiences of violence among the LGBTI+ population is high. This section explores whether these attitudinal measures are corroborated through more objective data.

Anti-LGBTI+ discrimination

In Germany, like in other countries, objective measures of anti-LGBTI+ discrimination mainly derive from labour market data, based on nationally representative surveys and field experiments. Both types of evidence exist in Germany, and suggest that LGBTI+ Germans do face significant discrimination.

Nationally representative surveys

Since the introduction in 2016 of a self-identification question on sexual orientation in the German Socio-Economic Panel (SOEP) (Box 2.1), the German Institute for Economic Research (*Deutsches Institut für Wirtschaftsforschung − DIW*) has performed several comparisons of labour market outcomes of LGBTI+ and non-LGBTI+ individuals (De Vries et al., 2020[10]; Kroh et al., 2017[12]).[15] These analyses reveal significant unexplained gaps, reflecting an OECD-wide trend (OECD, 2019[5]): LGBTI+ Germans suffer from a substantial disadvantage relative to non-LGBTI+ Germans in terms of labour market outcomes even when the effect of potential differences in observable characteristics across these two groups is neutralised, e.g. differences in age, education, occupation, type of work contract (full-time, part-time, etc.), sector, etc. More precisely:

- Although LGBTI+ and non-LGBTI+ Germans show similar employment rates, LGBTI+ Germans have a 30% higher risk to be engaged in precarious work, e.g. “mini-jobs”, a term coined in Germany to describe a form of marginal employment that is generally characterised as part-time with a low wage (EUR 450 per month or less).
- Even holding the type of work contract constant, LGBTI+ Germans are characterised by lower labour earnings: the average hourly wage is equal to 18.14 euros for heterosexual men, while it is nearly 15% lower for homosexual and bisexual men. Moreover, homosexual and bisexual women show the same hourly wage as heterosexual women while they would be expected to earn more all other things held constant due to an often lower unpaid work burden. Indeed, women in different-sex couples devote considerably more time to childcare than their partner, while family responsibilities are fewer for homosexual and bisexual women: the latter are not only less likely to live with a partner or have children, they are also more likely to share paid and unpaid work equally with their same-sex partner when cohabiting, in a registered partnership, or married (Valfort, 2017[29]). As an illustration, the proportion of dual-income households in Germany is substantially higher among same-sex couples (67%) than among different-sex couples (54%) (Kroh et al., 2017[12]).

Yet, these estimates may constitute a lower bound of the penalty sexual and gender minorities face. Evidence shows that better educated individuals are overrepresented among respondents ready to provide anonymous information about private characteristics, such as their sexual orientation, as part of a census or a survey conducted by the national statistics office, if that could help to combat discrimination in their country (European Commission, 2019[25]). Against this backdrop, LGBTI+ people who disclose their sexual orientation and/or gender identity in surveys are likely not representative of the LGBTI+ population as a whole). Consistent with this surmise, Germans who self-identify as LGBTI+ in the SOEP show higher educational attainment than their non-LGBTI counterparts: 47% of LGBs report having university entrance qualifications, compared to 36% of heterosexuals (Kroh et al., 2017[12]). Similar results are obtained when non-cisgender individuals are included in the sample (De Vries et al., 2020[10]): the share of LGBTI+ individuals with a technical or upper secondary degree (60%) is considerably higher than for the rest of the

German population (42%), a result that has been repeatedly confirmed in other OECD countries (Valfort, 2017[29]). This education premium for sexual and gender minorities is at odds with extensive evidence showing that LGBTI+-phobic bullying at school is a widespread phenomenon that undermines the educational attainment of students perceived as LGBTI+ (OECD, 2020[3]). As such, it suggests that comparisons of labour market outcomes of LGBTI+ and non-LGBTI+ Germans flowing from supposedly nationally representative surveys suffer from a strong selection bias that understates the disadvantage suffered by LGBTI+ individuals.[16]

Field experiments

The fact that survey-based evidence points to a labour market penalty for LGBTI+ people is not sufficient to conclude that sexual and gender minorities are discriminated against. This penalty can indeed flow from mechanisms that have nothing to do with discrimination. Such would be differences in unobserved characteristics between LGBTI+ individuals and the rest of the population, for instance as regards mental health (an issue addressed in Section 2.4).

To better measure anti-LGBTI+ discrimination, field experiments are key. In the labour market, these experiments mainly take the form of "correspondence studies", or studies in which resumes for fictitious candidates identical in every respect save their sexual orientation or gender identity are submitted to real job postings. Any difference in the rate at which fictitious LGBTI+ and non-LGBTI+ candidates are invited to the job interview by employers (called « the callback ») is interpreted as evidence of discrimination based on sexual orientation or gender identity.

Thus far, two correspondence studies have been conducted in Germany to investigate hiring discrimination against LGBTI+ applicants. The first focuses on discrimination based on sexual orientation against female candidates who apply as secretaries, clerical assistants or accountants in a wide range of sectors in Munich and in Berlin, two German cities characterised by significantly different levels of acceptance of LGBTI+ individuals (Weichselbaumer, 2014[30]).[17] This field experiment that took place in 2012 relied on the two main methodological approaches to imply the applicant's sexual orientation through correspondence:

- Approach 1 deployed resumes which differed in terms job history, without compromising levels of job experience. Lesbian candidates included volunteer engagement or work experience in an obviously LGBTI+ organisation, whereas heterosexual candidates stated neutral organisations that did not allude to sexual orientation. For example, where a lesbian resume indicated "bookkeeping at the Lesbian and Gay Association of Germany (*Lesben- und Schwulenverband in Deutschland, LSVD*)", the heterosexual resume indicated "bookkeeping in a non-profit cultural centre";
- Approach 2 highlighted the gender of the candidate's partner, a strategy feasible in countries like Germany where it is common to specify the partner's first and last name on a CV. For example, under the "family status" section of her CV, the lesbian applicant mentions "in a registered partnership with Katharina Krause", while the heterosexual applicant indicates "married to Andreas Krause".

Consistent with social acceptance of LGBTI+ individuals being higher in Berlin than in Bavaria, Weichselbaumer's field experiment reveals that lesbian applicants are significantly discriminated against in Munich, but not in Berlin. In Munich, straight female candidates are between 20% (approach 2) and 30% (approach 1) more likely to be invited to a job interview by prospective employers (Weichselbaumer, 2015[31]). This finding is similar to the average result found in other OECD countries when relying on the same methodological approaches (OECD, 2019[5]), noting that field experiments in these countries also point to high levels of hiring discrimination against gay men: on average, male homosexual applicants are 50% less likely than their heterosexual counterparts to be called back by the employer.

The second correspondence study in Germany concentrates on discrimination based on gender identity against male-born candidates who apply for dramaturgical internships in German-speaking theatres across

the country (Gerhards, Sawert and Tuppat, 2021[32]). This field experiment that took place in 2019 relied on three main methodological approaches to suggest the applicant's non-cisgender identity through correspondence:

- Approach 1 deployed resumes which indicated a typically female first name in quotation marks (i.e. "Gloria") alongside the male first name assigned at birth, so as to signal a transgender applicant;
- Approach 2 explicitly indicated "transgender", as opposed to "male", in the gender section of the resumé;
- Approach 3 deployed resumes whose only difference was the name of the theatre company wherein the candidate gained previous experience. For example, the transgender applicant indicated an internship with a "queer youth theatre group", whereas the cisgender applicant indicated an internship at a "youth theatre group".

Contrary to the Weichselbaumer field experiment, this study revealed no hiring discrimination against the male-to-female transgender applicant: the latter shows the same probability of being invited for an interview with the prospective theatre company as the male cisgender applicant (Gerhards, Sawert and Tuppat, 2021[32]). Yet, this study is limited by the fact that it focuses on a single sector, i.e. the field of art and entertainment. Not only is this field typically characterised by open-mindedness towards minorities, but it also is known to employ LGBTI+ individuals in large numbers (OECD, 2021[6]). By contrast, field experiments conducted in other OECD countries across a wider range of sectors point to significant hiring discrimination against transgender applicants – see (Bardales, 2013[33]) in the US and (Granberg, Andersson and Ahmed, 2020[34]) in Sweden.

Although these experimental results may be considered limited to LGBTI+ applicants who are open about their sexual and gender identities through the hiring process, they nonetheless convey valid findings that apply to LGBTI+ individuals who may be perceived as such despite being less forthcoming about their personal lives. Evidence exists to suggest that homosexual males are significantly more likely to be categorised as such by unknown, external observers (Rule and Ambady, 2008[35]). Similarly, a transgender identity may be detectable, even if it is not verbally disclosed. For instance, transgender Germans report expressing their gender through physical appearance in greater numbers compared to the EU-OECD average: 55% of trans women and 71% of trans men express their identities openly through their physical appearance in Germany, compared to 48% of trans women and 58% of trans men in the EU-OECD (FRA, 2020[28]).[18] Even where gender expression is ambiguous, it can be revealed during the first job interview when recruiters consult identity documents or diplomas for transgender candidates who have not yet undertaken the legal process to change their gender marker.

It is worth stressing that correspondence studies likely understate the extent of hiring discrimination against LGBTI+ job candidates since they do not perform a follow-up analysis on job interview outcomes. For example, a significant number of field experiments related to racial and ethnic discrimination in the hiring process combine correspondence studies with audit studies, where actors who embody the fictitious applicants are sent to job interviews. Available evidence from all such studies reveals considerable second-stage discrimination: in addition to receiving 53% more callbacks, candidates who embody the racial or ethnic majority continue through the hiring process to receive 145% more job offers than comparable minority applicants (Quillian, Lee and Oliver, 2020[36]).

Anti-LGBTI+ Violence

Administrative data from German police reveal significant violence against LGBTI+ individuals (Box 2.3). In 2020, violent hate crimes motivated by the presumed sexual orientation of the victim accounted for more than 10% of all violent politically motivated crimes. This figure is over ten times higher than it was two decades ago, when their share constituted less than 1%, presumably due to massive underreporting (BMI,

2021[37]). When the gender identity of the victim is taken into account (an information introduced in 2020), this share rises above 15%.

Yet, it is well known that administrative police data underestimates actual violence against sexual and gender minorities due to widespread underreporting (Palmer and Kutateladze, 2021[38]; Pezzella and Fetzer, 2021[39]). Indeed, when thinking about the last incident of hate-motivated physical or sexual attack they underwent, only 13% of LGBTI+ Germans said having reported it to the police, according to the 2019 FRA-LGBTI survey (FRA, 2020[40]).

Box 2.3. Data on violent politically motivated hate crimes in Germany

Violent politically motivated hate crimes are a subcategory of "politically motivated crimes".

They are characterised by serious criminal offences – such as murder, dangerous and grievous bodily harm, rape and sexual assault – that, "in consideration of the circumstances of the offence and/or the attitude of the perpetrator", are committed "on the basis of prejudices of the perpetrator with regard to nationality, ethnicity, skin colour, religious affiliation, social status, physical and/or mental disability or impairment, gender/sexual identity, sexual orientation or physical appearance" of the victim.

Once reported to police, statistics on violent politically motivated hate crimes are maintained by the Criminal Police Reporting Service (*Kriminalpolizeilicher Meldedienst* − KPMD). The KPMD compiles data on all politically motivated crimes that are recorded by the Criminal Police Offices at the state level (*Landeskriminalamt* − *LKA*) and at the federal level (*Bundeskriminalamt* − *BKA*).

Source: (BMI and BMJ, 2021[41])

2.4. How do LGBTI+ Germans fare in terms of well-being?

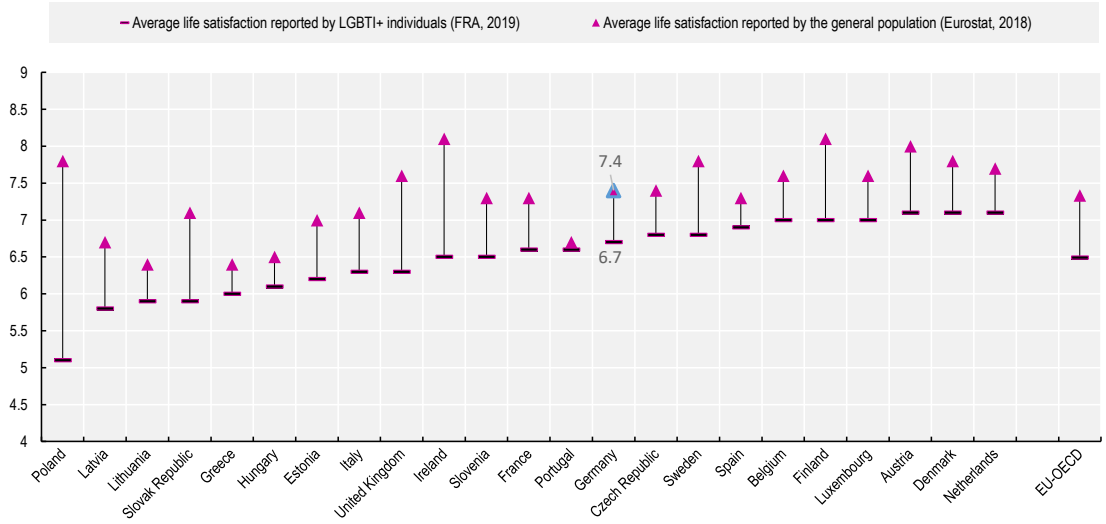
In comparison to heterosexual and cisgender individuals, LGBTI+ peoples' disproportionately high exposure to discrimination and violence risks reducing their overall well-being (Flores, 2019[18]; OECD, 2019[5]). This section begins by analysing the overall life satisfaction of LGBTI+ individuals as compared to the general population in OECD countries for which data exist (Section 2.4.1). It then focuses on differences in health outcomes, both with respect to mental health and physical health (Section 2.4.2).

2.4.1. LGBTI+ Germans' life satisfaction

LGBTI+ individuals experience lower rates of subjective life satisfaction than their non-LGBTI+ counterparts across the EU (Figure 2.10). Germany is no exception. When asked to report on a scale from 0 "not at all satisfied" to 10 "completely satisfied" how satisfied they are with their life, LGBTI+ individuals respond 6.7 as compared to 7.4 in the general population. This gap is similar to that observed on average across EU-OECD countries. This observation is consistent with SOEP data from 2016 which indicate lower life satisfaction among non-heterosexual than among heterosexual respondents (7 vs 7.4), though data from that year exclude non-cisgender individuals (Kroh et al., 2017[12]).[19]

Figure 2.10. The life satisfaction of LGBTI+ Germans is 10% lower than among the general population

Comparison of subjective life satisfaction between the general population and LGBTI+ individuals in OECD countries in the late 2010s



Note: This figure relies on the 2019 FRA-LGBTI survey for data on LGBTI+ individuals and on the 2018 Eurostat Statistics on Income and Living Conditions (EU-SILC) module on material deprivation, well-being and housing difficulties for the general population. In the 2019 FRA-LGBTI survey, respondents aged 15 and older were asked, via an anonymous online questionnaire, "All things considered, how satisfied would you say you are with your life these days? Please answer using a scale, where 0 means very dissatisfied and 10 means very satisfied". In the 2018 EU-SILC, respondents aged 16 and older were asked, via personal interview, to rate "Overall life satisfaction, from 0 (Not at all satisfied) to 10 (Completely satisfied)" (European Commission, 2017[42]).
Source: (OECD, 2020[43]; FRA, 2020[28]).

2.4.2. LGBTI+ Germans' health

LGBTI+ people's strong exposure to discrimination and violence should not only undermine their life satisfaction, but also their mental and physical health. Stigma (i.e. the fact that sexual and gender minorities live in social environments that largely view heterosexual and cisgender identity as the only way of being normal) is known to generate anxiety, depression, as well as suicide ideation and attempt (Meyer, 2003[44]; Perales and Todd, 2018[45]). Lower mental health in turn has the potential to impair LGBTI+ people's physical health by providing a fertile ground to other pathologies, such as cardiovascular diseases.

Consistent with results obtained OECD-wide (OECD, 2019[5]; Pöge et al., 2020[46]), SOEP data confirm that LGBTI+ Germans are characterised by worse health outcomes than the rest of the German population, which translates into them being twice as likely as their non-LGBTI+ counterparts to have taken over six weeks of sick leave from work in 2019 (8% vs 4%) (Kasprowski et al., 2021[4]). More precisely, in terms of mental health (Figure 2.11):

- LGBTI+ Germans are 2.6 times more likely to have ever been diagnosed with a depressive disorder compared to heterosexual cisgender Germans (26% vs 10%). This finding is consistent with results from SOEP data collected in 2016 which show that LGBs were 2.2 times more likely than their non-LGB counterparts to report diagnosis of a depressive disorder (Kroh et al., 2017[12]).
- In addition to increased feelings of "diminished interest", "feeling down", "nervousness" and "incessant worrying" indicative of depressive disorders, German LGBTI+ individuals are also 1.9 times more likely to have ever been diagnosed with a sleeping disorder (15% vs 8%), and 2.3 times more likely to have ever been diagnosed with occupational burnout (9% vs 4%) compared to non-LGBTI+ Germans.

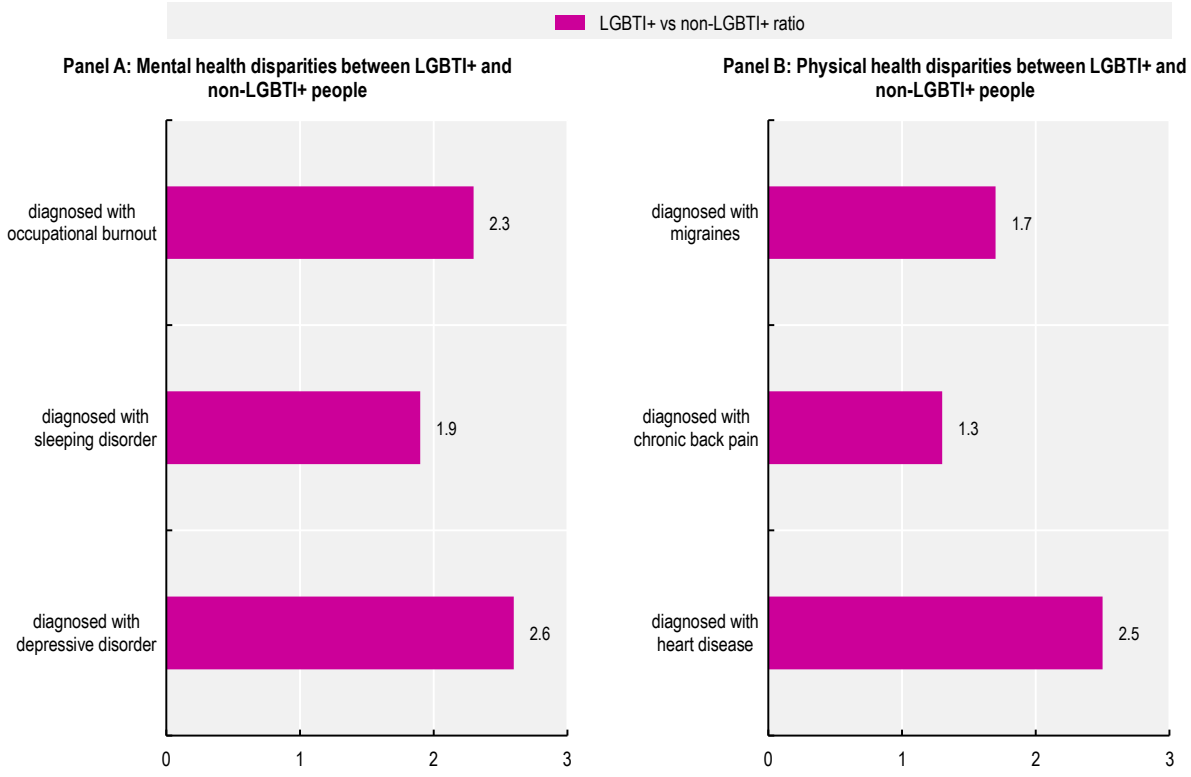
A closer look at the data reveals staggering in-group differences. For example, 39% of transgender respondents report having ever been diagnosed with an anxiety disorder compared to 9% of cisgender LGBs. Transgender Germans are also nearly three times more likely to have ever been diagnosed with an eating disorder than are LGBs (12% vs 4.5%) (Kasprowski et al., 2021[4]).

In terms of physical health, LGBTI+ individuals in Germany are twice less likely to have never been diagnosed with any physical health condition relative to non-LGBTI+ individuals (26% vs 42%). Notably (Figure 2.11):

- LGBTI+ Germans are 2.5 times more likely to have been diagnosed with a heart disease, such as heart failure or cardiac insufficiency (10% vs 4%);
- They are 1.3 times more likely to have been diagnosed with chronic back pain (16% vs 12%);
- 12% of LGBTI+ Germans have been diagnosed with migraines compared to 7% of non-LGBTI+ individuals.

Figure 2.11. LGBTI+ Germans suffer from mental and physical health issues in far greater numbers than non-LGBTI+ Germans

Mental and physical health disparities between LGBTI+ and non-LGBTI+ people, based on SOEP-2016 and SOEP-LGB 2019 and LGBielefeld Project 2019



Note: This figure relies on data from SOEP 2016 and SOEP-LGB 2019 (Box 2.1), as well as on the LGBielefeld Project 2019. The latter initiative collects data on sexual orientation and gender identity through an online survey administered by the Faculty of Sociology at the Bielefeld University in Berlin, noting that the LGBielefeld questionnaire largely corresponds to SOEP questions, thereby allowing for data to be analysed in combination. A ratio equal to one indicates no difference in the probability of various health conditions between LGBTI+ and non-LGBTI+ individuals. These ratios are age-adjusted, meaning that they are computed after having neutralised the effect of differences in age between LGBTI+ and non-LGBTI+ individuals. These ratios are all statistically significant at the 0.1 percent level, meaning that the probability of a false positive, at least when differences in age are neutralised, is very low.
Source: (Kasprowski et al., 2021[4]).

Complementary evidence confirms that rather than an innate predisposition to such medical conditions, disparities in mental and physical health endured by the LGBTI+ population is linked to their chronic exposure to stigmatisation, discrimination and violence. Notably, a rapidly growing literature is providing compelling evidence that stigma does cause LGBT people's worse mental health. In the United States for instance, the reduction in the number of suicide attempts between LGB and heterosexual youth was substantially higher in states that had adopted same-sex marriage before its legalisation by the Supreme Court in 2015, than in others – a trend that was not apparent before the implementation of this inclusive policy (Raifman et al., 2017[47]). Consistent with the fact that LGBTI people's stigmatisation is at the root of their lower mental health, LGBTI+ Germans are twice as likely as their non-LGBTI+ counterparts to report having felt (very) often "socially isolated" (10% vs 5%). They are also three times as likely to report having felt (very) often "left out" (15% vs 5%) (Kasprowski et al., 2021[4]).

Importantly, the data presented in this section reflects the situation of Germans *before* the coronavirus pandemic. Several studies aimed at evaluating changes in the mental health status of the German population during the pandemic confirm a significant increase in depressive symptoms, citing that individuals with pre-existing depressive disorders are particularly at risk of worsening symptoms (Moradian et al., 2021[48]; Armbruster and Klotzbücher, 2020[49]). Unsurprisingly, complementary findings show that LGBTI+ individuals are among groups that have been hit the hardest (Box 2.4). Contact regulation during the pandemic was often restricted to biological families while LGBTI+ individuals disproportionately rely on elective families. As such, social distance and lockdowns have led to isolation from friends and acquaintances or to forced proximity with unaccepting family members. Moreover, LGBTI+ individuals have been particularly affected by the loss of various meeting places such as associations or clubs, which represent an important infrastructure in which contacts are made and counselling is offered.

Box 2.4. The COVID-19 pandemic has disproportionately impacted LGBTI+ people in Germany

In March 2020, Germany implemented its first series of infection containment measures, including home confinement across German federal states.

Community-based reports

Pandemic containment measures often restricted individuals to their biological families, failing to recognise that LGBTI+ individuals disproportionately rely on their friends as elective families. Social distancing measures and lockdowns have, in some cases, led to forced proximity with potentially unaccepting family members, exposing LGBTI+ individuals to increased discrimination and family violence, or to isolation in an effort to avoid these.

This has only been aggravated by intermittent or permanent closure of LGBTI+-friendly and LGBTI+-specific associations, clubs, grassroots organisations and NGOs. COVID-19 has shrunk important infrastructure, not only in terms of networking, socializing, and advocacy, but also in terms of essential service provision, such as counselling, peer support groups, and other important resources in the form of housing, employment, health and legal services. Overall, initial studies indicate that LGBTI+ individuals are among groups that have been hit the hardest by the pandemic as a result of narrowing resource constellations. While many such services and supports are now available remotely, via telephone or internet, accessibility may be compromised by privacy concerns, especially in situations of co-habitation where individuals may not be living openly.

In terms of employment, LGBTI+ people working in sectors heavily impacted by the pandemic – such as tourism, hospitality, arts and entertainment – are faced with added anxiety about finding new employment. Their increased exposure to discrimination in the labour market can make it that much

more difficult to find a new job. In addition, the fact that LGBTI+ people earn lower wages on average may lead to their having a smaller security net in times of economic precarity.

Non-cisgender individuals are especially at risk in terms of curbed service delivery and limited access to health care associated with recognition and expression of their gender identities. Legal services necessary to alter gender markers on official documents in Germany have been deemed non-essential and thus either ceased altogether or have been limited, creating delays and access issues for individuals seeking to legally affirm their gender identity. Lastly, limited access to health care professionals have compromised hormone therapies or gender-related surgeries that play a critical role in gender expression and self-affirmation.

Survey data

Currently, only one quantitative assessment of the differential impacts of the coronavirus pandemic on mental health between heterosexual, cisgender individuals and LGBTI+ people in Germany exists. The survey was disseminated online through adverts on social media platforms and anonymous data was collected between 20 April and 20 July 2020 among 2 332 respondents aged 18 and older. The study deployed the abridged, five-item well-being index developed by the World Health Organization (WHO-5) to assess mental health during the first wave of the pandemic.

In line with pre-pandemic data, the survey revealed lower rates of subjective well-being and higher rates of clinically significant depression among LGBTI+ respondents compared to non-LGBTI+ respondents. Data also point to in-group disparities, where cisgender bisexual, cisgender asexual and non-cisgender individuals appear to be the most impacted.

Source: (BMFSFJ, 2021[50]; OECD, 2021[6]; LSVD, 2021[51]; ILGA Europe, 2020[52]).

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Notes

[1] The Constitutions of Latvia, Hungary and the Slovak Republic were amended in 2006, 2012 and 2014 respectively to define marriage as the union between a man and a woman and, hence, constitutionally ban same-sex marriage. In Hungary, a bill was passed in 2020 that defines gender only based on sex assigned at birth, meaning that transgender individuals can no longer change their gender marker in the civil registry and on their identity documents. Moreover, in June 2021, Hungary passed a law prohibiting the showing of "any content portraying or promoting sex reassignment or homosexuality" to minors. In Poland, since 2019, more than 100 Polish municipal or local governments have proclaimed themselves to be "LGBT-free zones", i.e. ''free from LGBT ideology''. While their enforcement is ambiguous, these declarations have fed an atmosphere of hatred and violence against the LGBT population. In Türkiye, while the Istanbul Pride had been held annually since 2003, it was banned in 2015 over "security concerns" and hasn't resumed ever since.

[2] This population estimate is based on 2020 or most recent data compiled by the OECD and available here: https://data.oecd.org/pop/population.htm.

[3] Similar estimates of the share of LGBTI+ individuals can be derived from the GeSiD (Gesundheit und Sexualität) study, a nationally representative survey that was conducted between 2018 and 2019 among approximately 5 000 Germans aged 18 to 75 year (Briken et al., 2021[58]) (Muschalik et al., 2021[59]).

[4] For additional evidence on the benefits of using self-administered questionnaires to avoid unreliable responses to sensitive survey questions, see, among others, (Robertson et al., 2018[53]; Burkill et al., 2016[55]; Gnambs and Kaspar, 2014[56]; Liu and Wang, 2016[57]).

[5] For an enlightening case study on social acceptance and LGBTI+ self-identification, see (Miles-Johnson and Wang, 2018[54])

[6] Data remain unavailable for additional categories of sexual orientation and gender identity denoted by the "+" in the LGBTI+ acronym.

[7] Rates of social acceptance presented in this section consider the proportion of responses deemed "totally comfortable". Respondents are considered "totally comfortable" when they indicated comfort levels of "7 or higher" on the ten-point scale, for each of the hypothetical scenarios presented in the three questions in Table 2.1.

[8] More precisely, the 2019 update of the *LGBT Global Acceptance Index* (LGBT-GAI) established by Andrew Flores shows that acceptance of LGBT people improved between 1981 and 2017 across the globe, with only limited polarisation: while 131 of 174 countries experienced increases in acceptance, only 16 are characterised by a decline (27 experienced no change). However, it is important to keep in mind that these results mainly capture levels and trends in social acceptance of homosexuality. Although the LGBT-GAI seeks to measure acceptance of lesbian, gay, bisexual and transgender people altogether, only 7 of the 71 questions used to compute the index focus on acceptance of transgender individuals. Moreover, these questions are measured at only one point in time, which means that the evolution of the LGBT-GAI over time fails to capture potential improvement in attitudes towards transgender individuals.

[9] The Change Centre Foundation is an independent non-profit based in Meerbusch (North Rhine-Westphalia) that aims to promote science and research in the field of social change. In the original German, the survey was entitled *Queeres Deutschland. Zwischen Wertschätzung und Vorbehalten*.

[10] Data collection was carried out by INFAS (Institute for Applied Social Science – *Institut für angewandte Sozialwissenschaft*) in Bonn, and scientific support for the project was provided by Jacobs University Bremen. The results were published in 2019 by the Robert Bosch Foundation (*Robert Bosch Stiftung*), a charitable institution that conducts and finances social, cultural and scientific projects.

[11] The sample composition was as follows: 62% of respondents were gay men, 16% were lesbian women, 8% were bisexual men, 7% were bisexual women, and 7% were transgender. The data explorer is available at the following url: https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-fundamental-rights-lesbian-gay-bisexual-and.

[12] The sample composition was as follows: 42% gay males, 20% bisexual women, 16% lesbian women, 14% trans persons, 7% bisexual males and 1% intersex persons. The data explorer is available at the following url: https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer.

[13] In 2012, the share of LGBT individuals who report having personally felt discriminated against because of being LGBT during the last 12 months is equal to the percentage of LGBT individuals who respond "yes" to the following question: "During the last 12 months, have you personally felt discriminated against because of being L, G, B or T *in any of the following 11 situations?* (i) when looking for a job; (ii) at work; (iii) when looking for a house or apartment to rent or buy (by people working in a public or private housing agency, by a landlord); (iv) by health care personnel (e.g. a receptionist, nurse or doctor); (v) by social service personnel; (vi) by school/university personnel – this could have happened to you as a student or as a parent; (vii) at a cafe, restaurant, bar or nightclub; (viii) at a shop; (ix) in a bank or insurance company (by bank or company personnel); (x) at a sport or fitness club; (xi) when showing your ID or any official document that identifies your sex. In 2019, this share is equal to the percentage of LGBTI individuals who respond "yes" to the following question: "In the past 12 months have you personally felt discriminated against due to being LGBTI *in any of the following 8 areas of life?* (i) when looking for a job; (ii) at work; (iii) when looking for housing; (iv) by health care or social services personnel; (v) by school/university personnel; (vi) at a cafe, restaurant, bar or nightclub; (vii) at a shop; (viii) when showing your ID or any official document that identifies your sex."

[14] In 2012, the share of LGBT individuals who report experiences of violence during the last 5 years is equal to the percentage of LGBT individuals who respond "yes" to the following question: "In the last 5 years, have you been: physically/sexually attacked or threatened with violence at home or elsewhere (street, on public transport, at your workplace, etc) for any reason?". The data explorer is available at the following url: https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-fundamental-rights-lesbian-gay-bisexual-and. In 2019, the share of LGBTI individuals who report experiences of violence during the last 5 years is equal to the percentage of LGBTI individuals who report at least one incident for the following question: "In the last 5 years, how many times have you been physically or sexually attacked at home or elsewhere (street, on public transport, at your workplace, etc.) for any reason?". For 2019, a new question was added which asked about experiences of violence *due to being LGBTI*, though for consistency across reference periods, this question is not considered in this chapter. The data explorer is available at the following url: https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer.

[15] These analyses rely on SOEP 2016 and SOEP-LGB 2019 (Box 2.1), as well as on the LGBielefeld Project 2019. The latter initiative collects data on sexual orientation and gender identity through an online survey administered by the Faculty of Sociology at the Bielefeld University in Berlin, noting that the

LGBielefeld questionnaire largely corresponds to SOEP questions, thereby allowing for data to be analysed in combination.

[16] This selection bias seems less prevalent in the LGBT+ Pride 2021 Global Survey presented in Section 1.2, which is consistent with respondents being less reluctant to disclose who they are in surveys conducted by polling companies: LGBTI+ individuals are *less*, not more educated than non-LGBTI+ individuals in this survey.

[17] According to the 2018 Diversity Barometer, the rate of social acceptance of non-heterosexuals is more than 10 percentage points lower in Bavaria (whose capital city is Munich) than in Berlin (60% vs 71%). A similar result emerges regarding the rate of social acceptance of non-cisgender individuals: this rate is equal to 63% in Bavaria, but to 70% in Berlin.

[18] Both rounds of the FRA survey featured a number of transgender-specific questions. Data presented here stem from the 2019 round, for respondents who answered “never” when asked whether they avoided expression of their gender through physical appearance for fear of being assaulted, threatened or harassed”.

[19] Among respondents 18 and older via personal interview, the SOEP asked “How satisfied are you with your life, all things considered?” The answers are ratings on a scale of zero (completely dissatisfied) to ten (completely satisfied)”.

3 Legal achievements towards LGBTI+ equality in Germany

This chapter provides a comprehensive overview of the extent to which laws critical to achieve LGBTI+ equality have been passed in Germany, at both the federal and state levels. After clarifying what these laws are, the chapter investigates whether these laws are in force. It concludes by discussing how LGBTI+ equality in Germany could be further improved through legislation. This analysis reveals strong legal achievements towards LGBTI+ equality at the federal level, and more modest ones at the state level where little action has been taken to protect individuals, including sexual and gender minorities, against discrimination originating from state administration and authorities. That said, margins for improvement exist also at the federal level, for all categories of LGBTI+-inclusive laws.

3.1. Introduction and main findings

Consensual same-sex sexual acts have become legal in all OECD countries where they were formerly criminalised, as have sex-reassignment treatments and/or surgeries for transgender people. Nevertheless, as of 2019, only half of OECD countries have legalised same-sex marriage throughout their national territory and only a third allow for a change of gender on official documents to match gender identity without forcing the transgender person to undergo sterilisation, sex-reassignment surgery, hormonal therapy or a psychiatric diagnosis. Steps backward have also been witnessed. Some OECD countries have introduced a constitutional ban on same-sex marriage, and the very possibility of a person being legally recognised as transgender is questioned in some others. Finally, the rights of intersex people are by and large ignored (OECD, 2020[1]).

Chapter 3 provides a comprehensive overview of the extent to which laws critical to achieve LGBTI+ equality have been passed in Germany, at both the federal and state levels. After clarifying what these laws are, the chapter investigates whether these laws are in force. It concludes by discussing how LGBTI+ equality in Germany could be further improved through legislation.

Main findings

- Applying international human rights standards to LGBTI+ issues points to two broad categories of LGBTI+-inclusive laws:
  - General provisions that are relevant for the inclusion of lesbian, gay, bisexual, transgender and intersex people altogether: they entail protecting LGBTI+ individuals against discrimination and violence, and guaranteeing their civil liberties.
  - Group-specific provisions that seek to address the unique challenges faced by subgroups of the LGBTI+ population. These provisions can be further decomposed into LGB-specific and TI-specific provisions:
    - LGB-specific provisions aim to foster equal treatment of lesbians, gay men and bisexuals, relative to heterosexual individuals. They include equal treatment of same-sex and different-sex consensual sexual acts, legal recognition of same-sex partnerships, equal adoption rights, equal access to assisted reproductive technology, and ban on conversion therapies.
    - TI-specific provisions aim to foster equal treatment of transgender and intersex individuals, relative to cisgender and non-intersex individuals. They entail depathologising being transgender, i.e. not categorising being transgender as a mental illness in national clinical classification, permitting transgender people to change their gender marker in the civil registry, and not conditioning legal gender recognition on medical requirements. They also imply allowing a non-binary gender option in the civil registry and banning medically unnecessary sex-normalising interventions on intersex minors until they can provide informed consent.
- While legal achievements towards LGBTI+ equality have been substantial at the federal level, they remain modest at the state level.
  - Although all the aforementioned LGBTI+-inclusive laws fall, at least partly, under the purview of the German federal level, states can take an active part in fostering LGBTI+ equality through legislation in two ways: (i) by introducing legislative initiatives in the Bundesrat in order to trigger some of these laws at the federal level; (ii) by passing laws in their state parliament in order to protect LGBTI+ individuals against discrimination by state public entities.

- Germany shows high levels of legal LGBTI+ inclusivity, defined as the share of LGBTI+-inclusive laws that have been passed at the federal level among the aforementioned set of laws.
  - In 2019, Germany had walked more than two-thirds of the way towards full legal equality of LGBTI+ people, with a level of legal LGBTI+ inclusivity equal to 68% (as compared to 53% OECD-wide).
  - Legal LGBTI+ inclusivity is improving at a fast pace: it has increased nearly threefold between 1999 and 2019, and has again increased by 10 percentage points (or 15%) between 2019 and 2021, up to 78%.
  - While OECD countries are on average more active in passing general provisions than group-specific provisions, the opposite is the case for Germany. This pattern has been reinforced since 2019. Notably, Germany became in 2020 the first OECD country to implement a nationwide ban on conversion therapy on minors and unconsenting adults. Moreover, Germany became in 2021 the second OECD country to prohibit, throughout its national territory, medically unnecessary sex-normalising treatment or surgery on intersex minors until they can provide informed consent.
- Legal achievements towards LGBTI+ equality have been more modest at the state level.
  - A majority of German states either did not participate in launching any of the 10 legal initiatives (Lis) that were introduced since the early 2000s in the Bundesrat to foster LGBTI+ equality at the federal level, or contributed to launch only one of them.
  - With the exception of Berlin which passed an antidiscrimination law (*Landesantidiskriminierungsgesetz – LADG*) in 2020, no German state has taken significant action to protect individuals, including sexual and gender minorities, against discrimination originating from state administration and authorities, such as schools or the police.

- Legal achievements towards LGBTI+ equality are associated with greater acceptance of LGBTI+ individuals and with greater economic development.
  - These positive relationships have already been confirmed at the country level in the 2020 OECD report *Over the Rainbow? The Road to LGBTI Inclusion*.
  - Similar results hold at the German state level. For instance, states which were active in introducing LGBTI+-inclusive legislative initiatives in the Bundesrat are characterised by a level of social acceptance of LGBTI+ individuals that is 10% higher than in others (65% vs 59%); they are also characterised by a gross regional product (GRP) per capita that is more than EUR 2 600 larger than the average of other states.
- A number of legal next steps would help improve LGBTI+ equality in Germany.
  - At the federal level, margins for improvement exist for all categories of LGBTI+-inclusive laws, be they general, LGB-specific or TI-specific.
    - Regarding general provisions:
      - Sexual orientation is not part of the list of grounds that the *Basic Law* protects from discrimination (nor is gender identity or sex characteristics/intersex status, although the latter grounds are implicitly covered under the word “sex”). Following other OECD countries who ban discrimination explicitly based on sexual orientation in their national constitution, the federal government could consider proceeding to this change, which has been long advocated by various stakeholders.
      - Although the *General Equal Treatment Act* (*Allgemeines Gleichbehandlungsgesetz − AGG*) is supposed to protect individuals, including sexual and gender minorities,

against discrimination in employment relationships and in access to (and supply of) goods and services, this safeguard remains incomplete: religious exemptions to the law are allowed, and certain cases of private transactions lie outside the scope of the law, such as discrimination by landlords if they rent out less than 50 flats. Closing these legal loopholes is important to secure the rights of LGBTI+ individuals.

- Regarding LGB-specific provisions, Germany could consider granting automatic co-parent recognition to lesbian couples who rely on assisted reproductive technology.
- Regarding TI-specific provisions, full depathologisation of being transgender implies basing legal gender recognition on self-determination rather than on validation by a third party. Outright equal treatment of transgender and intersex individuals, relative to cisgender and non-intersex individuals, would also entail a reform of the law of parentage to ensure that parents who proceed to a legal change of their first name and civil status are referred to by their new first name and gender on their child(ren)'s birth certificate.

- At the state level, the Berlin antidiscrimination law (LADG) goes a long way in closing legal gaps by enabling people to take action against discrimination by state public entities, notably with the help of the Ombudsman's office (*Ombudsstelle*) whose powers to enforce people's rights are unprecedented. By following suit and implementing similar LADGs, other German states could make immense progress in protecting LGBTI+ individuals against discrimination together with other groups at risk of unfair treatment.

3.2. Which laws should be passed to advance LGBTI+ equality?

The protection of individuals on the basis of sexual orientation, gender identity and sex characteristics should not imply the creation of new or special rights for LGBTI+ people but, rather, extending the same rights to LGBTI+ persons as those enjoyed by everyone else by virtue of international human rights standards. These standards are at the core of treaties, conventions or charters issued by the European Union, the United Nations, the Council of Europe or the Organization of American States that have been signed and ratified by OECD countries.

Applying these standards to LGBTI+ issues points to two broad categories of LGBTI+-inclusive laws (OECD, 2020[1]): (i) general provisions that are relevant for the inclusion of lesbian, gay, bisexual, transgender and intersex people altogether ; and (ii) group-specific provisions that seek to address the unique challenges faced by subgroups of the LGBTI+ population. The latter can be further decomposed into LGB-specific and TI-specific provisions.

3.2.1. General provisions

General provisions consist in protecting LGBTI+ individuals against discrimination and violence and in guaranteeing their civil liberties. They include five components.

Protecting LGBTI+ individuals against discrimination

The right of every person to equality before the law is universal, as unequivocally set forth by Article 1 of the Universal Declaration of Human Rights of 1948: "All human beings are born free and equal in dignity and rights." As such, protection of LGBTI+ people against discrimination should entail prohibiting discrimination explicitly based on sexual orientation, gender identity and sex characteristics (SOGISC) in all areas of life. More precisely, ban on SOGISC-based discrimination should prevail in:

- Public law that regulates interactions between the general population and the government, i.e.: all public entities (the administration, the police, courts, public schools and universities, etc.). At a minimum, this requirement entails that SOGISC-based discrimination be explicitly prohibited in the national constitution. Yet, this mention does not allow low-threshold enforcement of individuals' rights since it would in principle require that they bring their case to the Constitutional Court. It is therefore critical that an explicit ban in the national constitution be accompanied by complementary legislation that recognises the right to compensation of LGBTI+ individuals when they are discriminated in the context of public law activities.
- Private law that regulates interactions between private individuals, i.e. the provision of and access to goods and services under private-law contracts (while shopping, when going to a restaurant, in the housing market, when requesting or receiving treatment and services from care and medical professionals, when conducting insurance and banking transactions, etc.).
- Labour law that regulates interactions between job candidates or employees and employers.

Protecting LGBTI+ individuals against violence

Governments have an obligation under international human rights law to protect individuals from being arbitrarily deprived of their life by others, as well as from being exposed to torture or other cruel, inhumane or degrading treatment.

The duty to safeguard the right of LGBTI+ individuals to be free from violence entails passing hate crime laws which permit deeming an offence motivated by bias against the presumed sexual orientation, gender identity or sex characteristics of the victim as an aggravating circumstance*, either by defining such an act as a distinct crime or by enhancing punishment of an existing offence.* To fully deter hate crimes, it is important to concomitantly outlaw severe forms of "hate speech" – while avoiding inappropriate restrictions on freedom of expression. Evidence on the causal relationship between incitement to hatred and hate crime is growing. In Germany for instance, anti-refugee sentiment on Facebook predicts crimes against refugees (Müller and Schwarz, 2020[2]).

Protecting LGBTI+ individuals fleeing persecution abroad

International human rights stakeholders encourage countries to explicitly recognise persecution (or a well-founded fear of persecution) based on sexual orientation, gender identity or sex characteristics as a valid ground for granting asylum. This approach is essential to protect LGBTI+ asylum seekers coming from one of the 69 countries where same-sex conduct is still criminalised (ILGA, 2020[3]).

Guaranteeing LGBTI+ people's civil liberties

The universal guarantee of the rights to freedom of expression, peaceful assembly and association constitutes the foundation of every free and democratic society. Against this backdrop, hindering expression promoting LGBTI+ people's rights, erecting barriers to the organisation of peaceful LGBTI+ public events such as pride parades, or impeding the registration, operation and access to funding of LGBTI+ human rights associations under the guise of preserving public morals and protecting children is incompatible with the underlying values of international human rights treaties.

Establishing an independent human rights institution

In order to enforce and improve equal treatment legislation, international human rights stakeholders have stressed the need for independent human rights institutions, e.g. equality bodies, ombudspersons or human rights commissions. These institutions should be entrusted with the responsibility to help all groups at risk of discrimination and violence seek redress when persecuted, including explicitly LGBTI+ individuals. More precisely, these human rights institutions should carry out three main activities:

- Informing victims of discrimination about their rights and helping them determine whether the unequal treatment they were subject to indeed constitutes an unlawful discrimination;
- Provided the discrimination case is substantiated enough, assisting victims of discrimination in taking further actions, e.g. contacting the presumed discriminators with the aim of reaching an amicable settlement, helping the victim file a discrimination complaint and bring the case to court, etc.;
- Monitoring levels and trends in discrimination (through the analysis of inquiries received, the running of surveys on perception of discrimination, the implementation of correspondence and audit studies conducted in different fields, etc.) and identifying legal loopholes that prevent full protection of individuals against discrimination.

3.2.2. Group-specific provisions

Group-specific provisions that seek to address the unique challenges faced by subgroups of the LGBTI+ population can be further decomposed into LGB-specific and TI-specific provisions.

LGB-specific provisions

LGB-specific provisions aim to more specifically foster equal treatment of lesbians, gay men and bisexuals, relative to heterosexual individuals. They can be broken down into 5 dimensions:

- *Equal treatment of same-sex and different-sex consensual sexual acts:* This objective first entails decriminalising same-sex conduct. It also requires abrogating laws setting a higher age of consent for same-sex conduct. Otherwise, young persons who engage in same-sex conduct would be subject to criminal penalties that do not apply to young persons of the same age who engage in different-sex conduct.
- *Legal recognition of same-sex partnerships*: This recognition entails passing registered or civil partnership laws which grant same-sex couples with the same pecuniary rights as married couples. Equal treatment of same-sex and different-sex couples should also be conducive to passing same-sex marriage laws to guarantee that same-sex partnerships are endowed with the same social significance as that attached to heterosexual marriage, a social institution with a long history viewed as more “symbolic” than registered/civil partnerships. Evidence indeed confirms the benefits for same-sex couples of being able to “upgrade” their civil partnership to a civil marriage, even in countries like the Netherlands where civil partnership and civil marriage are fully similar in terms of rights and obligations. More precisely, same-sex partners who transformed their civil partnership into marriage had a substantially lower separation rate following this change than similar partners who stayed in a civil partnership, which suggests that the symbolism of marriage is real and exerts a stabilizing effect on same-sex partnerships (Chen and van Ours, 2020[4]).
- *Equal adoption rights*: In all countries, different-sex partners enjoy adoption rights, through joint-adoption by the two partners, and second-parent adoption by one of the two partners. The former type of adoption occurs when the two adopting partners become the two legal parents of the child (which typically means, given that the number of legal parents is limited to two in most countries, that the legal relationship between a child and her/his biological parents is extinguished). The latter type of adoption occurs when one of the two partners becomes the second legal parent of her/his partner’s biological or adopted children, without terminating the legal parent status of her/his partner. In principle, discriminating against same-sex couples in access to adoption rights could be justified if it were shown that children are worse off when raised by same-sex rather than different-sex parents. International human rights bodies have repeatedly stressed that there is no such thing as the right to a child, which implies that the child’s best interest be prioritised whenever her interest competes with the interest of the partners who want to adopt. Yet, compelling empirical evidence shows no well-being deficit among children living with same-sex parents. Quite the contrary, these

children are characterised by better education and health outcomes (Aldén, Bjorklund and Hammarstedt, 2017[5]; Watkins, 2018[6]; Mazrekaj, De Witte and Cabus, 2020[7]; Kabátek and Perales, 2021[8]). These positive results suggest that same-sex parents overinvest in their children's education in order to compensate for the unique stressors faced by same-sex families, including persistent stigma from society. Evidence is consistent with this supposition as same-sex parents spend more time with their children than different-sex parents. Women (regardless of their partners' sex) and partnered gay men engage in a similar amount of child-focused time with children (roughly 100 minutes per day). By contrast, partnered heterosexual men dedicate less than one hour to their children, on average (Prickett, Martin-Storey and Crosnoe, 2015[9]). The higher education and health outcomes of children of same-sex parents conceived through assisted reproductive technology (relative to biological children of different-sex parents) may also reflect that same-sex parents who rely on this technology deliberatively choose to be parents. As stressed by the sociologist Michael Rosenfeld, "same-sex couples cannot become parents through misuse of, or failure of birth control as heterosexual couples can. Parenthood is more difficult to achieve for same-sex couples than for heterosexual couples, which implies a stronger selection effect for same-sex parents. If gays and lesbians have to work harder to become parents, perhaps those gays and lesbians who do become parents are, on average, more dedicated to the hard work of parenting than their heterosexual peers, and this could be beneficial for their children" (Rosenfeld, 2010[10]).

- *Equal access to assisted reproductive technology*: In many countries, infertile different-sex couples can rely on medically assisted techniques using donated sperm and/or egg. In a few countries, infertile different-sex couples in which the woman is unable to carry children on her own can also access surrogacy. The principle of non-discrimination requires equal treatment across different-sex and same-sex couples in access to such technology, as well as equal treatment regarding so-called "automatic co-parent recognition": the same-sex partner of the parent who gives birth through medically assisted techniques should be automatically recognised as the second legal parent, as is the male partner of a woman who procreates through these techniques.
- *Ban on conversion therapies*: Equal treatment of LGB and heterosexual individuals is obviously incompatible with conversion therapies, i.e. practices that aim to change an individual's sexual orientation from homosexual to heterosexual based on the false assumption that LGB people are suffering from a pathological condition which could be cured. These therapies have proven to be extremely harmful, and sometimes tantamount to torture. Such therapies should be banned altogether.

TI-specific provisions

TI-specific provisions seek to address the unique challenges faced by transgender and intersex individuals in their battle to live as who they are. Similar to general and LGB-specific provisions, TI-specific provisions include five dimensions.

The first three dimensions are all about depathologising being transgender, i.e. ensuring that being transgender is not viewed as a pathology. This objective requires three actions:

- First, *not categorising being transgender as a mental illness in national clinical classifications*. In 2019, the Member states of the World Health Organization adopted the 11th edition of the International Classification of Diseases (ICD-11) that removes "gender incongruence", the terminology used to refer to transgender identity, from the list of mental health disorders. ICD-11 is planned to come into effect in all Member countries on 1 January 2022. However, this important move towards depathologising being transgender might not be followed by significant shifts at the national level. The implementation date is indicative, not mandatory, meaning that Member states are free to adjust to ICD-11 at their own pace.

- Second, *permitting transgender people to change their gender marker in the civil registry*, i.e. their sex and first name revealing their gender. To the extent that being transgender is *not* a mental disorder, a person whose gender identity does not match their sex a birth should not receive psychiatric therapy for the purpose of re-aligning their self-perceived gender with their body. Rather, transgender individuals should be entitled to legal gender recognition exactly as cisgender individuals are (the only difference being that this recognition occurs by default for cisgender individuals while it implies a change in the civil registry for transgender individuals).
- Third, *not conditioning legal gender recognition on medical requirements*, including sterilisation, sex-reassignment surgery and/or treatment, or psychiatric diagnosis.

The 4th and 5th dimensions of TI-specific provisions focus on the inclusion of intersex individuals more specifically. An intersex individual is a person whose sex characteristics are neither wholly female nor wholly male. Babies who are born with ambiguous genitals or gonads are often exposed to so-called medically unnecessary "sex-normalising" surgeries. These interventions are nevertheless presented by medical practitioners as "medically necessary" to the extent that they are viewed as beneficial to the child's psychosocial development in a society that would otherwise stigmatise them for not conforming to the female-male binary system. However, the physical and psychological sufferings of these irreversible forced procedures often outweigh the negative effects of being potentially exposed to stigma.

One first way to protect intersex minors against these interventions is to allow *a non-binary gender option in the civil registry*: on top of ensuring recognition of non-binary individuals, i.e. individuals who do not self-identify as either female or male, this legal provision alleviates the pressure to assign an intersex baby into one of these two categories and, hence, contributes to reduce the perceived need for unconsented medically unnecessary sex-normalising interventions on intersex minors.

A second way to protect intersex minors against these surgeries is to *explicitly ban such interventions until intersex minors can provide informed consent*.

3.3. Are laws fostering LGBTI+ equality in force in Germany?

After presenting how the legislative power is shared between the federal and state levels of governance in Germany, Section 3.3 provides an overview of legal achievements towards LGBTI+ equality. It concludes by investigating the extent to which legal efforts to achieve LGBTI+ equality are associated with greater acceptance of LGBTI+ individuals and with greater economic development.

3.3.1. A brief overview of the legislative process in Germany

The sharing of the legislative power between the federal and state levels of governance in Germany is set forth in the German Constitution (*Basic Law*).

The federal level of governance

Except for antidiscrimination laws applying to state public entities for which German Länder are responsible, the LGBTI+-inclusive laws presented in Section 3.2 are under the purview of the German Federation. That said, the Länder have the possibility to trigger at least some of these laws at the federal level by introducing legislative initiatives in the Bundesrat (Box 3.1).[1]

Box 3.1. Law making at the German federal level

The *Basic Law* established Germany as a parliamentary democracy with separation of powers into executive, legislative, and judicial branches. The executive branch consists of the Federal President and the Federal Chancellor, the head of government. The legislative branch is represented by the Bundestag (the German federal parliament) and by the Bundesrat (the legislative body representing the 16 German Länder). The judicial branch is headed by the Federal Constitutional Court which oversees the constitutionality of laws.

About initiating new legislation

New legislation can be initiated by the Federal Government, the Bundesrat, or by the Members of the Bundestag.

- If the Federal Government wishes to amend or introduce a law, the Federal Chancellor must initially transmit the bill to the Bundesrat. As a rule, the Bundesrat then has a period of six weeks in which to deliver its comments on the bill, to which the government may in turn respond with a written counterstatement. The Federal Chancellor then forwards the bill to the Bundestag with the Bundesrat's comments. One exception to this procedure is the draft Budget Act, which is transmitted simultaneously to the Bundesrat and the Bundestag.
- A similar procedure applies when legislative initiatives are introduced by the Bundesrat. Once the majority of the Members of the Bundesrat have voted in favour of a bill, it goes first to the Federal Government, which attaches its comments to it, usually within six weeks, and then forwards it to the Bundestag.
- Draft laws may also be initiated by Members of the German Bundestag, in which case they must be supported by either at least one of the parliamentary groups or at least five percent of the Members of the German Bundestag. Bills introduced in this way do not have to be submitted first to the Bundesrat.

About adopting bills

Federal laws are adopted by the Bundestag, in general with a majority of the votes cast. The participation of the Bundesrat in the legislative process depends on whether its consent is constitutionally required for a bill to become law, which includes, for example, acts that affect the finances and administrative competencies of the Länder. If consent is not required, the Bundesrat can only object to the bill and the Bundestag can overturn its objection by passing the bill by an absolute majority.

Source: German Federal Ministry of the Interior and Community (https://www.bmi.bund.de/EN/topics/constitution/legislation/legislation-node.html).

The state level of governance

According to the *Basic Law* (Article 70), German states are entitled to adopt their own legislation as regards the regulation of their public entities. Against this backdrop, state parliaments (Box 3.2) have the possibility to pass laws that effectively protect individuals against discrimination by state public entities, by allowing them to seek redress in this case.

Box 3.2. State parliaments in Germany

In the federal system of the Federal Republic of Germany, all 16 German states are parliamentary republics in which the legislative branch of government is assigned to an elected parliament. Since the abolition of the Bavarian Senate in 1999, all state parliaments are unicameral. In 13 of the 16 German states, the state parliament is known as the *Landtag* (an old German term that roughly means state parliament). In the city states of Bremen and Hamburg, the state parliament is called *Bürgerschaft* (Citizenry), while it is called *Abgeordnetenhaus* (House of Representatives) in Berlin.

Among the most important functions of the state parliaments are the election of the minister President, the control of the state government and the adoption of state laws. They have no influence on federal legislation but participate in the election of the President of Germany by electing state electors to the Federal Convention.

3.3.2. Legal achievements towards LGBTI+ equality at the federal and state levels

This section provides an overview of federal- and state-level legal efforts to foster LGBTI+ equality in Germany.

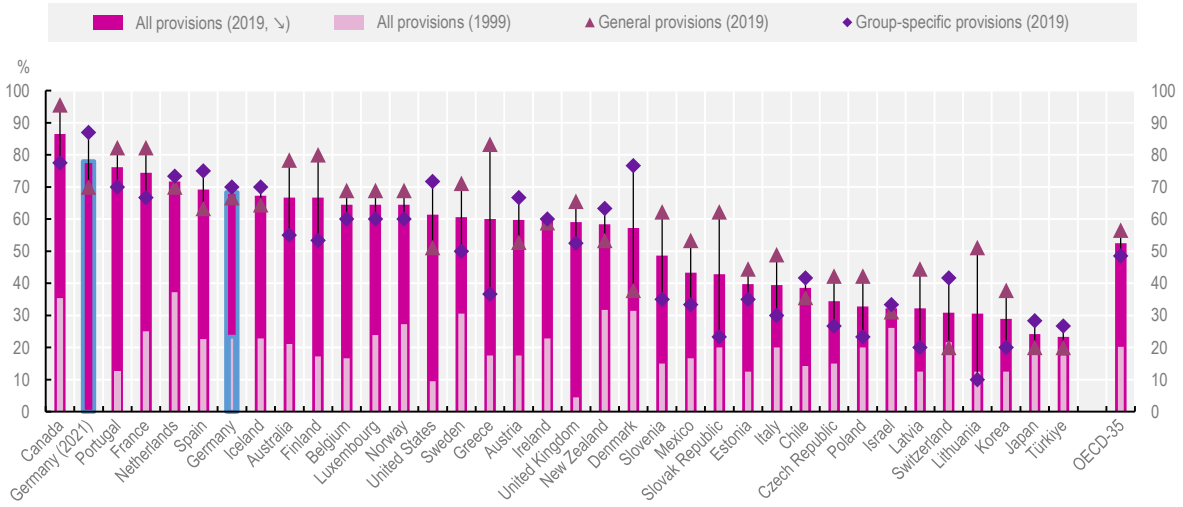
Legal achievements towards LGBTI+ equality at the federal level

Federal-level legal efforts towards LGBTI+ equality are measured by computing "legal LGBTI+ inclusivity" defined as the share of LGBTI+-inclusive laws that have been passed by the German Federation among the set of laws presented in Section 3.2. More precisely, legal LGBTI+ inclusivity as of 2021 is assessed based on the OECD questionnaire on LGBTI+-inclusive laws that was sent to all OECD Member countries in 2019, in preparation of the OECD publication *Over the Rainbow? The Road to LGBTI Inclusion* (2020), and that was sent again to the German Federal Government in 2021 for an update (see Annex 3.A). The methodology to compile Germany's responses to the 2021 questionnaire is the same as that implemented to compute legal LGBTI+ inclusivity in 2019 (see Annex 3.B).

As of 2019, Germany was one of 17 countries in the OECD that have most legal protections for sexual and gender minorities.[2] 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 3.1). In 2019, Germany had walked more than two-thirds of the way towards full legal equality of LGBTI+ people, with a level of legal LGBTI+ inclusivity equal to 68% (as compared to 53% OECD-wide), noting that the trend is strongly upward: legal LGBTI+ inclusivity in Germany has increased nearly threefold between 1999 and 2019, and has again increased by 10 percentage points (or 15%) between 2019 and 2021, up to 78%.

Figure 3.1. Legal LGBTI+ inclusivity in Germany is improving at a fast pace

Legal LGBTI+ inclusivity as of 1999 and 2019 (*plus* 2021 for Germany), by OECD country (all provisions, general provisions and group-specific provisions)

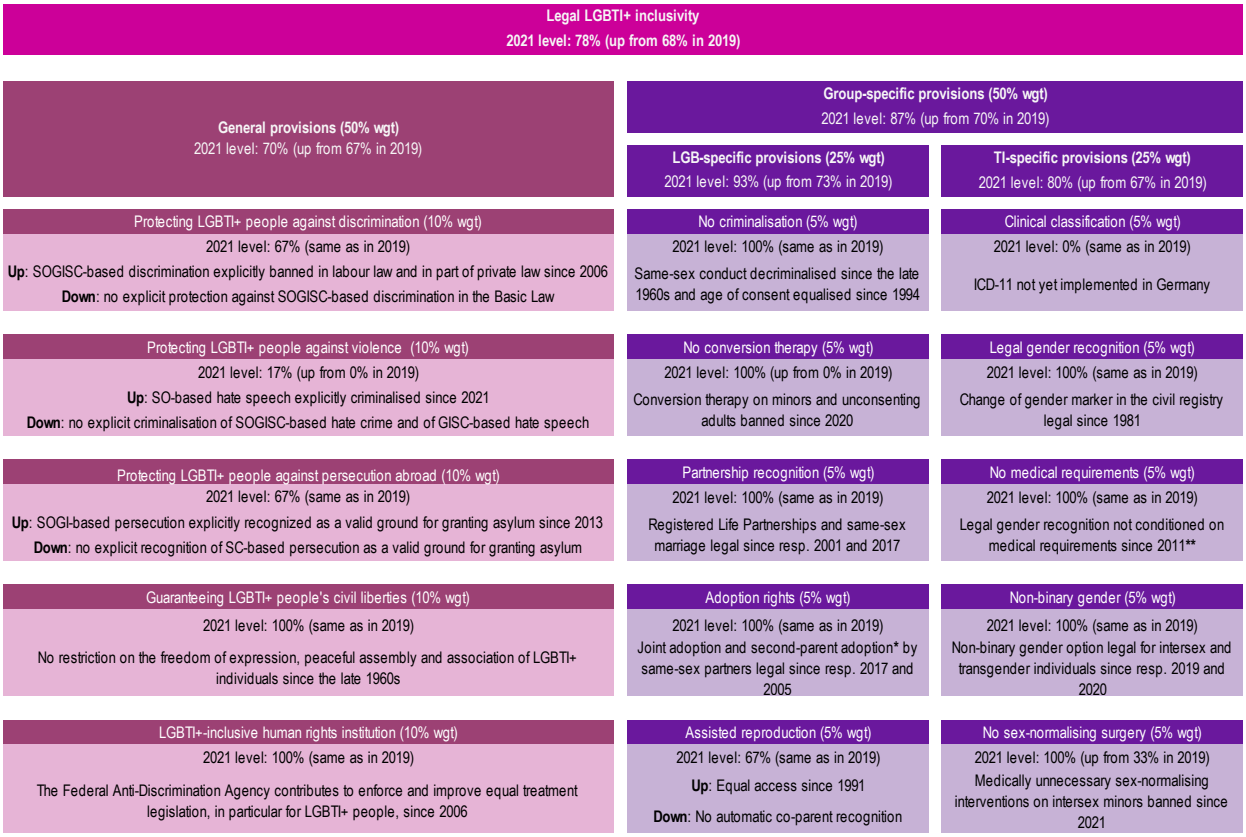


Note: Colombia, Costa Rica and Hungary are absent from the analysis. Hungary decided not to participate while Colombia and Costa Rica were not yet OECD Members when the analysis was initiated.
Source: OECD questionnaire on LGBTI+-inclusive laws (2019) and its 2021 update for Germany.

While OECD countries are on average more active in passing general provisions than group-specific provisions, the opposite is the case in Germany. This pattern has been reinforced since 2019, with most of the strides made by Germany directed at further addressing the unique challenges faced by LGB, transgender, and intersex individuals: in 2021, legal LGBTI+ inclusivity attached to LGB-specific and TI-specific provisions soared to 93% and 80% respectively (Figure 3.2). Notably, Germany became in 2020 the first OECD country to implement a nationwide ban on conversion therapy on minors and unconsenting adults. Moreover, Germany became in 2021 the second OECD country to prohibit, throughout its national territory, medically unnecessary sex-normalising treatment or surgery on intersex minors until they can provide informed consent (Portugal was the first in 2018).

Figure 3.2. Germany shows high levels of LGBTI+ inclusivity, ranging from 70% for general provisions to 87% for group-specific provisions

Legal LGBTI+ inclusivity in Germany as of 2021, by component



Note: *Adoption of the biological child(ren) of one registered partner by the other partner ("stepchild adoption") became legal in 2005. Adoption of the adopted child(ren) of one registered partner by the other partner ("successive adoption") became legal in 2013. In 2020, stepchild and successive adoption were opened up to cohabitating same-sex partners, meaning that they ceased being reserved only to same-sex registered or married partners.
**Yet, legal gender recognition is still not based on self-determination.
The abbreviation "wgt" in the figure refers to "weight". It recalls that general and group-specific provisions are given equal weight when computing level of legal LGBTI inclusivity across all 15 components, meaning that each of the five components of general provisions is assigned a 10% weight, while each of the ten components of group-specific provisions is assigned a 5% weight – see Annex 3.B for further details on how legal LGBTI+ inclusivity is computed.
"SO" refers to "sexual orientation", "GI" to "gender identity" and "SC" to "sex characteristics.
Source: OECD questionnaire on LGBTI+-inclusive laws (2019) and its 2021 update for Germany.

Legal achievements towards LGBTI+ equality at the state level

Based on Section 3.3.1, there are two ways in which German states can take an active part in enacting laws fostering LGBTI+ equality: (i) by introducing legislative initiatives in the Bundesrat in order to trigger some of these laws at the federal level; (ii) by passing laws in their state parliament in order to protect LGBTI+ individuals against discrimination by state public entities.

State-level efforts to introduce LGBTI+-inclusive legislative initiatives in the Bundesrat

In the past two decades, a total of 10 legal initiatives (LIs) were introduced in the Bundesrat to foster LGBTI+ equality at the federal level (Box 3.3). On average, each German state participated in introducing between 2 and 3 of these 10 LIs. However, this average masks strong disparities (Table 3.1). A majority

of states (9) either remained outside the process (Bavaria and Saxony) or contributed to launch only one of the 10 LIs (Baden-Württemberg, Hesse, Lower Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Saarland and Saxony-Anhalt). Among the 7 states who participated in introducing three or more of them, Berlin and Bremen have been the most active (see Annex 3.C for a detailed overview).

Table 3.1. A majority of German states were not active in introducing LGBTI+-inclusive legislative initiatives in the Bundesrat

Overview of German states' participation in introducing LGBTI+-inclusive legislative initiatives in the Bundesrat since the 2000s, as of 2021

States who were not active in introducing LGBTI+-inclusive legislative initiatives in the Bundesrat	States who were active in introducing LGBTI+-inclusive legislative initiatives in the Bundesrat
Baden-Württemberg (1)	Berlin (7)
Bavaria (0)	Brandenburg (6)
Hesse (1)	Bremen (7)
Lower Saxony (1)	Hamburg (3)
Mecklenburg-Western Pomerania (1)	Rhineland-Palatinate (5)
North Rhine-Westphalia (1)	Schleswig-Holstein (4)
Saarland (1)	Thuringia (4)
Saxony (0)	
Saxony-Anhalt (1)	

Note: The digit between parentheses represents the number of LGBTI+-inclusive legislative initiatives that the German state under consideration introduced in the Bundesrat since the 2000s.
Source: Bundesrat database (https://www.bundesrat.de/DE/bundesrat/laender/laender-node.html).

Box 3.3. LGBTI+-inclusive legislative initiatives in the Bundesrat

In the past two decades, 10 legal initiatives (LIs) aimed at fostering LGBTI+ equality at the federal level were introduced in the Bundesrat. Three of them concern general provisions:

- LI 572/07 introduced on 20 August 2007 to amend the Criminal Code (one of the proposed amendments consists in explicitly criminalising offences based on the presumed sexual orientation of the victim);
- LI 225/18 introduced on 30 May 2018 to amend the *Basic Law* (the proposed amendment consists in explicitly prohibiting discrimination based on sexual orientation and gender identity);
- LI 713/20 introduced on 24 November 2020 to amend the *General Equal Treatment Act (AGG)* to protect people more effectively against discrimination (one of the proposed amendments consists in explicitly including "gender identity" as a prohibited ground of discrimination to better protect transgender individuals).

The other seven LIs concern group-specific provisions, hence provisions seeking to more specifically address the unique challenges faced by LGB, transgender, and intersex individuals.

- The majority (5) focus on equally treating lesbians, gays and bisexuals:
  - LI 189/15 launched on 28 April 2015 to rehabilitate men convicted after 1945 for same-sex sexual conduct;
  - LI 274/15 launched on 05 June 2015 to introduce the right to marriage for persons of the same sex;
  - LI 343/18 launched on 19 July 2018 to improve rehabilitation, compensation and care of men convicted after 1945 for same-sex sexual conduct;
  - LI 161/19 launched on 04 April 2019 to forbid conversion therapies;
  - LI 223/21 launched on 18 March 2021 to ensure automatic co-parent recognition for female same-sex couples, i.e. ensuring that the same-sex partner of a women who procreates through medically assisted insemination can become the second legal parent without having to go through adoption. This legal initiative also calls for transgender and intersex parents who proceed to a legal change of their first name and civil status to be referred to by their new first name and gender on their child(ren)'s birth certificate.
- The remaining two focus on equally treating transgender and intersex individuals:
  - LI 362/17 launched on 04 May 2017 to ensure legal gender recognition based on self-determination;
  - LI 226/18 launched on 30/15/2018 to ensure: (i) enforcement of the Federal Constitutional Court's decision to allow a third gender option in the civil registry; and (ii) legal gender recognition based on self-determination.

State-level efforts to protect LGBTI+ individuals against discrimination by public entities

A few German states have tried to compensate the lack of explicit (and implicit) ban on discrimination based on sexual orientation in the *Basic Law* by explicitly prohibiting discrimination based on this ground in their own constitution[3] (Box 3.4) – according to a 2017 decision of the Federal Constitutional Court, gender identity is implicitly covered by the word "sex" in Article 3 (Paragraph 3) of the *Basic Law*, meaning that the rights of transgender and intersex individuals are formally safeguarded when they deal with federal and state public entities (Bundesverfassungsgericht, 2017[11]).

However, even an explicit ban on discrimination based on sexual orientation, gender identity and sex characteristics in the national constitution would in practice provide only little protection to LGBTI+ individuals against unfair treatment in fields governed by public law. For this protection to be effective, it should be accompanied by complementary legislation that provides for sanctions for discriminating public entities, and for redress for their victims. Yet, given that most public entities individuals deal with are regulated at the state level in Germany, protection against the discrimination by these entities does not fall within the purview of the main federal antidiscrimination law, i.e. the *General Equal Treatment Act* (*Allgemeine Gleichbehandlungsgesetz − AGG*), but within the purview of *state* antidiscrimination laws (if any).

As of today, Berlin is the only German state which has passed an antidiscrimination law (*Landesantidiskriminierungsgesetz − LADG*). Since 2020, the LADG protects individuals (including sexual and gender minorities) against discrimination from all public bodies of the Land of Berlin. More precisely:

- The LADG covers 13 grounds of discrimination: gender, ethnic origin, racial ascription, anti-Semitic ascription, language, religion, belief, disability, chronic illness, age, *sexual identity*, *gender identity* and social status;
- The LADG binds all of the public administration and all public authorities: the Senate of Berlin, district administrations (e.g. citizens' offices), schools and higher education institutions, the police, courts and authorities of the public prosecutor's office, etc.

Moreover, the LADG ensures the implementation of three elements of EU antidiscrimination directives critical to maximise the effectiveness of antidiscrimination protection:

- *The burden of proof*: the LADG adapts the rules on the burden of proof when there is a *prima facie* case of discrimination, i.e. the burden of proof shifts from the plaintiff to the defendant when evidence of discrimination is brought;
- *Right to compensation*: the LADG provides for effective, proportionate and dissuasive sanctions in case Berlin public entities breach their obligation of non-discrimination;
- *Participation of associations in litigation*: the LADG allows individuals to transfer their litigation powers to recognised antidiscrimination associations that can represent them in court.

In addition to the aforementioned, the enactment of the LADG was accompanied by the establishment of an Ombudsman's office (*Ombudsstelle*) aimed at helping victims of discrimination enforce their rights through out-of-court settlements (noting that it also provides the plaintiff with useful legal advice in case she wants to bring the case to the court). Notably, in instances where a public entity is found guilty of discrimination and after an unsuccessful attempt at an amicable settlement, the Ombudsman must complain to this entity and request a remedy.

Several other German states have passed laws that establish a state ombudsman in charge of mediating tensions between citizens and the public administration. This is the case in Bavaria, Baden-Württemberg, Hesse, Mecklenburg-Western Pomerania, Rhineland-Palatinate and Thuringia.[4] In four of those states (Baden-Württemberg, Hesse, Mecklenburg-Western Pomerania and Rhineland-Palatinate), this ombudsman is also responsible for dealing with issues involving the state police. In this case, the ombudsman works as a complaint office for citizens who wish to bring misconduct by individual police officers to its attention, and as a point of contact that police officers can turn to if they want to address internal problems or grievances. Yet, the lack of a state antidiscrimination law implies that this ombudsman has much less power than the Berlin Ombudsman's office to investigate and seek redress in case of discrimination, in particular when it is directed against LGBTI+ individuals.

Box 3.4. Which German states protect sexual orientation in their constitution?

While Paragraph 1 of Article 3 of the *Basic Law* proclaims citizens' equality before the law ("All persons shall be equal before the law"), Paragraph 3 does not explicitly refer to "sexual orientation" (or "sexual identity") in the limited list of grounds that the national constitution protects from discrimination: "No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith or religious or political opinions. No person shall be disfavoured because of disability."

Yet, six German Länder explicitly prohibit discrimination based on sexual orientation in their state constitution. This is the case of:

- Berlin (since enactment of the state constitution in 1995): "No one may be discriminated against or given preferential treatment because of his or her gender, ancestry, race, language, home country and origin, faith, religious or political views or *sexual identity*" (Article 10, Paragraph 2).
- Brandenburg (since enactment of the state constitution in 1992): "No one shall be favoured or discriminated against on the grounds of (…) *sexual identity* (…)" (Article 12, Paragraph 2).
- Bremen (since 2001): "No one shall be favoured or discriminated against on the grounds of (…) *sexual identity* (…)" (Article 2, Paragraph 2).
- Saarland (since 2011): "No one may be disadvantaged or favoured because of his or her (…) *sexual identity*" (Article 12, Paragraph 3).
- Saxony-Anhalt (since 2020): "No one shall be discriminated against or given preference on the grounds of (…) *sexual identity* (…)" (Article 7, Paragraph 3).
- Thuringia (since enactment of the state constitution in 1993): "No-one may be favoured or disadvantaged because of his or her (…) *sexual orientation*" (Article 2, Paragraph 3).

3.3.3. Are legal achievements towards LGBTI+ equality associated with greater acceptance of LGBTI+ individuals and with greater economic development?

Section 3.3.3 investigates the extent to which legal efforts to achieve LGBTI+ equality are associated with greater acceptance of LGBTI+ individuals and with greater economic development.

Legal achievements towards LGBTI+ equality and acceptance of LGBTI+ individuals

While jurisdictions with greater acceptance of sexual and gender minorities are more likely to pass LGBTI+-inclusive laws, evidence shows that legal changes in favour of LGBTI+ people in turn do cause changes in attitudes towards this population. Indeed, individuals perceive legal changes as reflections of advancements in what is socially acceptable and many are willing to conform to these shifts (Tankard and Paluck, 2017[12]). For instance, in European countries where same-sex marriage is legal, acceptance of homosexuality increased much faster after those states adopted same-sex relationship recognition policies (Aksoy et al., 2020[13]). Similarly, same-sex marriage legalisation across U.S. states led to an increase in employment of people in same-sex couples, a change driven by improvements in attitudes towards homosexuality and, hence, lower discrimination against LGB individuals (Sansone, 2019[14]).

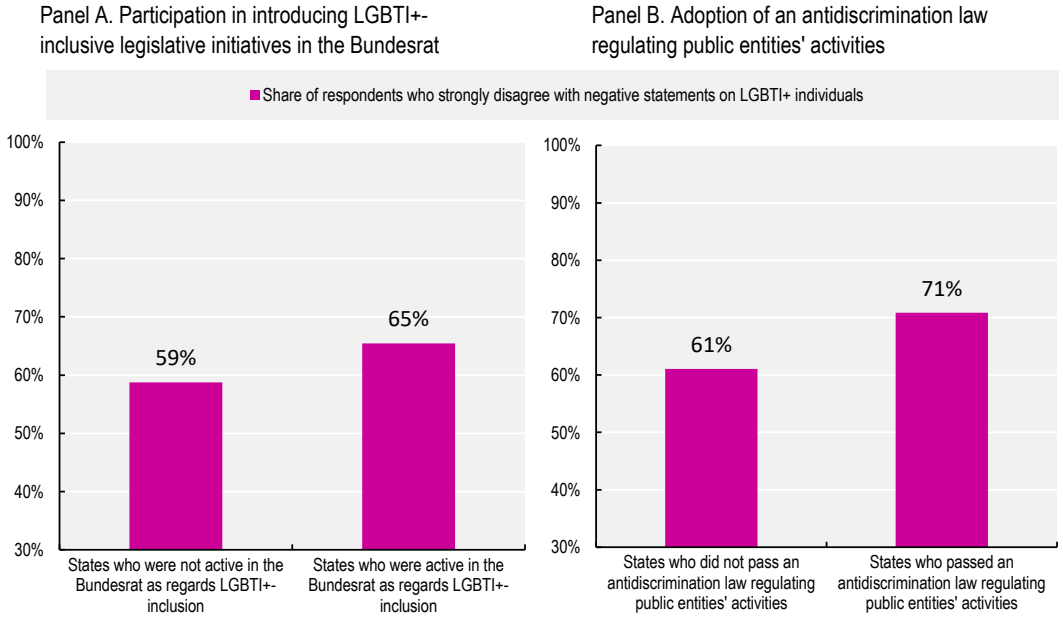
The positive relationship between legal LGBTI+ inclusivity and acceptance of homosexual, bisexual, transgender and intersex individuals has already been confirmed at the country level (OECD, 2020[1]). As of 2019, an increase in legal LGBTI+ inclusivity from its average value (25%) among the three lowest-performing OECD countries (Türkiye, Japan and Korea) to its average value (79%) among the three highest-performing OECD countries (Canada, Portugal and France) is associated with:

- A 2.5 point increase in the score on a 1-to-10 scale measuring acceptance of homosexuality, from 3 to 5.5;
- A nearly three-fold increase in the share of respondents who consider their area of residence is a good place to live for lesbians and gay men, from 28% to 75%;
- A more than 25% increase in the share of respondents who support transgender people, from 34% to 43%;
- A more than 50% increase in the share of respondents who support intersex people, from 28% to 43%.

Zooming in on the German state level, a positive relationship between legal efforts towards LGBTI+ equality and acceptance of LGBTI+ individuals (as measured in the "Diversity Barometer" presented in Chapter 2) emerges. In states which were active in introducing LGBTI+-inclusive legislative initiatives in the Bundesrat, the share of respondents who strongly disagree with negative statements about non-heterosexual and non-cisgender individuals is 10% higher than in others (65% vs 59%), as revealed in Panel A of Figure 3.3. Similarly, in Berlin, the only jurisdiction who passed a state antidiscrimination law, respondents are nearly 20% more likely to be supportive of LGBTI+ individuals than in other German states (Panel B of of Figure 3.3).

Figure 3.3. Legal achievements towards LGBTI+ equality are associated with greater acceptance of LGBTI+ individuals at the German state level

Share of respondents who strongly disagree with negative statements on LGBTI+ individuals



Note: The share of respondents who strongly disagree with negative statements on LGBTI+ individuals is computed as the average of the share of respondents who answer "strongly disagree" to the following four statements: "It is disgusting when homosexuals kiss in public"; "The fact that homosexuals could raise their own children is simply unthinkable"; "Changing one's gender is against nature"; "Transsexual people should stay among themselves".
In Panel A, the mention "states who were not active in the Bundesrat as regards LGBTI+ inclusion" refers to states who, as of 2021, participated in introducing none or one of the 10 LGBTI+-inclusive legislative initiatives in the Bundesrat since the 2000s. By contrast, the mention "states who were active in the Bundesrat as regards LGBTI+ inclusion" refers to states who participated in introducing more than 3 of the 10 LGBTI+-inclusive legislative initiatives in the Bundesrat since the 2000s.
Source: "Diversity Barometer" (*Vielfaltsbarometer*) conducted in 2018 by the Robert Bosch Foundation and the Bundesrat database (Panel A).

Legal achievements towards LGBTI+ equality and economic development

Legal achievements towards LGBTI+ equality should be associated with economic development through a wide range of channels (Box 3.5). A cross-country analysis confirms this positive relationship (OECD, 2020[1]): as of 2019, an increase in legal LGBTI+ inclusivity from its average value among the three lowest-performing OECD countries to its average value among the three highest-performing OECD countries is associated with an increase in real GDP per capita of approximately USD 3 200 (in purchasing power parity).[5]

Box 3.5. Why legal achievements towards LGBTI+ equality should be associated with economic development

Economic development is conducive to education (Chevalier et al., 2013[15]) and, hence, legal LGBTI+ inclusivity. Education plays a major role in explaining differences in attitudes towards sexual and gender minorities. For instance, the score of individuals with a college education on a 1 to 10 scale measuring acceptance of homosexuality (6.1) is two points higher than that of individuals who have, at most, a lower-secondary education (4.1) (OECD, 2019[16]). This result may be in part due to education's correlation with complex reasoning that increases individuals' tolerance to nonconformity (Ohlander, Batalova and Treas, 2005[17]).

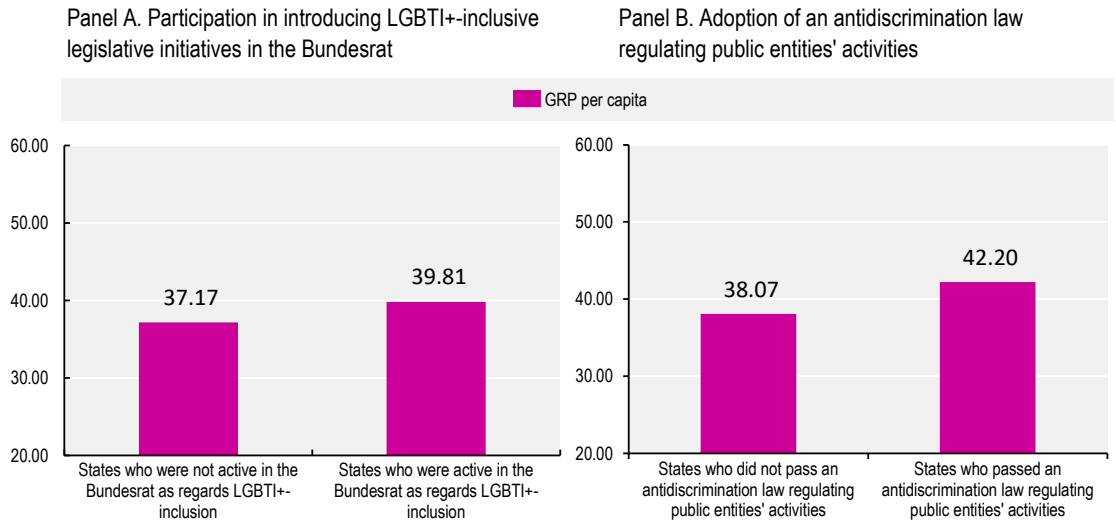
In turn, legal LGBTI+ inclusivity contributes to economic development by reducing the massive cost of anti-LGBTI+ discrimination (Carcillo and Valfort, 2023[18]). Anti-LGBTI+ discrimination reduces demand for labour of LGBTI+ people, which reduces their wages, their access to employment and confines sexual and gender minorities to less qualified positions than they might otherwise occupy. These negative consequences are magnified by reactions of the labour supply. Reduced wages undermine incentives to work. The discrimination-induced decrease in the demand for labour also reduces the productivity of LGBTI+ people who invest less in education and life-long learning because they anticipate low returns. This negative spiral results in production losses that in turn affect public finances. Lower production and wage levels reduce state revenue from income tax, corporation tax, and social security contributions. At the same time, discrimination in access to employment increases public expenditure due to unemployment benefits and social transfers to those who are discriminated against.

Yet, these negative effects of discrimination represent only a fraction of the harmful spill-overs resulting from excluding LGBTI+ people from the labour market and the wider society. Such is the widespread psychological distress that discrimination causes among the LGBTI+ population (see Chapter 2 for further details).

A similar result holds at the German state level. States who were active in introducing LGBTI+-inclusive legislative initiatives in the Bundesrat are characterised by a gross regional product (GRP) per capita that is more than EUR 2 600 higher than the average across other states (Panel A of Figure 3.4). Likewise, the GRP capita in Berlin exceeds that in other states by more than EUR 4 000 (Panel B of Figure 3.4).

Figure 3.4. Legal achievements towards LGBTI+ equality are associated with greater economic development at the German state level

Gross regional product (GRP) per capita in 2020 (in thousands EUR)



Note: In Panel A, the mention "states who were not active in the Bundesrat as regards LGBTI+ inclusion" refers to states who participated in introducing none or one of the 10 LGBTI+-inclusive legislative initiatives in the Bundesrat since the 2000s. By contrast, the mention "states who were active in the Bundesrat as regards LGBTI+ inclusion" refers to states who participated in introducing more than 3 of the 10 LGBTI+-inclusive legislative initiatives in the Bundesrat since the 2000s.
Source: Federal Statistical Office of Germany (*Statistisches Bundesamt*) and the Bundesrat database (Panel A).

3.4. How could LGBTI+ equality in Germany be further improved through legislation?

A number of legal next steps would help improve LGBTI+ equality in Germany. Section 3.4 discusses the way forward, at both the federal and state levels (see Table 3.2 for a summary).

Table 3.2. Further actions at both the federal and state levels are needed to improve LGBTI+ equality in Germany through legislation

Possible legal next steps towards LGBTI+ equality in Germany, as of 2021

	Possible legal next steps
FEDERAL LEVEL	
General provisions	Adding the ground "sexual identity" (or "sexual and gender identity") in Article 3 (Paragraph 3) of the *Basic Law*. Closing legal loopholes in the *General Equal Treatment Act* (AGG) regarding the regulation of both employment relationships and access to (and supply of) goods and services.
LGB-specific provisions	Granting automatic co-parent recognition to lesbian couples who rely on assisted reproductive technology
TI-specific provisions	Basing legal gender recognition on self-determination. Reforming the law of parentage to ensure that parents who proceed to a legal change of their first name and civil status are referred to by their new first name and gender on their child(ren)'s birth certificate.
STATE LEVEL	
	Passing a state antidiscrimination law similar to the *Landesantidiskriminierungsgesetz* (LADG) in Berlin

Source: OECD analysis.

3.4.1. The way forward at the federal level

Margins for improvement exist for all categories of LGBTI+-inclusive laws, be they general, LGB-specific or TI-specific.

General provisions

In critical federal legislation, reference to LGBTI+ individuals is neither explicit nor implicit. Notably, sexual orientation is not part of the list of grounds that the national constitution protects from discrimination (nor is gender identity or sex characteristics/intersex status, although the latter grounds are implicitly covered under the word "sex" according to the Federal Constitutional Court). Since 1994 and the attempt of the Joint Constitutional Commission of the Bundestag and Bundesrat to include the prohibition of discrimination based on sexual identity in the *Basic Law*, several stakeholders have been pushing for introducing this mention. This is for instance the case of several German states who, in 2018, submitted a draft bill to the Bundesrat to amend Article 3 of the *Basic Law* by adding the characteristics "sexual and gender identity" (legislative initiative LI 225/18 mentioned in Annex 3.C) that is still under discussion.[6] Following other OECD countries who ban discrimination explicitly based on sexual orientation in their constitution (Canada, Mexico, New Zealand, Portugal and Sweden), the federal government could consider proceeding to this change (Molter, 2022[19]).

Moreover, the scope of some LGBTI+-inclusive laws already in force could be broadened. This is the case of the *General Equal Treatment Act* (*Allgemeines Gleichbehandlungsgesetz – AGG*). The fact that this federal antidiscrimination law does not cover relationships between individuals and public entities (except when they unfold in the framework of an employment contract or private transactions) has already been stressed and justified by the fact that most public entities individuals deal with are regulated at the state level. Nevertheless, legal loopholes persist even in the fields that the AGG is supposed to regulate, i.e. labour law and private law. According to the AGG, employers must observe the ban on discrimination when publishing job advertisements, during the application procedure, and in existing employment relationships. In addition, in the field of private law, the AGG applies to access to and supply of good and services, "for example when shopping, visiting a restaurant or a nightclub, searching for a flat, or conducting insurance and banking transactions."[7] Key legal gaps remain though:

- Religious exemptions are granted under Article 9 of the AGG, allowing churches and other places of worship to discriminate against workers in some cases, "taking into account the self-understanding of the respective religious community or association with regard to its right of self-determination or according to the nature of the activity". However, as of now, the extent of these exemptions has not been clarified by the courts.[8] This issue has been repeatedly raised by civil society organisations in Germany.[9]
- Although racial and ethnic protection extends to all types of contracts for goods and services, for other characteristics such as sexual orientation, protection only applies in the case of "bulk business", i.e. exchange of goods and services without regard to the individual involved. This exemption leaves several private transactions outside the scope of the AGG. For instance, "the letting of residential space is only treated as a form of bulk business when a landlord lends out more than 50 flats" (Antidiskriminierungsstelle, 2019, p. 20[20]). In other words, if a landlord lends out less than 50 flats, discrimination against people based on their sexual orientation, gender identity or sex characteristics is not illegal from the AGG's viewpoint.

Closing these legal loopholes would contribute to strengthen LGBTI+ equality in Germany.

LGB-specific provisions

Access to assisted reproductive technology is still not fully equal across German same-sex and different-sex partners (Lange, 2022[21]). Access to surrogacy is equally prohibited for both forms of partnership. However, equal treatment regarding access to artificial insemination and *in vitro* fertilisation is not completely guaranteed: although such access is not illegal for lesbian couples, it is not explicitly legal either. Consequently, while the non-biological father in a different-sex couple which has a child through artificial insemination or *in vitro* fertilisation is automatically recognised as a legal parent, this is not the

case of the non-biological parent in a same-sex couple since she must go through an adoption procedure for this recognition to happen. In a context where nearly half of OECD countries ensure fully equal access to assisted reproductive technology to same-sex and different-sex couples (OECD, 2020[1]), Germany could consider legal reforms to grant automatic co-parent recognition to lesbian couples, as encouraged by a recent legislative initiative in the Bundesrat (LI 223/21 – see Annex 3.C for further information).

TI-specific provisions

Germany has devoted significant efforts to implementing ICD-11 (Guethlein et al., 2021[22]). By mid-2022, the new ICD-11 catalogue should be transposed into national law and hence yield a depathologisation of transgender people in the medical system: transsexualism will be coded in the section "Conditions affecting sexual health," thus not as a mental illness.

However, this achievement should not mark the end of Germany's legal strides to ensure equal treatment of transgender and intersex individuals. Further action is needed to guarantee that legal gender recognition is fully depathologised. Among the 14 OECD countries where changing one's gender marker on one's birth certificate and other identity documents is legal and not conditioned on medical requirements, a majority (9) base the change of gender marker on self-determination, i.e. the principle that transgender people's declaration of their gender identity for the purpose of obtaining gender recognition does not require validation by a third party, such as an expert or a judge.[10] Yet, Germany belongs to the minority (5) of these 14 countries where legal gender recognition is not based on self-determination: it requires validation by a third party. More precisely, although the request for sterilisation and sex-reassignment surgery enshrined in the 1980 *Transsexual Act* was removed in 2011 following a ruling by the *German Constitutional Court*, the process still involves going to court and getting the opinion of two experts. These experts are required to comment on whether the applicants' sense of belonging to a gender that does not match their sex at birth will no longer change. These conditions entail a risk of re-medicalising legal gender recognition since applicants are tempted to include medical assessments in their application and even rely on sex-reassignment surgery or treatment to increase their chance of being validated. To fully depathologise legal gender recognition, Germany should base legal gender recognition on self-determination, as advocated by several German states in the framework of already two legislative initiatives in the Bundesrat (LI 362/17 and LI 226/18 – see Annex 3.C for further information).

Last but not least, following LI 223/21 introduced in 2021 by Berlin, Hamburg and Thuringia in the Bundesrat, the German federal government could consider reforming the law of parentage to ensure that parents who proceed to a legal change of their first name and civil status are referred to by their new first name and gender on their child(ren)'s birth certificate (Lange, 2022[21]).

3.4.2. The way forward at the state level

Legal loopholes still exist in Germany regarding protection against discrimination. As it is clear now, although the *General Equal Treatment Act* (AGG) covers several areas of labour and private law since 2006, it does not apply to public law activities. In other words, while it protects (although imperfectly) against discrimination by an employer or a landlord it cannot provide redress if discrimination originates from state administration and authorities, such as schools or the police (Molter, 2022[19]).

Against this backdrop, the Berlin antidiscrimination law (LADG) goes a long way in closing legal gaps by enabling people to take action against discrimination by state public entities, notably with the help of the Ombudsman's office (*Ombudsstelle*) whose powers to enforce people's rights are unprecedented. Not only does the LADG support victims if discrimination from state public entities occurs, it also plays a deterrent role by obliging the entire state public sector to take concrete actions to prevent discriminatory behaviour. By following suit and implementing similar LADGs, other German states could make immense progress in protecting LGBTI+ individuals against discrimination together with other groups at risk of unfair treatment.

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Annex 3.A. Questions to identify legal provisions fostering LGBTI+ inclusion

Questions to identify general provisions

A total of 25 questions investigate whether the general provisions defined in Section 3.2 are in force in OECD countries.

Protection of LGBTI+ people against discrimination

The protection of LGBTI people against discrimination in a Member country is addressed through three categories of inquiries, each of which can be decomposed into three questions.

Because "the right to work, which includes the right of everyone to the opportunity to gain his living by work" is central to the International Bill of Human Rights, the first category of questions investigates whether anti-LGBTI+ discrimination in employment is explicitly prohibited:

- Is discrimination based on *sexual orientation* explicitly prohibited in employment by the national law?
- Is discrimination based on *gender identity* explicitly prohibited in employment by the national law?
- Is discrimination based on *sex characteristics* and/or *intersex status* explicitly prohibited in employment by the national law?

The second category of questions goes a step further by investigating whether anti-LGBTI+ discrimination in a Member country is explicitly prohibited in a broad range of fields, *beyond employment* (i.e. in the provision of and access to goods and services including housing, education, health, social benefits and social assistance).

- Is discrimination based on *sexual orientation* explicitly prohibited in a broad range of fields by the national law, beyond employment?
- Is discrimination based on *gender identity* explicitly prohibited in a broad range of fields by the national law, beyond employment?
- Is discrimination based on *sex characteristics* and/or *intersex status* explicitly prohibited in a broad range of fields by the national law, beyond employment?

The third category of questions dives deeper by investigating whether anti-LGBTI+ discrimination is explicitly prohibited in the national constitution that enshrines the most fundamental legal principles of any given country:

- Is discrimination based on *sexual orientation* explicitly prohibited by the national constitution?
- Is discrimination based on *gender identity* explicitly prohibited by the national constitution?
- Is discrimination based on *sex characteristics* and/or *intersex status* explicitly prohibited by the national constitution?

Protection of LGBTI+ people's civil liberties

The protection of LGBTI+ people's civil liberties in a Member country is addressed by the following three questions:

- Is it the case that the national law has no specific provision concerning communication on LGBTI+ issues (e.g. through anti-propaganda measures)?
- Is it the case that the national law has no specific provision concerning peaceful assembly of LGBTI+ people (e.g. through barriers to the organisation of LGBTI+ public events)?
- Is it the case that the national law has no specific provision concerning association of LGBTI+ people (e.g. through barriers to the registration or funding of LGBTI+ associations)?

Protection of LGBTI+ people against violence

The protection of LGBTI+ people against violence in a Member country is addressed by two categories of questions. The first investigates whether LGBTI+ people are protected against hate crime:

- Is hate crime based on *sexual orientation* explicitly criminalised and/or considered by the national law as an aggravating circumstance?
- Is hate crime based on *gender identity* explicitly criminalised and/or considered by the national law as an aggravating circumstance?
- Is hate crime based on *sex characteristics* and/or *intersex status* explicitly criminalised and/or considered by the national law as an aggravating circumstance?

The second category of questions investigates whether LGBTI+ people in a Member country are protected against hate speech:

- Is hate speech based on *sexual orientation* explicitly criminalised and/or considered by the national law as an aggravating circumstance?
- Is hate speech based on *gender identity* explicitly criminalised and/or considered by the national law as an aggravating circumstance?
- Is hate speech based on *sex characteristics* and/or *intersex status* explicitly criminalised and/or considered by the national law as an aggravating circumstance?

Protection of LGBTI+ people fleeing persecution abroad

The protection of LGBTI+ people fleeing persecution abroad in a Member country is addressed by the following three questions:

- Does the national law and/or published policy explicitly recognise persecution (or a well-founded fear of persecution) based on *sexual orientation* as a valid ground for granting asylum?
- Does the national law and/or published policy explicitly recognise persecution (or a well-founded fear of persecution) based on *gender identity* as a valid ground for granting asylum?
- Does the national law and/or published policy explicitly recognise persecution (or a well-founded fear of persecution) based on *sex characteristics* and/or *intersex status* as a valid ground for granting asylum?

Existence of an LGBTI-inclusive equality body, ombudsman or human rights commission

The existence of an LGBTI-inclusive equality body, ombudsman or human rights commission in a Member country is addressed by the following three questions:

- Is a national equality body, ombudsman or human rights commission explicitly in charge of supporting victims of discrimination based on *sexual orientation*?
- Is a national equality body, ombudsman or human rights commission explicitly in charge of supporting victims of discrimination based on *gender identity*?
- Is a national equality body, ombudsman or human rights commission explicitly in charge of supporting victims of discrimination based on *sex characteristics* and/or *intersex status*?

Questions to identify group-specific provisions

A total of 16 questions investigate whether the group-specific provisions defined in Section 3.2 are in force in OECD countries.

LGB-specific provisions

The part of the questionnaire that deals with LGB-specific provisions in Member countries relies on 11 questions.

Equal treatment of same-sex and different-sex consensual sexual acts.

The equal treatment of same-sex and different-sex consensual sexual acts is addressed by the following two questions:

- Are consensual same-sex sexual acts legal?
- If consensual same-sex sexual acts are legal, are the age of consent for consensual same-sex sexual acts and the age of consent for consensual different-sex sexual acts equal?

Legal recognition of same-sex partnerships.

The legal recognition of same-sex partnerships is addressed by the following three questions:

- Is same-sex cohabitation or *de facto* partnership legal? (The term "cohabitation or *de facto* partnership" refers to a regime with usually a narrower legal scope than a registered/civil/domestic partnership or civil union and, hence, marriage. By "legal", we mean that same-sex couples in a cohabitation or *de facto* partnership are granted at least some of the rights that are granted to different-sex couples in a cohabitation or *de facto* partnership).
- Is same-sex registered/civil/domestic partnership or union legal? (The term registered/civil/domestic partnership or civil union describes a wider-ranging regime than cohabitation that resembles marriage without being equivalent to marriage.)
- Is same-sex marriage legal?

Equal adoption rights.

Equal adoption rights for different-sex and same-sex couples is addressed by the following two questions:

- Is it legal for partners in a same-sex partnership to jointly adopt a child? (The term "joint adoption" refers to a process whereby (i) the legal relationship between a child and her/his biological parents is extinguished; (ii) the adopting partners become the two legal parents of the child).
- When one partner in a same-sex partnership is a legal parent, can the other partner become the second legal parent through adoption (i.e. second-parent adoption), assuming that there is no second legal parent registered?

Equal access to assisted reproductive technology.

Equal access to assisted reproductive technology for different-sex and same-sex couples is addressed by the following three questions:

- Is a partner in a same-sex partnership treated on an equal footing with a partner in a different-sex partnership concerning access to medically assisted insemination (using sperm of a donor) or *in vitro* fertilisation (using donated sperm and/or egg)?
- When one partner in a same-sex partnership gives birth through legal medically assisted insemination or *in vitro* fertilisation, can the other partner become the second legal parent without having to go through adoption (i.e. automatic co-parent recognition)? (Please answer N/A if access of a same-sex partner to assisted reproductive technology is not legal).
- Are partners in a same-sex partnership treated on an equal footing with partners in a different-same partnership concerning access to surrogacy, i.e. an assisted reproductive technology in which a woman (surrogate) carries a child in her uterus on behalf of another person?

Ban on conversion therapy.

A Member country's policy regarding conversion therapy is addressed by the following question: "Is conversion therapy on minors banned? (The term "conversion therapy" refers to practices that aim to change an individual's sexual orientation from homosexual or bisexual to heterosexual)".

TI-specific provisions

The part of the questionnaire that deals with TI-specific provisions in a Member country relies on five questions.

Being transgender not categorised as a mental illness in national clinical classification.

This component is addressed by the following question: "Is being transgender removed from the list of mental disorders in national clinical classification?".

Legal gender recognition.

This component is addressed by the following question: "Is the change of gender marker in the civil registry (e.g. birth certificate, social security number) legal? (By "gender marker" we mean the elements that reveal an individual's gender. An individual's gender marker typically consists of his/her sex at birth and first name)."

No medical requirement attached to legal gender recognition.

This component is addressed by the following question: "Is it the case that the change of gender marker in the civil registry necessitates no medical requirement (sterilisation, sex-reassignment surgery or treatment including those that involve sterilisation, and/or mental health diagnosis)? (If the change of gender marker is not legal, please answer N/A)."

Availability of a non-binary gender option on birth certificates and other identity documents.

This component is addressed by the following question: "Is a non-binary gender option available on birth certificates and other identity documents, on top of "male" and "female"?"

Postponing medically unnecessary sex-normalising treatment or surgery on intersex minors.

This component is addressed by the following question: "Have significant steps been taken towards postponing medically unnecessary sex-normalising treatment or surgery on intersex minors until they can provide informed consent, beyond the availability of a non-binary gender option (e.g. awareness raising campaign on intersexuality, inquiry into the treatment of intersex minors, guidelines directed at medical practitioners, legal ban on cosmetic sex-normalising treatment or surgery on intersex minors, etc.)?"

Annex 3.B. Compiling responses to the OECD questionnaire on LGBTI+-inclusive laws

Legal LGBTI+ inclusivity is calculated based on responses to the OECD questionnaire on LGBTI+-inclusive laws. For illustration, the component "Protection of LGBTI+ people against violence" is used. As is apparent in Annex 3.A, applying international human rights standards to this issue would entail passing six legal provisions:

- Three in order to protect LGBTI+ individuals against hate crime (one based on sexual orientation for LGB people, one based on gender identity for transgender people, and one based on sex characteristics for intersex people);
- Three in order to protect LGBTI+ individuals against hate speech (again, one for LGB people, one for transgender people and one for intersex people).

Imagine a country where hate crime and hate speech explicitly based on sexual orientation and gender identity are criminalised, but where no such provision exists concerning sex characteristics. In this case, legal LGBTI+ inclusivity associated with the component "Protection of LGBTI+ people against violence" will be equal to 2/3 since four of the six provisions necessary to protect LGBTI+ individuals are in force.

Once legal LGBTI+ inclusivity associated with each of the 15 components of the OECD questionnaire on LGBTI+-inclusive laws is calculated, one can compute an arithmetic average by category of provisions. More precisely:

- Legal LGBTI+ inclusivity associated with the category "general provisions" is the arithmetic average of legal LGBTI+ inclusivity associated with each of the five components of general provisions;
- Legal LGBTI+ inclusivity associated with the category "group-specific provisions" is the arithmetic average of legal LGBTI+ inclusivity associated with each of the ten components of group-specific provisions, noting that legal LGBTI+ inclusivity can also be calculated for subcategories of group-specific provisions. In this case:
    - Legal LGBTI+ inclusivity associated with the subcategory "LGB-specific provisions" is the arithmetic average of legal LGBTI+ inclusivity associated with each of the 5 components of LGB-specific provisions;
    - Legal LGBTI+ inclusivity associated with the subcategory "TI-specific provisions" is the arithmetic average of legal LGBTI+ inclusivity associated with each of the five components of TI-specific provisions.

At this stage, it is possible to compute legal LGBTI+ inclusivity for the combination of both general and group-specific provisions. This value is simply the arithmetic average of legal LGBTI+ inclusivity associated with the category "general provisions" and legal LGBTI+ inclusivity associated with the category "group-specific provisions". Indeed, since general and group-specific provisions are both essential for the inclusion of LGBTI+ individuals, they are given equal weight in the average. Consequently, each of the five components of general provisions is assigned a 10% weight, while each of the ten components of group-specific provisions is assigned a 5% weight (Annex Box 3.B.1).

Annex Box 3.B.1. Computing legal LGBTI+ inclusivity: A methodological note

For a given country, are called:

- G1, G2, G3, G4 and G5 the level of legal LGBTI+ inclusivity attached to each of the five components of general provisions;
- LGB1, LGB2, LGB3, LGB4, LGB5, TI1, TI2, TI3, TI4 and TI5 the level of legal LGBTI+ inclusivity attached to each of the ten components of group-specific provisions: five relate to LGB-specific provisions (from LGB1 to LGB5), and five relate to TI-specific provisions (from TI1 to TI5).

Gm is the level of legal LGBTI+ inclusivity associated with the category “general provisions”. Gm is computed as follows:

$$Gm=1/5*(G1+G2+G3+G4+G5).$$

Similarly, GSm is the level of legal LGBTI+ inclusivity associated with the category “group-specific provisions”. GSm is computed as follows:

$$GSm=1/10*(LGB1+LGB2+LGB3+LGB4+LGB5+TI1+TI2+TI3+TI4+TI5).$$

The level of legal LGBTI+ inclusivity attached to general and group-specific provisions combined is merely the arithmetic average of Gm and GSm.

Annex 3.C. German states' efforts to introduce LGBTI+-inclusive legislative initiatives in the Bundesrat

Legislative initiatives aimed at passing LGBTI+-inclusive general provisions at the federal level

Since the early 2000s, three legislative initiatives aimed at passing LGBTI+-inclusive general provisions at the federal level have been introduced in the Bundesrat. Annex Table 3.C.1 provides the list of German states who did or did not participate in the introduction of these legislative initiatives.

Annex Table 3.C.1. A small majority of German states contributed to the emergence of LGBTI+-inclusive general provisions at the federal level

Overview of whether German states participated in introducing legislative initiatives (LIs) in the Bundesrat aimed at passing LGBTI+-inclusive general provisions at the federal level, as of 30 June 2021

German states who did not participate in introducing LIs in the Bundesrat aimed at passing LGBTI+-inclusive general provisions at the federal level	German states who participated in introducing LIs in the Bundesrat aimed at passing LGBTI+-inclusive general provisions at the federal level		
	LI 572/07 launched on 20 August 2007 in order to amend the Criminal Code (one of the proposed amendments consists in explicitly criminalising offences based on the sexual orientation of the victim and/or in considering them as an aggravating circumstance)	LI 225/18 launched on 30 May 2018 to amend the Basic Law (the proposed amendment consists in explicitly prohibiting discrimination based on sexual orientation and gender identity)	LI 713/20 launched on 24 November 2020 in order to amend the General Equal Treatment Act (AGG) so as to protect people more effectively against discrimination (one of the proposed amendments consists in explicitly including "gender identity" as a prohibited ground of discrimination to better protect transgender people)
Baden-Württemberg Bayern Hesse Lower Saxony North Rhine-Westphalia Saarland Saxony	Brandenburg Mecklenburg-Western Pomerania Saxony-Anhalt	Berlin Brandenburg Bremen Hamburg Rhineland-Palatinate Schleswig-Holstein Thuringia	Berlin Bremen

Source: Bundesrat database (https://www.bundesrat.de/DE/bundesrat/laender/laender-node.html).

Legislative initiatives aimed at passing LGBTI+-inclusive group-specific provisions at the federal level

Since the early 2000s, seven legislative initiatives aimed at passing LGBTI+-inclusive group-specific provisions at the federal level have been introduced in the Bundesrat: five that target LGB-specific provisions and two that target TI-specific provisions.

LGB-specific provisions

Annex Table 3.C.2 provides the list of German states who did or did not contribute to the emergence of LGB-specific provisions at the federal level.

Annex Table 3.C.2. A large majority of German states contributed to the emergence of LGB-specific provisions at the federal level

Overview of whether German states participated in introducing legislative initiatives (LIs) in the Bundesrat aimed at passing LGB-specific provisions at the federal level, as of 30 June 2021

German states who did not participate in introducing LIs in the Bundesrat aimed at passing LGB-specific provisions at the federal level	German states who participated in introducing LIs in the Bundesrat aimed at passing LGB-specific provisions at the federal level				
	LI 189/15 launched on 28 April 2015 to rehabilitate men convicted after 1945 for same-sex sexual conduct	LI 274/15 launched on 05 June 2015 to introduce the right to marriage for persons of the same sex	LI 343/18 launched on 19 July 2018 to improve rehabilitation, compensation and care of men convicted after 1945 for same-sex sexual conduct	LI 161/19 launched on 04 April 2019 to forbid conversion therapies	LI 223/21 launched on 18 March 2021 to ensure automatic co-parent recognition for female same-sex couples, i.e. ensuring that the same-sex partner of a women who procreates through medically assisted insemination can become the second legal parent without having to go through adoption
Bayern Mecklenburg-Western Pomerania Saxony Saxony-Anhalt	Berlin	Baden-Württemberg Brandenburg Bremen Hamburg Lower Saxony North Rhine-Westphalia Rhineland-Palatinate Schleswig-Holstein Thuringia	Berlin Bremen	Berlin Brandenburg Bremen Hesse Rhineland-Palatinate Saarland Schleswig-Holstein	Berlin Hamburg Thuringia

Note : It is worthwhile stressing that, as early as 2010, Berlin introduced in the Bundesrat a resolution on the opening of marriage to same-sex couples. Although they are not legally binding, resolutions are complements to legislative initiatives that notably allow federal states to draw attention on specific issues.
Source: Bundesrat database (https://www.bundesrat.de/DE/bundesrat/laender/laender-node.html)

TI-specific provisions

Annex Table 3.C.3 provides the list of German states who did or did not contribute to the emergence of TI-specific provisions at the federal level.

Annex Table 3.C.3. Only a minority of German states contributed to the emergence of TI-specific provisions at the federal level

Overview of whether German states participated in introducing legislative initiatives (LIs) in the Bundesrat aimed at passing TI-specific provisions at the federal level, as of 30 June 2021

German states who did not participate in introducing LIs in the Bundesrat aimed at passing TI-specific provisions at the federal level	German states who participated in introducing LIs in the Bundesrat aimed at passing TI-specific provisions at the federal level	
	LI 362/17 launched on 04 May 2017 to ensure legal gender recognition based on self-determination	LI 226/18 launched on 30/15/2018 to ensure (i) enforcement of the Federal Constitutional Court's decision to allow a third gender option in the civil registry and (ii) legal gender recognition based on self-determination
Baden-Württemberg	Berlin	Brandenburg
Bayern	Brandenburg	Bremen
Hamburg	Bremen	Rhineland-Palatinate
Hesse	Rhineland-Palatinate	Schleswig-Holstein
Mecklenburg-Western Pomerania	Thuringia	
Lower Saxony		
North Rhine-Westphalia		
Saarland		
Saxony		
Saxony-Anhalt		

Source: Bundesrat database (https://www.bundesrat.de/DE/bundesrat/laender/laender-node.html)

Notes

[1] Resolutions are increasingly used by German states as a political complement to the right of initiative. These resolutions are generally addressed to the Federal Government, and seek to draw attention to particular problems, present the Bundesrat's position on a specific topic or urge the Federal Government to initiate a legislative procedure on a particular point. Resolutions are however not legally binding.

[2] These countries are Australia, Austria, Belgium, Canada, Finland, France, Germany, Greece, Iceland, Ireland, Luxembourg, Netherlands, Norway, Portugal, Spain, United Kingdom and the United States.

[3] As the German constitution (*Basic Law*) defines the Federal Republic of Germany as a federation, each German state has its own constitution. The *Basic Law* gives the states a broad discretion to determine their respective state structure, only stressing that each German state has to be a social and democratic republic under the rule of law and that the people in every state must have an elected representation, without giving further details (Article 28.1).

[4] More information on the ombudsman in those states can be found on the following websites: https://www.buergerbeauftragter.bayern/ in Bavaria; https://www.buergerbeauftragte-bw.de/ in Baden-Württemberg; https://www.giessener-allgemeine.de/hessen/hessens-erster-polizeibeauftragter-90998307.html in Hesse (no official website yet); https://www.buergerbeauftragter-mv.de/ in Mecklenburg-Western Pomerania; https://www.diebuergerbeauftragte.rlp.de in Rhineland-Palatinate; https://buergerbeauftragter-thueringen.de/ in Thuringia.

[5] For additional evidence on the positive relationship between legal achievements towards LGBTI+ equality and economic development, see (Badgett, Waaldijk and Rodgers, 2019[23]).

[6] For more information, see the section related to the amendment of Article 3 of the Basic Law on the website of the Lesbian and Gay Association in Germany (Lesben- und Schwulenverband in Deutschland – LSVD): https://www.lsvd.de/de/ct/1825-Ergaenzung-von-Artikel-3-im-Grundgesetz-um-quot-sexuelle-Identitaet-quot.

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[10] These countries are Belgium, Chile, Denmark, Iceland, Ireland, Mexico (Mexico City), the Netherlands, Norway and Portugal. In some of these countries, the applicant may still be requested to provide a statutory declaration stating that he or she (i) has a settled and solemn intention of living in the preferred gender for the rest of her or his life; (ii) understands the consequences of the application; and (iii) makes the application of his or her free will. A reflection period of up to 6 months from the date of the application is sometimes required after which the applicant must confirm her or his application. All or some of these requirements prevail for instance in Belgium, Denmark or the Netherlands.

4 Policy achievements towards LGBTI+ equality in Germany

This chapter provides a comprehensive overview of the extent to which policies critical to achieve LGBTI+ equality have been implemented in Germany, at both the federal and state levels. After clarifying what these policies are, the chapter investigates whether these policies are carried out. It concludes by discussing how LGBTI+ equality in Germany could be further improved through policies. This analysis reveals that German states have been successful in putting many of the good intentions expressed in their action plan into practice, including with the support of the federal government. That said, further actions are needed, especially with regards to preventive policies aimed at fostering a culture of equal treatment of LGBTI+ individuals at school, in the workplace, and in health care.

4.1. Introduction and main findings

As of 2019, one-third of OECD countries, including Germany, had adopted a nationwide action plan aimed at carrying out policies to strengthen LGBTI+ equality, beyond passing the LGBTI+-inclusive laws described in Chapter 3 (OECD, 2020[1]). Chapter 4 provides a comprehensive overview of the extent to which policies critical to achieve LGBTI+ equality have been implemented in Germany, at both the federal and state levels. After clarifying what these policies are, the chapter investigates whether these policies are carried out. It concludes by discussing how LGBTI+ equality in Germany could be further improved through policies.

Main findings

- Guidelines by international and national human rights stakeholders highlight several policies critical to achieve LGBTI+ equality:
  - Remedial policies aimed at enforcing laws that protect LGBTI+ individuals against discrimination and violence. They entail low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence, actions to help these victims view the police as trustworthy, and guaranteeing the safety of LGBTI+ asylum seekers in reception facilities.
  - Preventive policies aimed at fostering a culture of equal treatment of LGBTI+ individuals in key areas, chief of which at school, in the workplace, and in health care.
- Germany offers an environment conducive to the implementation of the aforementioned LGBTI+-inclusive policies, thanks to active collaboration with LGBTI+ CSOs.
  - The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend − BMFSFJ*) has established strong partnerships with several nationwide LGBTI+ CSOs that manage both federal- and state-level projects, for instance in the framework of the “Live Democracy!” initiative launched in 2015 by the BMFSFJ.
  - All 16 German states subsidise local LGBTI+ CSOs. With the exception of Bavaria, these partnerships are formalised by an ongoing state-wide action plan that covers both remedial and preventive policies.
- Policy achievements towards LGBTI+ equality have been significant, at both the federal and state levels.
  - Although implementation power lies primarily with the subnational level, the federal government has undertaken landmark initiatives in all areas of remedial and preventive policies to support states in their journey towards LGBTI+ equality.
  - German states have been successful in putting many of the good intentions expressed in their action plan into practice.
    - German states show high levels of policy-based LGBTI+ inclusivity, defined as the share of LGBTI+-inclusive policies that are implemented among the aforementioned set of policies. In 2021, policy-based LGBTI+-inclusivity is equal to 70%, with moderate variation by state: it ranges from 50% in Lower Saxony and Mecklenburg-Western Pomerania to 83% in Baden-Württemberg, Berlin, Bremen, North Rhine-Westphalia and Saxony-Anhalt.
    - German states are better at implementing remedial than preventive policies. More than 80% of remedial policies are carried out across German states, noting that this observation holds irrespective of the component considered. By contrast, this is the case

of only 54% of preventive policies, with strong variation by component: policies to foster a culture of equal treatment of LGBTI+ individuals are implemented at an average rate of 94% in education but 41% in the labour market and 28% in health care.

- Policy achievements towards LGBTI+ equality are associated with implementation of an action plan, suggesting that these plans are much more than words on paper.
  - Policy-based LGBTI+-inclusivity is positively correlated with existence of an action plan: it is equal to 58% in the only German state with no ongoing (nor past) action plan (Bavaria), 69% in the 13 states where a first action plan is ongoing and 83% in the two states (Berlin and North Rhine-Westphalia) where already a second action plan is ongoing – in Berlin, a third action plan is planned for launch in 2023.
  - The way the action plan is implemented matters. Notably, oversight from an advisory board composed of all stakeholders who meet regularly (at least once a year) to discuss progress turns out to be essential: the share of policies critical for LGBTI+ equality that have been implemented in states with such an advisory board is 10 percentage points higher (74% vs 64%) than in states with no advisory board.
- Both the federal and state governments could help improve LGBTI+ equality through policies.
  - Despite remarkable achievements, further actions are needed in the field of remedial policies.
    - Better advertising low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence while ensuring that greater outreach go hand in hand with high-quality service delivery;
    - Combining the establishment of an LGBTI+ unit or of LGBTI+ liaison officers within the police with significant workload relief giving them time to fulfil the tasks associated with their role, on top of their regular policing activities;
    - Complementing protection plans aimed at ensuring the safety of LGBTI+ asylum seekers in reception facilities by detailed terms of reference for reception facility operators and regular inspection by an independent body;
  - Significant additional efforts should be devoted to implementing preventive policies.
    - LGBTI+-inclusive policies in education are characterised by low outreach. To push *all* schools to engage in LGBTI+-inclusive teacher and student training, especially those where homophobia and transphobia are pervasive, the federal and state levels of governance could join forces to devise and administer school climate surveys throughout the national territory. These surveys could be conducted on a regular basis among school staff and students in primary schools and in secondary general and vocational schools to monitor levels and trends in school bullying based on a set of protected grounds, including sexual orientation and gender identity.
    - Similarly, outreach is low with regards to preventive policies in the labour market, especially in the private sector. The federal and state governments could co-operate to make training on the *General Equal Treatment Act* and the set of grounds this Act protects compulsory for both public and private employers (such training is mandatory in France, for instance). To help employers fulfil their training obligations in an effective way, public authorities could devise detailed terms of reference for training providers based on results flowing from rigorous impact evaluation on what works to counter discriminatory attitudes and behaviours in the workplace. In addition, to avoid imposing a financial burden to employers, public authorities could develop and give access to free-of-charge e-learning modules complying with these terms of reference.

- In health care, efforts to make the curriculum for the training of nurses more LGBTI+-inclusive could be expanded to the training of personal care workers and doctors. To foster compliance, action could be taken to increase the demand of inpatient care facilities and outpatient care services for staff duly trained on dealing with LGBTI+ patients, which entails improving their buy-in of the certification programme "Diversity as a Place to Live – Seal of quality" (*Lebensort Vielfalt – Qualitätssiegel*). This objective could be achieved by broadening the scope of this certification programme to ensure it is not viewed as only focused on the well-being of LGBTI+ patients, and by advertising this change among health care facilities and beyond throughout the national territory.

4.2. Which policies should be implemented to advance LGBTI+ equality, beyond passing LGBTI+-inclusive laws?

Guidelines by international and national human rights stakeholders highlight several policy goals critical to achieve LGBTI+ equality that can be decomposed into two categories of policies (OECD, 2020[1]): (i) *remedial* policies to enforce laws that protect LGBTI+ individuals against discrimination and violence; and (ii) *preventive* policies to foster a culture of equal treatment of LGBTI+ individuals in key areas, i.e. at school, in the workplace, and in the health care system.

4.2.1. Remedial policies

Remedial policies aim to effectively assist LGBTI+ victims of discrimination and violence in enforcing their rights to protection, should their persecution have occurred on the national territory or abroad. By establishing a culture with zero-tolerance for anti-LGBTI+ bullying and harassment, they limit the risk that discrimination and violence against sexual and gender minorities be repeated.

Policies to ensure low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence

Passing laws prohibiting discrimination and violence against LGBTI+ individuals is not sufficient to protect sexual and gender minorities against persecution. For their deterring effect to be real, one must also ensure that LGBTI+ victims take action to seek redress from their offenders. Yet, non-reporting is the default response of LGBTI+ victims of discrimination and violence. In 2019, only 7% of LGBTI individuals in Germany reported the last incident of discrimination they faced to any entity (the police, an LGBTI+ organisation, etc.) – as compared to 9% EU-wide. Moreover, less than one-fifth (19%) did so concerning the last incident of hate-motivated physical or sexual attack they were confronted to – it was 21% EU-wide (European Union Agency for Fundamental Rights, 2020[2]).

Combatting under-reporting entails ensuring *low-threshold* legal support for LGBTI+ victims of discrimination and violence, meaning that this legal support should satisfy the following three conditions (CoE European Commission against Racism and Intolerance, 2021[3]; Gonan and Jaklin, 2018[4])

- It is free of charge thanks to public funding.
- It is responsive, i.e. given shortly after request, via in-person counselling (through local counselling centres), counselling over the phone, or online counselling (e.g. email, live chat, or video consultation).
- It is provided by organisations that are clearly identified as allies by the LGBTI+ population − a prerequisite for LGBTI+ victims of discrimination and violence to trust that they will be taken seriously.

Combatting under-reporting also implies that the low-threshold legal support be associated with a recognised expertise in psychosocial counselling so that victims of anti-LGBTI+ discrimination and violence have confidence that their trauma will be properly addressed (Dulak and Świerszcz, 2013[5]).

Policies to ensure that the police are viewed as trustworthy by LGBTI+ victims of discrimination and violence

Failure to appropriately prosecute crimes motivated by hatred against LGBTI+ individuals creates a sense of impunity among perpetrators and can result in increasing levels of violence against sexual and gender minorities. Yet, while the police are at the frontline of the criminal justice system, only 13% of LGBTI Germans (as compared to 14% EU-wide) decided to report to the police the last incident of hate-motivated physical or sexual attack they underwent – hence only two-thirds of the already small minority of individuals who reported such incident to any entity (European Union Agency for Fundamental Rights, 2020[2]). The presumed reluctance and/or incapacity of police officers to deal with such violence is the main reason why LGBTI Germans refuse to report abuse: 21% explicitly state that they do not trust the police (as compared to 24% EU-wide), 40% stress that they do not think the police would or could do anything (same as on average in other EU countries), and 23% that they feared homophobic and/or transphobic reaction from the police (as compared to 25% EU-wide). In other words, even if they have access to low-threshold legal support that advises them to make a victim statement at the police station, it is unlikely that LGBTI+ victims of discrimination and/or violence will follow this recommendation in large number.

Against this backdrop, it is critical to implement policies aiming to ensure that the police are viewed as trustworthy by LGBTI+ victims of discrimination and violence. This entails establishing LGBTI+ liaison officers or a LGBTI+ unit within the police to counter prejudices, stereotypes and potential misbehaviours towards LGBTI+ individuals.

As recommended by the European LGBT Police,[1] such units' mission should be threefold (CoE, 2017[6]; Palmer and Kutateladze, 2021[7]).

- First, it should work as a complaint office for both external and internal stakeholders, i.e. for LGBTI+ citizens wishing to report misconduct by individual police officers and for police officers wishing to bring experiences of anti-LGBTI+ discrimination to its attention, either as a victim or as a witness.
- Second, it should contribute to the initial and further training of police officers. More precisely, this training generally includes mandatory modules on recognising when a criminal offence is a hate crime, which is a prerequisite for further investigation and prosecution. But these modules often lack a specific focus on criminal offences motivated by bias against the actual or perceived sexual orientation, gender identity or sex characteristics of the victim.[2] The LGBTI+ liaison officer(s) or unit should help fill this gap by educating police officers on identifying factors that reveal anti-LGBTI+ bias, e.g. whether the victim was holding hands of a same-sex partner at the time of the event, whether the attacker failed to display any financial or other motive when committing the offence, etc. (CoE, 2017[6]). Moreover, the LGBTI+ liaison officer(s) or unit is expected to train police officers on creating a welcoming environment at the police station, not only to convince LGBTI+ victims to report the violence they underwent, but also to do so in the most open manner to gather the best evidence possible. Indeed, the victim statement is the point where key information is provided. Depending on how it is conducted, this statement can make or break a criminal case. For instance, posters stressing the police's commitment to a fair implementation of national hate crime laws, including when the criminal offence is targeted at LGBTI+ individuals, can greatly contribute to the comfort of LGBTI+ victims once at the police station.
- Finally, the LGBTI+ liaison officer(s) or unit should devote time to reminding police officers and the general public about their existence and actions. This entails that their contact details can be easily found online, included by individuals outside the police, and that they organise regular information campaigns, both internally and externally. To get the message through to sexual and gender minorities, it is important that close partnerships be established with LGBTI+ organisations.

Policies to ensure the safety of LGBTI+ asylum seekers fleeing persecution abroad in reception facilities

Explicitly enshrining in law that persecution (or a well-founded fear of persecution) based on sexual orientation, gender identity or sex characteristics constitutes a valid ground for granting asylum is essential to protect LGBTI+ individuals living in one of the 69 countries where same-sex conduct is still criminalised (ILGA, 2020[8]). However, to guarantee their full protection, this legal requirement should be accompanied by policies to ensure the safety of LGBTI+ asylum seekers in reception facilities while they await decisions on their asylum application, as stressed by EU Directive 2013/33/EU laying down standards for the reception of applicants for international protection. This safety objective is particularly important in the case of LGBTI+ asylum seekers since they typically fled their country of origin alone and thus rarely benefit from the support of family members or from a network of fellow expatriates. Quite the contrary, LGBTI+ individuals face unique risks and challenges in reception facilities where they often occupy the bottom of the informal hierarchy that characterises places of incarceration and are therefore disproportionately exposed to violence, notably by their countrymen/-women (UNHCR, 2012[9]).

In this setting, concrete actions should be taken to avoid that LGBTI+ asylum seekers who fled persecution abroad be exposed again to violence in reception facilities. This objective entails undertaking both remedial and preventive measures:

- Remedial measures include:
  - Providing separate accommodation areas for LGBTI+ asylum seekers in case they are bullied by other residents;
  - Informing LGBTI+ asylum seekers on the support they can get in case of bullying, for instance through flyers in different languages.
- Preventive measures include:
  - Informing asylum seekers about their rights and duties (including the sanctions they will be exposed to if they engage in anti-LGBTI+ violence), within the reception facilities and in Germany should they be granted a refugee status;
  - Training staff in the reception facility on the vulnerability of LGBTI+ asylum seekers to ensure they pay particular attention to their situation.

4.2.2. Preventive policies

It is unlikely that efforts to enforce laws that protect LGBTI+ individuals against discrimination and violence will be enough to achieve LGBTI+ equality. To reach this objective, it is essential to complement remedial policies by preventive policies aimed at educating people to control their bias against LGBTI+ individuals (OECD, 2019[10]).Consciously or not, people tend to be biased in favour of their in-group (the social group with which they identify as being a member) and/or to be biased against their out-group (the social group with which they do not identify) (Kahneman, 2013[11]).This bias leads them to judge positively, even before they get to know them, people who are similar to them, and to “prejudge” negatively the others. This bias also largely accounts for stereotypes’ inaccuracy. Individuals tend to overestimate the weaknesses of dissimilar others and to underestimate their strengths, while they are prone to the opposite in face of similar others. Overall, in-group and out-group bias contributes to minority groups, LGBTI+ people included, being discriminated against by the majority.

Although education, employment and health care are viewed by the International Bill of Human Rights as critical for individuals to flourish,[3] these fields are fraught by discrimination against LGBTI+ individuals. Preventive policies should therefore focus on fostering a culture of equal treatment of LGBTI+ individuals primarily in these key areas, i.e. at school, in the workplace, and in health care.

Policies to foster a culture of equal treatment of LGBTI+ individuals at school

LGBTI+-phobic bullying at school is a worldwide problem (UNESCO, 2016[12]). The victimisation of LGBT students ranges from the interference of homophobic and transphobic discourse in everyday interactions (e.g. the use of "dyke", "faggot" or "tranny" as generalised derogatory comments among teenagers) to verbal harassment, physical violence or cyberbullying – noting that these wrongdoings are not only committed by peers, but can also involve the school staff. Germany is no exception: in 2019, 63% of LGBTI Germans declare they have hidden being LGBTI at school (as compared to 57% EU-wide), and 4 in 10 report having always or often experienced negative comments or conduct in the school setting because of being L, G, B, T or I – same share as on average in other EU countries (European Union Agency for Fundamental Rights, 2020[2]). Hostile school settings are detrimental to the mental and physical health of LGBTI+ children and youth and negatively affect educational attainment, including lower participation in class or school activities, poorer academic performance and lower rates of attendance, or dropping out of school entirely (OECD, 2019[10]; Sansone, 2019[13]). Ultimately, school environments where children and youth are subject to LGBTI+-phobic behaviour are factors that contribute to high rates of social exclusion and lack of higher education and employment prospects, adversely impacting LGBTI+ persons and society at large.

Fostering a culture of equal treatment of LGBTI+ individuals at school entails implementing two main policies:

- Making respect for all individuals, including regardless of their sexual orientation, gender identity and/or sex characteristics/intersex status, an explicit objective of the school curriculum from primary school onwards, either in the framework of a specific mandatory school subject (e.g. "sexuality education" (OECD, 2020[14]) or as a cross-cutting educational objective – for instance, children in primary schools could be taught about the diversity of families (single parent families, families with LGBTI+ parents including two-dad and two-mum, families headed by grandparents, adoptive parents, foster parents, etc.) and thus be inculcated respect for all these families to the extent that they are all characterised by love and care.
- Training teachers on fostering acceptance of LGBTI+ individuals in the classroom, notably by equipping them with the capacity to challenge LGBTI+-phobic language and behaviour.

Focusing on educational settings presents a double advantage for any government aiming to achieve LGBTI+ equality: on top of addressing LGBTI+-phobic bullying at school, this approach is conducive to a cultural shift in society at large, since it allows to durably influence and shape individuals' values and attitudes, known to get formed in the first years of life and to be highly resistant to change later in life.

Policies to foster a culture of equal treatment of LGBTI+ individuals in the workplace

Chapter 2 has demonstrated the pervasiveness of discrimination against LGBTI+ job seekers and employees, including in Germany: in 2019, one in five LGBTI Germans declare they hide being LGBTI at work (a similar share as on average in other EU countries), noting that one in four report having felt discriminated against when at work or when looking for a job because of being L, G, B, T or I – as compared to one in five EU-wide (European Union Agency for Fundamental Rights, 2020[2]).

Governments have a responsibility to foster a culture of equal treatment of LGBTI+ individuals in the workplace, which entails taking action in both the public and private sector, chief of which:

- Training HR staff, managers and all other interested employees in the public sector on levelling the playing field for LGBTI+ job candidates and employees;
- Providing significant support to employers in the private sector to help them create an inclusive environment for LGBTI+ individuals.

Policies to foster a culture of equal treatment of LGBTI+ individuals in health care

Legally prohibiting discrimination on the grounds of sexual orientation, gender identity and sex characteristics in health care, barring conversion therapies on LGBTI+ minors, banning medical mandates for legal gender recognition, postponing medically unnecessary sex-normalising treatment or surgery on intersex babies until they can provide informed consent, are all actions that contribute to ingraining a culture of equal treatment in health care settings. But these legal steps should be complemented by policies to increase LGBTI+ patients' confidence that they will be treated in a professional and respectful way.

In fact, a large share of LGBTI+ individuals do not disclose their sexual orientation, gender identity and/or sex characteristics in health care settings for fear of language that is perceived as offensive, i.e. at worst judgmental and at best reflecting that all patients are viewed as heterosexual, cisgender and non-intersex (Health4LGBTI, 2017[15]). For instance, in 2019, 36% of LGBTI Germans declare they have hidden being L, G, B, T or I in the health care system (as compared to 46% EU-wide) and 18% (hence 2 percentage points more than on average in other EU countries) report having felt discriminated against when using health care services (European Union Agency for Fundamental Rights, 2020[2]). This situation suggests not only that LGBTI+ individuals may seek to avoid health care services, but also that they are not provided with the best quality care when they do rely on those services. Indeed, LGBTI+ individuals show specific health needs (OECD, 2020[1]) that can't be properly addressed if they are not out to care and medical professionals. That said, creating an environment that is welcoming enough for LGBTI+ patients to disclose their minority status may not be sufficient to guarantee their case is properly handled. Focus groups conducted across the EU reveal that, even when out, LGBTI+ patients identify a lack of knowledge of their health needs (Health4LGBTI, 2017[15]).

To ensure that the many health inequalities faced by LGBTI+ individuals are properly addressed, it is critical to train health care professionals on the specific health needs of LGBTI+ people and on how to approach them in an inclusive way (as in the training developed in the framework of the EU-funded Health4LGBTI project (Health4LGBTI, 2018[16]).[4] This training should be directed at the two main categories of health care professionals, that is at both care professionals (nurses and personal care workers) and medical professionals (doctors).

4.3. Are policies fostering LGBTI+ equality implemented in Germany?

After presenting the partnerships that prevail between public authorities and LGBTI+ civil society organisations (CSOs) at both the federal and state levels, Section 4.3 provides an overview of policy achievements towards LGBTI+ equality for each level. It concludes by investigating the extent to which policy efforts to achieve LGBTI+ equality are associated with implementation of an action plan.

4.3.1. An overview of partnerships between public authorities and LGBTI+ CSOs

Germany offers an environment conducive to the implementation of the set of policies described in Section 4.2. thanks to the development of active partnerships between public authorities and LGBTI+ CSOs.

Partnerships initiated by the federal government

The fight against homophobia and transphobia in Germany took off in the mid-2010s. In 2013, the coalition agreement between the CDU/CSU (Christlich-Demokratische Union Deutschlands/Christlich-Soziale Union in Bayern) and SPD (Sozialdemokratische Partei Deutschlands) agreed to revise the "National Action Plan to fight racism, xenophobia, anti-Semitism and related intolerance" launched in 2008 in order to explicitly include homophobia and transphobia among the group-focused enmities to be combatted. The

revised version called “National Action Plan against racism” was published in 2017, with the term “racism” being used in a generic way to designate “ideologies of inequality”, i.e. ideologies that oppose the fundamental principle of equality of all people. As such, the 2017 National Action Plan formalises the federal government’s objective to combat “anti-Semitism”, “antigypsyism”, “islamophobia”, “racism against black people”, as well as “homophobia and transphobia”. The federal government is currently working on a national action plan that specifically focuses on acceptance and protection of sexual and gender minorities that is planned for launch in Fall 2022 (Box 4.1).

Box 4.1. “Queer life!” – Federal Government Action Plan for the Acceptance and Protection of Sexual and Gender Diversity

The national LGBTI+-inclusive action plan that the federal government will launch in Fall 2022 covers six fields of action.

Legal recognition

For the 20th legislative period, the federal government plans to include the prohibition of discrimination against LGBTI+ individuals in the *Basic Law* and to replace the *Transsexual Act* with a *Self-Determination Act*.

Participation

The federal government aims to strengthen the rights and participation of LGBTI+ individuals and promote the visibility and acceptance of same-sex lifestyles and gender diversity in a wide range of areas, including sport, the labour market and care for the elderly.

Security

The federal government aims to protect LGBTI+ individuals from violence, assaults and hostility, both on and offline, through better recording of those acts and greater support for victims.

Health

The federal government aims to improve data collection on the health of LGBTI+ individuals and on the way their needs are addressed by health care systems.

Strengthening counselling

The federal government aims to join forces with state governments to enhance the coverage and funding of counselling centres that provide support for LGBTI+ victims of discrimination and violence.

International

The federal government aims to give full consideration to LGBTI+ human rights in the framework of foreign policy and development assistance, including by supporting civil society organisations outside Germany that work locally, regionally, supraregionally or internationally to foster LGBTI+ equality.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend − BMFSFJ*) is the public entity in charge of policies aimed at fostering LGBTI+ equality at the federal level.[5] It has established strong partnerships with several nationwide LGBTI+ CSOs that manage both federal- and state-level projects, for instance in the framework of the “Live Democracy!” initiative launched in 2015 by the BMFSFJ (Box 4.2).

Box 4.2. Main federally subsidised LGBTI+ CSOs that help the BMFSFJ foster LGBTI+ equality

The BMFSFJ subsidises the Lesbian and Gay Association in Germany (*Lesben- und Schwulenverband in Deutschland − LSVD*), the largest LGBTI+ CSO in Germany that aims to represent the interests and voice the concerns of lesbian, gay, bisexual, transgender and intersex people altogether. It is composed of both a federal association and local chapters present in all German states − sometimes as a joint partnership for two neighbouring states.[1.]

The BMFSFJ also supports CSOs that seek to address the challenges faced by specific subgroups of the LGBTI+ population, and notably:

- Transgender individuals via the funding of the "Federal Association Trans*" (*Bundesverband Trans**).[2]
- Intersex individuals via the funding of the association "Intersex People" (*Intergeschlechtliche Menschen – IMeV*).[3]
- LGBTI+ youth via the funding of "Lambda Federal Association" (*Lambda Bundesverband*).[4]
- Elderly LGB individuals via the funding of
  - The "Federal interest group of gay seniors" (*Bundesinteressenvertretung schwuler Senioren – BISS*).[5]
  - The association "Lesbians and age" (*Lesben und Alter – LUA*).[6]

The BMFSFJ provides part of its financial support in the framework of specific programs such as the "Live Democracy!" (*"Demokratie Leben!"*) initiative[7] that the BMFSFJ launched in 2015 in order to pursue three objectives:

- Promoting democracy: strengthening the understanding of democracy by supporting children, adolescents and young adults in exercising their rights as citizens;
- Shaping diversity: enabling all people in Germany to lead a life shielded from discrimination and violence by notably fighting against all group-focused enmities;
- Preventing extremism: combating right-wing extremism, left-wing extremism and Islamist extremism by seeking to interrupt radicalisation processes at an early stage.

[1] See https://www.lsvd.de.
[2] See https://www.bundesverband-trans.de/
[3] See https://im-ev.de/
[4] See https://www.lambda-online.de/
[5] See https://schwuleundalter.de/
[6] See https://www.lesbenundalter.de/
[7] See https://www.demokratie-leben.de/

Partnerships initiated by state governments

All 16 German states have established partnerships with local LGBTI+ CSOs that they subsidise to foster LGBTI+ equality − see Annex Table 4.A.1 for the list of stakeholders by state. With the exception of Bavaria where substantial collaboration around LGBTI+ inclusion with civil society organisations started only recently (in 2021), these partnerships are formalised by an ongoing state-wide action plan that typically covers both the remedial and preventive policies presented in Section 4.2 − see Annex Table 4.A.2 for a detailed overview of these action plans. In two states, Berlin and North Rhine-Westphalia, the current action plan is already the second implemented, noting that a third action plan is planned for launch in Berlin

in 2023. In the other 13 states, the ongoing action plan is unprecedented, with start years varying between 2013 (Rhineland-Palatinate) and 2020 (Saarland) – see Table 4.1.

Table 4.1. All but one of the 16 German states have an ongoing action plan to foster LGBTI+ equality

Overview of whether an action plan to foster LGBTI+ equality is ongoing at the German state level as of 2021

States with no ongoing (nor past) action plan	States who have an ongoing action plan	
	States where a first action plan is ongoing (start year of the ongoing action plan between parentheses)	States where a second action plan is ongoing (start year of the ongoing action plan between parentheses)
Bavaria	Baden-Württemberg (2015) Brandenburg (2017) Bremen (2015) Hamburg (2017) Hesse (2017) Lower Saxony (2014) Mecklenburg-Western Pomerania (2015) Rhineland-Palatinate (2013) Saarland (2020) Saxony (2017) Saxony-Anhalt (2015) Schleswig-Holstein (2014) Thuringia (2018)	Berlin (2019 – the previous action plan covered the period 2010-19) North Rhine-Westphalia (2020 – the previous action plan covered the period 2012-20)

Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

4.3.2. Policy achievements towards LGBTI+ equality at the federal and state levels

All the policies presented in Section 4.2 are under German states' purview. However, the federal government is instrumental in creating a positive momentum among states. It does so by providing guidelines or training, either directly (while leaving states responsible for implementation) or indirectly (via the funding of nationwide CSOs and networks).

Policy achievements towards LGBTI+ equality at the federal level

The federal government has undertaken several initiatives that support states in their journey towards LGBTI+ equality and provide them with good practice examples. Its main achievements are detailed below, for all six components of LGBTI+-inclusive policies.

Low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence

Since 2019, a free hotline is operated by the "Federal interest group of gay seniors" (*Bundesinteressenvertretung schwuler Senioren – BISS*) with funding from the BMFSFJ and from the Federal Ministry of Justice (*Bundesministerium der Justiz – BMJ*). Under the number 0800 – 1752017, this hotline advises individuals who were persecuted for consensual same-sex conduct after World War II (mainly under former Paragraph 175 of the German Criminal Code) on how to get reparation. This initiative followed enactment in 2017 of the "Law on the Criminal Rehabilitation of Persons Convicted of Consensual Homosexual Acts after 8 May 1945".[6]

On top of this low-threshold legal and psychosocial support for LGBTI+ (former) victims of discrimination and violence, all the main federally subsidised LGBTI+ CSOs presented in Box 4.2 provide online guidance

to LGBTI+ individuals to help them navigate the legislation. This assistance spans a wide range of issues beyond legal protection against discrimination and violence, from converting a Registered Life Partnership into civil marriage, to implementing a legal change of the gender marker in the civil registry, to enforcing the prohibition of medically unnecessary sex-normalising treatment or surgery on intersex minors until they can provide informed consent. Moreover, some of the federally subsidised LGBTI+ CSOs also provide psychosocial counselling, although not exclusively focused on LGBTI+ victims of discrimination and violence. For instance, in the framework of the project "In&Out", the "Lambda Federal Association" (*Lambda Bundesverband*) supports queer teenagers and young adults up to the age of 27 who wonder about their sexual orientation and gender identity.[7]

The low-threshold legal and psychosocial support provided by federally subsidised LGBTI+ CSOs is complemented by the more general assistance of the Federal Anti-Discrimination Agency (*Antidiskriminierungsstelle des Bundes*). This independent body provides first legal counselling for everyone who believes they were victims of discrimination and violence, including based on their sexual orientation, gender identity and sex characteristics/intersex status. It does so through a well-designed interactive website that reminds individuals of their rights in plain language, via an intelligible account of what constitutes a discrimination in the framework of the *General Act on Equal Treatment* (*Allgemeines Gleichbehandlungsgesetz – AGG*) and informative case studies. Moreover, assuming the discrimination case is substantiated enough, the Federal Anti-Discrimination Agency provides insights on possible further actions (contacting the presumed discriminators with the aim of reaching an amicable settlement, bringing the case to court, etc.) and refers users willing to take those actions to more specialised bodies and experts (CSOs and legal professionals focused on anti-LGBTI+ discrimination, etc.). The Federal Anti-Discrimination Agency successfully expanded this general counselling on the AGG to the state-level via the Coalition against discrimination (Box 4.3).

Box 4.3. The Coalition against discrimination and its influence on German states

The Coalition against discrimination was set up in 2011 by the German Federal Anti-Discrimination Agency. It is composed of German states who signed a letter of intent that formalises their commitment "to offer the best possible counselling to people affected by discrimination" and "to appoint central contact persons for the topic of discrimination".

As of 2021, 12 German states have joined the Coalition against discrimination: Baden-Württemberg, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saxony, Schleswig-Holstein and Thuringia.

Coalition membership seems to have boosted the emergence of State Antidiscrimination Offices (*Landesantidiskriminierungsstellen*) in charge of informing individuals about the *General Act on Equal Treatment.* While such entity was created in only one (Saxony-Anhalt) of the four states who did not join the coalition, a state antidiscrimination office is operating in nearly 60% (7) of the 12 states who signed the letter of intent: Baden-Württemberg, Berlin, Brandenburg, Hesse, Rhineland-Palatinate, Schleswig-Holstein, Thuringia.

Existence of one (or several) LGBTI+ liaison officer(s) or of a LGBTI+ unit within the police

Since 2013, at least five LGBTI+ liaison officers have been appointed within the German federal police. Their mission is twofold. First, they aim to ensure a work environment for LGBTI+ staff that is free of discrimination and violence. Second, in a context where the federal police are primarily responsible for border protection as well as railroad and air security, they sensitise their colleagues to deal with LGBTI+ individuals *outside* the police in a human rights compliant way, notably in the course of body searches (Bremer, 2021[17]).

Safety measures for LGBTI+ asylum seekers in reception facilities

Although the implementation of policies advocated by the EU Directive 2013/33/EU to ensure the safety of LGBTI+ asylum seekers in reception facilities falls under the responsibility of German states, the federal government devised guidelines to help them develop their own « Violence protection framework » (*Gewaltschutzkonzept*). More precisely, in 2016, the BMFSFJ and UNICEF launched the federal initiative "Protection of asylum seekers in refugee accommodation" (*Schutz von geflüchteten Menschen in Flüchtlingsunterkünften*).[8] This initiative led to the publication of « Minimum standards for the protection of asylum seekers in refugee accommodation » whose 4th edition was released in 2021 (BMFSFJ, 2021[18]). These minimum standards include several annexes that provide advice on how to implement these requirements to specific groups, including LGBTI+ asylum seekers (in Annex 1 of this document). To offer further practical guidance to reception facilities, the Lesbian and Gay Association in Germany (LSVD) published in 2020 a set of recommendations presented as ready-to-use checklists, with financial support from the BMFSFJ (LSVD, 2020[19]).

In addition, the Federal Government Commissioner for Migration, Refugees and Integration (*Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration*) funds the project "Queer Refugees Deutschland" implemented by the LSVD in order to connect and back local LGBTI+ CSOs aiming to assist LGBTI+ asylum seekers and refugees, from helping them navigate the asylum procedure, to supporting them in case they are bullied in reception centres, to fostering their integration in the German society once their refugee status is granted.[9]

Fostering a culture of equal treatment in education

According to the *German Basic Law*, primary, secondary and higher education are within the purview of German states: "the entire school system shall be under the supervision of the state" – Article 7 ("School system") of Chapter 1 ("Basic Rights"). However, the federal level does influence everyday life in schools. It contributes to shape curricula and their implementation in three ways.

- First, a recent amendment brought to the Eight Book of the Social Code devoted to "Child and Youth Welfare" pushes German states to strengthen the sections of their school curriculum that deal with acceptance of transgender and intersex individuals. More precisely, in June 2021, an LGBTI+-inclusive mention was introduced in Paragraph 9 of the First chapter on "General Rules". Following this change, education services are urged to "take into account the different life situations of girls, boys and transident, non-binary and intersex young people, to reduce disadvantages and to promote gender equality".
- Second, to help school staff implement LGBTI+-inclusive state curricula, the BMFSFJ has developed a wide range of educational materials and trainings, notably in the framework of the project "Competence network to reduce homophobia and trans*phobia" (*Kompetenznetzwerk zum Abbau von Homosexuellen- und Trans*feindlichkeit*) that is funded as part of the "Live Democracy!" initiative.[10] The training is provided by the *Waldschlösschen Academy,*[11] *a nationwide adult education institution located in Lower Saxony, through instructor-led in-class or virtual courses, seminars, and workshops. The underlying educational material is devised with* the help of the Lesbian and Gay Association in Germany (LSVD), the "Federal Association Trans*" and the association "Intersex People". Part of this material for everyday work in day care centres and schools is provided free of charge by the *Waldschlösschen Academy* (Waldschlösschen Academy, 2018[20]; 2018[21]; 2020[22]). Complementary guidelines are also available on the Regenbogen portal,[12] an online platform maintained by the BMFSFJ that provides critical information to LGBTI+ individuals and allies to foster the inclusion of sexual and gender minorities in Germany.[13]
- Third, the BMFSFJ supports the nationwide network "Queer Education" (*Queere Bildung*)[14] that connects local LGBTI+ CSOs who have developed expertise on training students to prevent anti-

LGBTI+ violence and foster acceptance of sexual and gender minorities, in the framework of short school-based interventions. Funding from the BMFSFJ permitted two major achievements:

- The expansion of the network to areas with no educational offer from queer organisations (a process that started in 2020 in the framework of the project "Closing educational gaps – development, qualification and strengthening of queer educational projects in structurally weak regions nationwide" (*Bildungs_lücken schließen – Aufbau, Qualifizierung und Stärkung queerer Bildungsprojekte in strukturschwachen Regionen bundesweit*) that is funded as part of the "Live Democracy!" initiative;
- The publication in 2021 of the augmented second edition of "Quality standards for work with school classes and in extracurricular youth work" (Queere Bildung, 2021[23]) that is binding to all members of the network (first edition published in 2017).

Fostering a culture of equal treatment in the workplace

The Diversity Charter (*Charta der Vielfalt*), an employer initiative launched in 2006, constitutes a key instrument to promote LGBTI+ inclusion in the German labour market: by allowing employers to publicly commit to value every job candidate and employees, including regardless of their sexual orientation and gender/gender identity,[15] the Charter creates a moral obligation among signatories to act in accordance with their declaration of intent. As of 2021, more than 4 000 employers have signed the Charter, representing a total of more than 14 million employees. The federal government has played a key role in securing this outreach by showcasing its support. First, it exemplified and generated peer pressure in the public sector, including at the state level,[16] by having all its 14 ministries sign the Charter. Moreover, since the creation in 2011 of the non-profit association Diversity Charter e. V. in charge of promoting the Charter among employers, the Federal Government Commissioner for Migration, Refugees and Integration holds a permanent seat on the association's board.

Meanwhile, federal bodies endeavoured to provide employers with guidelines and training on creating a discrimination-free environment for LGBTI+ job candidates and employees.

- The BMJ and the BMFSFJ funded the publication of recommendations to promote inclusion in the workplace of lesbians as well as transgender and intersex individuals respectively (Graml et al., 2020[24]) (BMFSFJ, 2017[25]).
- Moreover, the Federal Antidiscrimination Agency is planning to write a comprehensive practical guide in co-operation with federations of employers, following several studies commissioned by the Agency showing significant labour market disadvantage for homosexuals, bisexuals, transgender and intersex individuals (Antidiskriminierungsstelle, 2017[26]; 2020[27]; 2021[28]).
- As for training, the Waldschlösschen Academy proposes every year a three-day non-discrimination workshop directed at HR staff, with financial support from the BMFSFJ.[17]
- In addition, federal bodies subsidise a few state-based institutions that provide private and public employers with anti-discrimination training covering all the grounds protected by the AGG. Such are for instance the association "ADA-Anti-discrimination in the world of work" (*ADA-Antidiskriminierung in der Arbeitswelt*) in Bremen which is supported by the Federal Ministry of Labor and Social Affairs – *BMAS*,[18] or the Schleswig-Holstein Anti-Discrimination Association (*Antidiskriminierungsverband Schleswig-Holstein – ADVSH*) that receives assistance from the Federal Antidiscrimination Agency.[19]

Fostering a culture of equal treatment in health care

The federal government has been very active in funding guidelines and training directed at care and medical professionals to inform them on the specific health needs of LGBTI+ people and on how to approach them in an inclusive way.

- Notably, in 2020, the Waldschlösschen Academy published a guide entitled "Maintaining healthy diversity – On dealing with sexual and gender diversity in health, care and medicine" (*Gesunde Vielfalt pflegen – Zum Umgang mit sexueller und geschlechtlicher Vielfalt in Gesundheit, Pflege und Medizin*) and has been organising several training events on this issue ever since, thanks to support from the BMFSFJ (Waldschlösschen Academy, 2020[29]).
- The federal government also pays due attention to the enhanced vulnerability of transgender and intersex individuals who must fight every day for their gender identity to be recognised and respected (Pöge et al., 2020[30]). For instance, the BMFSFJ financially supported the production of a short video to raise awareness among care and medical professionals on what being transgender and intersex means and on related challenges.[20] In addition, the Federal Ministry of Health (*Bundesministerium für Gesundheit − BMG*) is funding the project "InTraHealth" that aims to develop, test and implement by 2022 an e-learning platform to equip health care professionals with the skills to deal with transgender and intersex patients in an informed and non-discriminatory way.[21]
- Finally, the federal government contributes to improving the interactions of health care professionals with elderly LGBTI+ people who face multiple challenges: they not only have greater health needs than LGBTI+ youth but are also more likely to retreat back to the closet in health care settings (at least in those where staff is not sensitised), having spent lives marked by histories of greater marginalisation, discrimination and even persecution. Notably, in the framework of the project "Queer im Alter"[22] supported by the BMFSFJ, the "Workers' Welfare Association" (*Arbeiterwohlfahrt – AWO*) published a practice guide to help elderly care facilities be LGBTI+-inclusive (AWO, 2021[31]). This offer comes in addition to the e-learning course "Diversity in care" (*Vielfalt in der Pflege*) devised by the "Federal interest group of gay seniors" (*Bundesinteressenvertretung schwuler Senioren – BISS*).[23]

Last but not least, the federal government has devoted efforts to ensure that the optional aforementioned guidance reach out to as many possible care and medical professionals across the national territory. It did so in two ways.

- First, by supporting the launch of the certification programme "Diversity as a Place to Live – Seal of quality" (*Lebensort Vielfalt – Qualitätssiegel*),[24] the federal government contributed to increase the demand of inpatient care facilities and outpatient care services for staff duly trained on dealing with LGBTI+ patients (Box 4.4).
- Second, the federal government recently induced German states to adopt LGBTI+-inclusive curricula for the training of nurses for which states are responsible. More precisely, following enactment in 2017 of the new federal law *Nursing Professions Act*,[25] the Federal Institute for Vocational Education and Training commissioned an expert committee tasked with designing (in co-operation with voluntary states) a curriculum consistent with the new law, including the requirement that nurses be respectful of "the social, cultural and religious background, the *sexual orientation* as well as the life phase of the people to be cared for". In 2020, the expert committee issued a comprehensive practical training plan with detailed content on making health care more LGBTI+ inclusive that was then used by several states as an example to make their own nursing curriculum compliant with the law and thus more sensitive to LGBTI+ patients' needs (BIBB, 2020[32]) − see next section on policy achievements towards LGBTI+ equality at the state level for further details.

Box 4.4. The certification programme "Diversity as a Place to Live – Seal of quality"

Launched in 2017 by the Gay Advice Center Berlin (*Schwulenberatung Berlin*) with financial support from the BMFSFJ, the "Diversity as a Place to Live – Seal of quality" is a voluntary certification awarded nationwide to inpatient care facilities and outpatient care services.

In order to receive the seal, health care institutions must undergo a "diversity check", i.e. a preliminary assessment which analyses the status quo in relation to LGBTI+ inclusion. Five key areas are examined: (i) corporate policy and communication; (ii) human resources management; (iii) transparency and safety; (iv) care and health; and (v) housing and living environments.

The Gay Advice Center Berlin then offers a free consultation on which measures to implement in order to improve the situation for LGBTI+ people in the facility. When all the necessary qualification steps have been completed, a final assessment is conducted. If at least 80% of the criteria are met, the seal is awarded for a period of three years, after which a follow-up assessment can be carried out upon request.

Based on the quality seal's first years of existence, the Gay Advice Center published in 2020, thanks to funding from the BMFSFJ, a practical guide on a variety of tried-and-tested strategies for introducing, implementing and maintaining LGBTI+-sensitive care (Schwulenberatung Berlin, 2020[33]). Since then, the certification programme is funded by the Association of Private Health Insurance (*Verband der Privaten Krankenversicherung – PKV-Verband*) and by the German Aids Foundation (*Deutsche Aidsstiftung*).

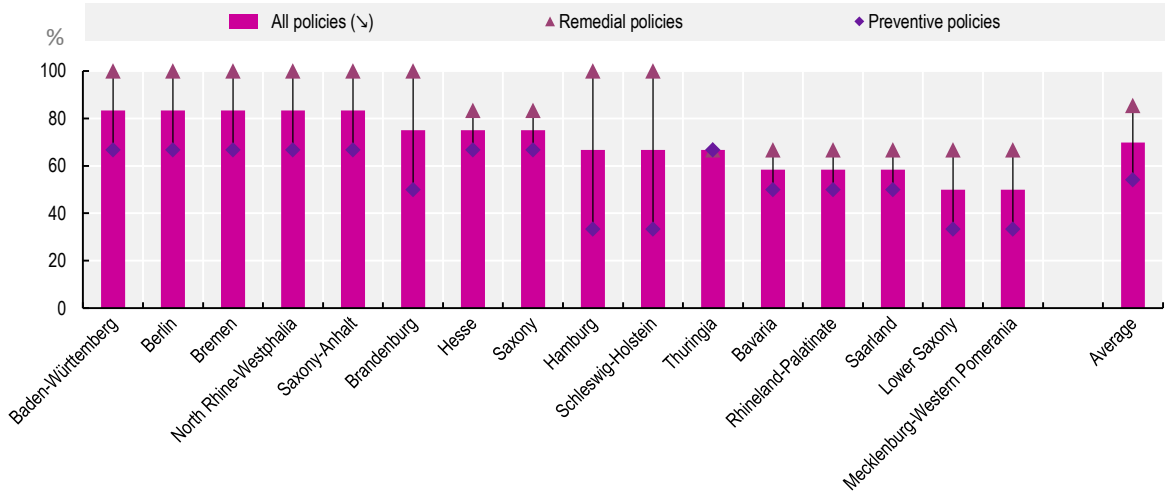
Policy achievements towards LGBTI+ equality at the state level

Policy-based LGBTI+ inclusivity is defined as the share of LGBTI+-inclusive policies that are implemented among the set of policies introduced in Section 4.2. It is calculated based on the "OECD questionnaire on LGBTI+-inclusive policies at the German state level" that investigates policy achievements in German states as of June 2021 (Annex 4.B). Responses were provided by state ministries in charge of LGBTI+ inclusion and cross-checked (and completed in case of partial or missing responses) by the OECD – see Annex 4.C for a methodological note on how responses to the questionnaire were compiled to measure policy-based LGBTI+ inclusivity in each state.

German states show a remarkable capacity to put the good intentions expressed in their action plan into practice. In 2021, policy-based LGBTI+-inclusivity is equal to 70%, with moderate variation by state: it ranges from 50% in Lower Saxony and Mecklenburg-Western Pomerania to 83% in Baden-Württemberg, Berlin, Bremen, North Rhine-Westphalia and Saxony-Anhalt (Figure 4.1).

Figure 4.1. German states have been successful in putting many of the good intentions expressed in their action plan into practice

Policy-based LGBTI+-inclusivity in 2021, by German state (all policies, remedial policies and preventive policies)

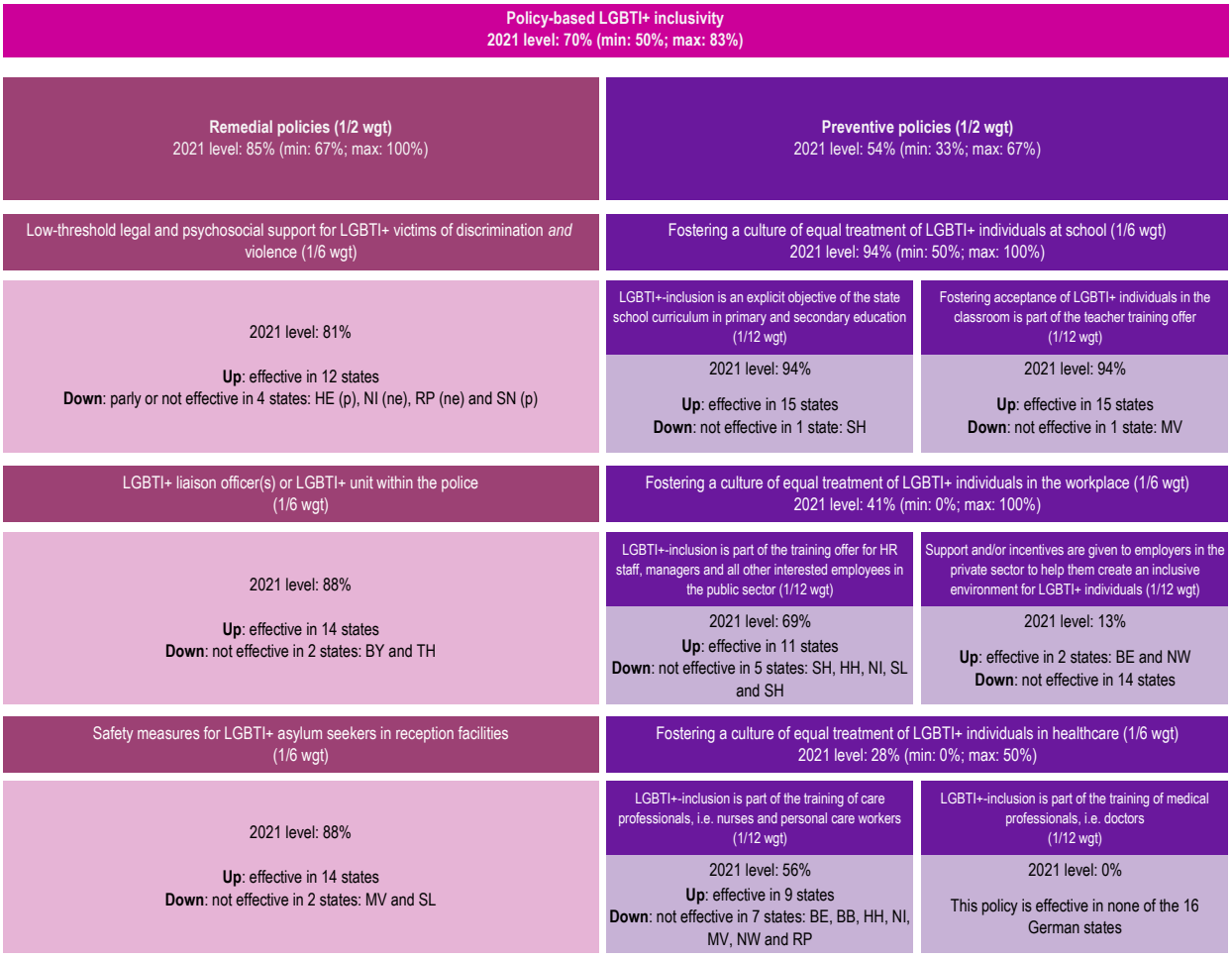


Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

That said, German states are better at implementing remedial than preventive policies (Figure 4.2 – see Annex 4.D and Annex 4.E for a detailed analysis of these policies, by state). More than 80% of remedial policies are carried out across German states, noting that this observation holds irrespective of the component considered. By contrast, this is the case of only 54% of preventive policies, with strong variation by component: policies to foster a culture of equal treatment of LGBTI+ individuals are implemented at an average rate of 94% in education but 41% in the labour market and 28% in health care.

Figure 4.2. German states are better at implementing remedial than preventive policies

Policy-based LGBTI+-inclusivity across the 16 German states as of 2021, by component



Note: The abbreviation "wgt" in the figure refers to "weight". It recalls that remedial and preventive policies are given equal weight when computing the average level of policy-based LGBTI+-inclusivity associated with all 16 German states.
Germany state codes are defined as follows: Baden-Württemberg: BW; Bavaria: BY; Berlin: BE; Brandenburg: BB; Bremen: HB; Hamburg: HH; Hesse: HE; Lower Saxony: NI; Mecklenburg-Western Pomerania: MV; North Rhine-Westphalia: NW; Rhineland-Palatinate: RP; Saarland: SL; Saxony: SN; Saxony-Anhalt: ST; Schleswig-Holstein: SH; Thuringia: TH.
Concerning the component "Low-threshold legal and psychosocial support for LGBTI+ victims of discrimination *and* violence", "(p)" stands for "partly effective" and "(ne)" stands for "not effective".
Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

More precisely (Figure 4.2):

- Regarding education, LGBTI+ inclusion has become an integral component of school curriculum and teacher training offer. In all but one German state:
  - respect for all individuals, including regardless of their sexual orientation, gender identity and/or sex characteristics/intersex status, is an explicit objective of the state school curriculum in primary and secondary education;
  - modules on fostering acceptance of LGBTI+ individuals in the classroom are part of the state's teacher training offer.

- Regarding the labour market, while progress to create an inclusive environment for LGBTI+ job candidates and employees in the public sector has been significant, much remains to be done to help private employers be more LGBTI+-friendly:
  - In a majority of states (11 or 69%), levelling the playing field for LGBTI+ individuals is part of the training offer directed at HR staff, managers and all other interested employees in the public sector;
  - Only 2 states provide significant support to employers in the private sector to create a welcoming environment for LGBTI+ individuals.
- Regarding health care, efforts to train care and medical professionals on the specific health needs of LGBTI+ people and on how to approach them in an inclusive way have been modest, noting that these efforts focus only on nurses or personal care workers, leaving doctors unaffected:
  - In a majority of states (9 or 56%), the curriculum for the training of care professionals is LGBTI+ inclusive, although only for one subgroup of care professionals (nurses in 8 states, personal care workers in 1 state);
  - No German state has made guidelines regulating the further training of doctors LGBTI+-inclusive (the federally regulated curriculum for the initial training of medical professionals does not contain any LGBTI+-inclusive mention either).

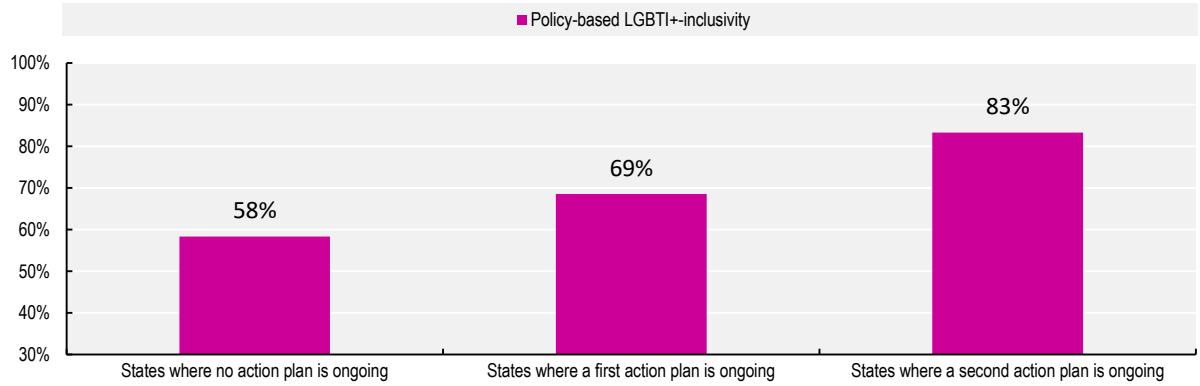
As a complement (or sometimes substitute) to the substantive preventive policies mentioned above, several states have published guidelines and provided one-off trainings, seminars or workshops to foster LGBTI+ inclusion at school, in the workplace or in health care, often via the local LGBTI+ CSO(s) they subsidise (see Annex 4.E for a detailed overview).

4.3.3. Are policy achievements towards LGBTI+ equality associated with implementation of an action plan?

By establishing concrete goals and clear timelines, action plans should help public authorities make significant progress towards LGBTI+ equality (Wittenius, 2022[34]). Figure 4.3 confirms that policy-based LGBTI+-inclusivity is positively associated with implementation of an action plan: it is equal to 58% in the only German state with no ongoing (nor past) action plan (Bavaria), 69% in the 13 states where a first action plan is ongoing and 83% in the two states (Berlin and North Rhine-Westphalia) where already a second action plan is ongoing – in Berlin, a third action plan is planned for launch in 2023. Implementation of a second action plan not only helps deepen initiatives undertaken under the previous one, but also provides an opportunity to cover issues that this previous action plan failed to address (Schürer, 2018[35])

Figure 4.3. Policy-based LGBTI+-inclusivity is positively associated with the number of state-wide action plans implemented

Policy-based LGBTI+-inclusivity in German states as of 2021, by number of state-wide action plans implemented

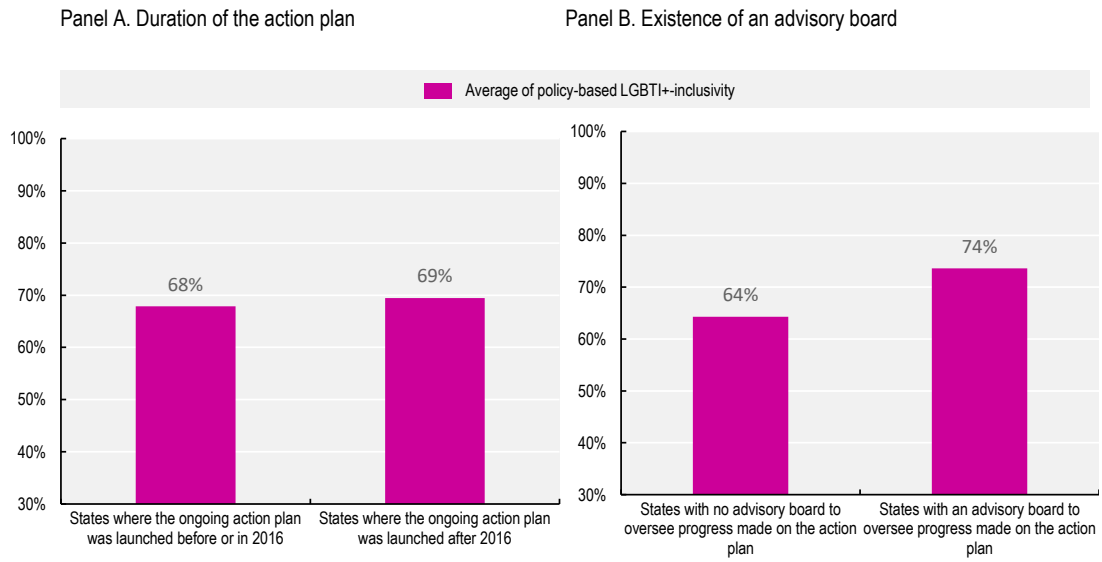


Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Zooming in on the 13 states where a first action plan is ongoing, it appears that the time elapsed since the launch of the action plan is not correlated with greater policy achievements (Panel A of Figure 4.4). The way the action plan is implemented does seem to matter however (Panel B of Figure 4.4). Oversight from an advisory board composed of all stakeholders who meet regularly (at least once a year) to discuss progress made turns out essential (Wittenius, 2022[34]): the share of policies critical for LGBTI+ equality that have been implemented in states with such advisory board is 10 percentage points higher (74% vs 64%) than in states with no advisory board (see Annex Table 4.A.2 for a detailed overview of these advisory boards).

Figure 4.4. While the duration of an ongoing action plan is unrelated to policy achievements towards LGBTI+ equality, oversight from an advisory board does matter

Policy-based LGBTI+-inclusivity in German states where a first action plan is ongoing, as of 2021



Note: 2016 is the average year when the action plan was launched in states where a first action plan is ongoing. It is thus used as a cut-off point in Panel A.
Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

4.4. How could LGBTI+ equality in Germany be further improved through policies?

Improving LGBTI+ equality in Germany obviously entails implementing the critical policies emphasised in Section 4.2. that haven't been undertaken yet. But more is needed. Action must be taken to ensure not only that these policies are implemented, but that they are so on a large scale while meeting high-quality standards. Section 4.4 discusses the way forward regarding both remedial and preventive policies.

4.4.1. Remedial policies

Although most German states have performed well with respect to implementing remedial policies, challenges remain that call for further actions. Section 4.4.1 provides insights on possible next steps that both federal and state governments could help achieve (see Table 4.2 for a summary).

Table 4.2. Despite remarkable achievements, further actions are needed in the field of remedial policies

Achievements, challenges and possible next steps regarding the implementation of remedial policies in Germany, as of 2021

	Achievements	Challenges	Possible next steps that both federal and state governments could help achieve
Low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence	Implemented in 12 German states.	Low visibility among the general public and thus potential users.	Creating and advertising a mobile app similar to AnDi, the Berlin antidiscrimination app. Ensuring high quality service delivery through the publication of quality standards, increased funding for CSOs involved, and the possibility for users to rate the service they receive.
Existence of one (or several) LGBTI+ liaison officer(s) or of a LGBTI+ unit within the police	Implemented in 14 German states.	Lack of proper funding.	Establishing a stand-alone LGBTI+ unit within the police or appointing a LGBTI+ liaison officer relieved of at least 50% of their workload in each regional police headquarter. Subsidising Velspol, the network of LGBTI+ employees in the police, judiciary and customs.
Policies to ensure the safety of LGBTI+ asylum seekers in reception facilities	Implemented in 14 German states.	Lack of support and incentives to ensure compliance.	Issuing detailed terms of reference for reception facility operators. Organising regular inspections by an independent state body to ensure compliance.

Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence

Low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence is provided in 12 German states. However, this service lacks visibility and is thus at risk of remaining unknown by a wide range of potential users. For instance, although this service usually relies on a well-designed online portal (which is itself often linked to a social media account, e.g. Facebook, Instagram and/or Twitter), state antidiscrimination offices (Box 4.3) rarely refer to this specialised support on their website. More effort could be made by state public authorities to advertise this portal's existence (see Annex Table 4.D.1 for a detailed overview of the current offer).

One option to raise awareness would be to create a mobile app maintained by a relevant state public body to provide victims of discrimination *and* violence with quick access to specialised legal and psychosocial counselling, depending on the ground on which they are/were persecuted. Given its scope (all grounds protected by anti-discrimination and hate crime laws), this app would be conducive to regular large-scale information campaigns promoting the wide range of specialist services it offers. In this regard, AnDi, the Berlin anti-discrimination app, stands out as a good practice example (Box 4.5).

Box 4.5. AnDi, the Berlin anti-discrimination app

The AnDi app[1] is an initiative of the Berlin State Office for Equal Treatment and against Discrimination (*Berliner Landesstelle für Gleichbehandlung – gegen Diskriminierung*) to enforce the state anti-discrimination law (LADG) discussed in Chapter 3. This app aims to encourage people to report the discrimination they face by: (i) explaining in plain language what discrimination is; (ii) clarifying why shining a light on discrimination (either personally experienced or witnessed) is critical for change to happen; (iii) directing victims of discrimination to low-threshold counselling centres, depending on the grounds on which they were discriminated against – all the grounds protected by the LADG are taken into consideration.

[1] The app is downloadable here: https://play.google.com/store/apps/details?id=de.berlin.andi&hl=fr&gl=US.

To ensure that this greater outreach go hand in hand with high-quality service delivery and thus with enhanced reporting of discrimination and violence, it seems important to accompany the app's creation with the following two measures:

- Making at least part of the public funding aimed to support the legal and psychosocial counselling activities of CSOs and other institutions that are referred to in the app dependent on the requests they receive;
- Further helping CSOs and other institutions referred to in the app maintain a high-quality service thanks to guidance (e.g. the publication of quality standards for legal and psychosocial counselling) and incentives (e.g. inviting users to rate the counselling they receive), as it is the case in Baden-Württemberg (Box 4.6) – Berlin was the first German state to issue in 2012 quality standards for legal and psychosocial counselling ("Qualified counselling work for lesbian, gay, bisexual, transgender and intersex people (LGBTI)" – *Qualifizierte Beratungsarbeit für Lesben, Schwule, Bisexuelle, trans- und intergeschlechtliche (LSBTI)*).

Box 4.6. Efforts to provide high-quality legal and psychosocial counselling to LGBTI+-victims of discrimination and violence in Baden-Württemberg

Baden-Württemberg is an example of state where the publicly funded "Network LGBTTIQ Baden-Württemberg" shows constant concern for improving its counselling offer. In 2017, the Network published comprehensive quality standards for psychosocial counselling for LGBTI+ individuals, with support from the Ministry of Social Affairs and Integration: "Standards and quality assurance for psychosocial counselling services for LGBTTIQ people" (*Standards und Qualitätssicherung für psychosoziale Beratungsangebote für LSBTTIQ Menschen*). Moreover, to ensure continuous monitoring of the quality of counselling services provided, the Network encourages users to fill out a feedback form on their online portal, and even provide them with the possibility to complain about the Network's advisory services, either by contacting a representative of the Network or an external body (see https://www.beratung-lsbttiq.net/standards-feedback).

Existence of one (or several) LGBTI+ liaison officer(s) or of a LGBTI+ unit within the police

There is one (or several) LGBTI+ liaison officer(s) or a LGBTI+ unit within the police of 14 German states. However, in one-third of those states, these stakeholders benefit from insignificant to no workload reliefs, which precludes them from freeing time to implement the tasks described in Section 4.2, on top of their regular policing activities (see Annex Table 4.D.2 for a detailed overview). Proper funding appears as a key ingredient for building trust and partnerships with LGBTI+ CSOs and thus increasing the chances that LGBTI+ victims not only report the discrimination or violence they undergo but also remain engaged throughout the criminal investigation (Box 4.7).

Box 4.7. Properly funded LGBTI+ units or LGBTI+ police officers within the police help build trusting relationships with the LGBTI+ population

Several states have established a stand-alone LGBTI+ unit within the police or have appointed a LGBTI+ liaison officer relieved of at least 50% of their workload in each regional police headquarter (noting that an additional LGBTI+ liaison officer is sometimes tasked with overseeing this network's action, in which case he/she is granted a full discharge).

These states are characterised by strong trusting relationships between the police and LGBTI+ CSOs, which notably materialise through:

- Posters at the police station stressing the police's commitment to a fair enforcement of Article 1 of the *Basic Law* that proclaims "All persons shall be equal before the law". In Rhineland-Palatinate for instance, all 175 police stations show posters featuring the diversity of people whose equal treatment should be ensured by the police, including LGBTI+ people (referred to through the drawing of a lesbian couple). This achievement is duly praised and advertised on the website of the state-subsidised LGBTI+ network "Queernet-RLP".[1]
- Flyers and/or websites co-developed by the state police and the state-subsidised LGBTI+ network to urge LGBTI+ victims to report the violence they were exposed to by filing a criminal complaint, either at a police station or online. Such is for instance:
  - In Hamburg, the flyer "We inform. Contact persons of the Hamburg police for LGBTI+" (*Wir informieren. Ansprechpersonen der Polizei Hamburg für LSBTI+*) which presents the two full-time LGBTI+ liaison officers Petra Marzian and Marco Burmester-Krüger in a way that makes them very accessible (not only their email but also their mobile phone numbers are specified, etc.);
  - In North Rhine-Westphalia: the flyer "Homo- and Transphobic Violence – Information for Those Affected" (*Homo- und transphobe Gewalt – Informationen für Betroffene*) and the related website "I report this" (*Ich zeige das an*)[2] that includes a direct link to the online portal of the state police devoted to complaint filing;
  - In Saxony: the flyer "Zero tolerance with hate-motivated violence: Contact points for LGBTTIQ victims in Saxony" (*Keine Chance für Hassgewalt: Anlaufstellen für von Hasskriminalität betroffene LSBTTIQ* in Sachsen*);
  - In Saxony-Anhalt: the central office for the registration of discrimination and violence against LGBTIQ* in Saxony-Anhalt "DimSA" (*Diskriminierungs-Meldestelle in Sachsen-Anhalt*)[3] that, like in North Rhine-Westphalia, includes a direct link to the online portal of the state police devoted to complaint filing.

- A monitoring of homo- and transphobic violence. For instance, in the framework of a collaboration between the Berlin police and counselling centres specialised in anti-LGBTI+ violence, Berlin launched in 2019 the "Berlin Monitoring of Trans- and Homophobic Violence" (*Berliner Monitoring trans- und homophobe Gewalt*). The first report flowing from this initiative was published in 2020. It provides statistics on hate crimes directed at the presumed sexual orientation and/or gender identity of the victim since 2010, with a focus on violence against lesbians.[4]

[1] See https://www.queernet-rlp.de/allgemein/plakat-aktion-der-polizei-rlp.
[2] See https://www.ich-zeige-das-an.de/.
[3] See https://dimsa.lgbt/.
[4] See https://www.lsbti-monitoring.berlin/de/monitoring/.

It therefore seems important that German states not only establish LGBTI+ unit and/or appoint LGBTI+ liaison officers within their police, but that they do so while devoting sufficient resources to ensure their fair functioning. Additionally, the federal and/or state levels could consider subsidising Velspol, the network of LGBTI+ employees in the police, judiciary and customs composed of both a federal association and local chapters in 11 states.[26] This financial support could help Velspol broaden its network and develop material to facilitate the work of LGBTI+ liaison officers, such as e-learning modules to sensitise future and current police officers to the vulnerability of LGBTI+ individuals. These steps seem particularly relevant now that transgender and intersex individuals are allowed to work as police officers, following the decision in 2021 of the state Ministers of the Interior to amend the Police Service Regulation (*Polizeidienstvorschrift 300 – PDV 300*).

Policies to ensure the safety of LGBTI+ asylum seekers in reception facilities

With the exception of Mecklenburg-Western Pomerania and Saarland, all German states have issued a *Gewaltschutzkonzept* (or equivalent) to ensure the safety in reception centres of LGBTI+ asylum seekers fleeing persecution abroad (see Annex Table 4.D.3 for a detailed overview). To enforce these and other protection plans aimed at shielding vulnerable groups of asylum seekers from harassment, it is critical that these plans be completed by detailed terms of reference for reception facility operators and regular inspections by an independent state body to guarantee compliance. In Berlin for instance, the State Office for Health and Social Affairs proceeds to inspections of reception facilities on a yearly basis.[27] In that regard, the ready-to-use checklists developed in 2020 by the Lesbian and Gay Association in Germany (LSVD) with financial support from the BMFSFJ (LSVD, 2020[19]) could help German states devise their own quality criteria for inspection.

4.4.2. Preventive policies

Only a minority of preventive policies in the labour market and health care have been implemented across German states. Moreover, although most states have undertaken LGBTI+-inclusive policies in education, their outreach remains limited. Section 4.4.2 discusses the way forward (see Table 4.3 for a summary).

Table 4.3. Significant additional efforts should be devoted to implementing preventive policies

Achievements, challenges and possible next steps regarding the implementation of preventive policies in Germany, as of 2021

	Achievements	Challenges	Possible next steps that both federal and state governments could help achieve
Fostering a culture of equal treatment in education	Implemented in 15 German states.	Low outreach.	Conducting regular school climate surveys in all primary and secondary schools to monitor levels and trends in bullying based on a set of prohibited grounds, including sexual orientation and gender identity.
Fostering a culture of equal treatment in the labour market	Implemented in 11 German states concerning public employers.	Low outreach among public employers. Implemented in only 2 states concerning private employers.	Making training on the *General Equal Treatment Act* (AGG) and the set of grounds this Act protects compulsory for both public and private employers. Issuing detailed terms of reference for training providers based on results flowing from rigorous impact evaluation on what works to counter discriminatory attitudes and behaviours in the workplace. Giving access to free-of-charge e-learning modules complying with these terms of reference.
Fostering a culture of equal treatment in health care	Implemented in 9 German states concerning the training of care professionals.	Lack of strong enough incentives to ensure compliance concerning the training of care professionals. No sensitisation to the specific health needs of LGBTI+ patients in curricula for the training of medical professionals (i.e. doctors), whether at the federal or at the state level.	Broadening the scope of the certification programme "Diversity as a Place to Live – Seal of quality" (*Lebensort Vielfalt – Qualitätssiegel*) to ensure it is not viewed as only focused on the well-being of LGBTI+ patients. Advertising this change among health care facilities to increase their demand for staff duly trained on dealing with LGBTI+ patients (among other requirements to be awarded the certification).

Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Fostering a culture of equal treatment in education

All German states have adopted either of the two policies critical to foster a culture of equal treatment in education, i.e. introducing LGBTI+ inclusion as an explicit educational objective in school curricula, and developing training modules to help future and current teachers promote acceptance of LGBTI+ individuals. Moreover, most state-subsidised LGBTI+ CSOs belong to the nationwide initiative "Queer Education" (*Queere Bildung*) described in Section 4.3.2. As such, they offer trainings directed at students to prevent anti-LGBTI+ violence in the framework of short school-based interventions (see Annex Table 4.E.1 for a detailed overview).

However, the share of students in primary and secondary schools who are exposed to sensitisation aimed at helping them counter their prejudiced and stereotypical representations of sexual and gender minorities is low. Indeed, LGBTI+-inclusive school curricula are not binding. Moreover, training to help teachers improve acceptance of sexual and gender minorities at school and beyond is not compulsory. Although teachers in all states have an obligation to fulfil a certain number of in-service training days at regular intervals, they are free to select the modules that best suit their interest and perceived needs. Yet, few choose trainings with a LGBTI+-specific content (see (Bayerischer Landtag, 2020[36]) for evidence from Bavaria). In addition, in the few higher education institutions that propose courses on LGBTI+ inclusion as part of teacher initial training, these events are optional. Finally, due to a lack of funding, LGBTI+ networks have a limited capacity to intervene in schools.

Low outreach of LGBTI+-inclusive policies in education is worrisome in a context of widespread homophobic and transphobic bullying at school (Section 4.2.2 and (Deutsches Jugendinstitut, 2015[37]). More efforts should be devoted to incentivising schools to play an active role against this bullying. The label "School of Diversity" is an important step forward but this initiative may fail to reach out to schools where at least part of the school staff is not already sensitised to LGBTI+ inclusion (Box 4.8). To push *all* schools to engage in LGBTI+-inclusive teacher and student training, especially those where homophobia and transphobia are pervasive, the federal and the state levels of governance could join forces to devise and administer school climate surveys throughout the national territory. These surveys would be conducted on a regular basis among school staff and students in every primary school and in every secondary general and vocational school to monitor levels and trends in school bullying based on a set of protected grounds, including sexual orientation and gender identity. A few states have already made progress in this direction. Schleswig-Holstein launched in 2018 the database "Violence monitoring in school" (*Datenbank GEwaltMONitoring an Schulen – GEMON*) that allows schools to report incidents of violence motivated by various group-focused enmities. In Hesse, the teacher academy provides schools wishing to measure the prevalence of bullying in their midst with school climate survey templates.

Box 4.8. School of Diversity (*Schule der Vielfalt*)

Founded in 2008 in North Rhine-Westphalia, the School of Diversity project[1] is now a nationwide initiative with a contact person or CSO in almost every German state. This project supports schools in fostering a culture of equal treatment for LGBTI+ students and in reducing bullying and discrimination based on sexual orientation and gender identity.

In order to be part of the network, schools must comply with a set of quality standards that include:

- Naming at least one contact person within the school community, such as a teacher or a member of the parents' association, for participation in the network's annual meetings;
- Signing a Declaration of Commitment that should be duly advertised by the school;
- Organising LGBTI+-inclusive teacher and student trainings, including workshops led by LGBTI+ CSOs, at least once a year.

The network allows schools to exchange good practices and receive feedbacks on their undertakings.

[1] See https://schule-der-vielfalt.de/

Fostering a culture of equal treatment in the labour market

Although a majority of states (11) have introduced LGBTI+ inclusion among the training offer directed at HR staff, managers and all other interested employees in the public sector, this training remains optional and small-scale. Moreover, with the exception of Berlin and North Rhine-Westphalia (Box 4.9), no state provides significant support to employers in the private sector to help them create an inclusive environment for LGBTI+ individuals (see Annex Table 4.E.2 for a detailed overview).

Box 4.9. The project "Company diversity" (*Unternehmen Vielfalt*) in North Rhine-Westphalia

Since 2021, the state of North Rhine-Westphalia has been funding the project "Company Diversity",[1] aimed at helping small and medium sized enterprises (SMEs) implement diversity management with a special focus on LGBTI+ inclusion.

The free-of-charge offer includes consulting services, workshops and trainings intended for HR staff and managers, and information exchange between companies of the network through a forum (*Denkwerkstatt*) or through "tandems", i.e. a collaboration between two companies (one that is already advanced in terms of diversity management, the other that is taking its first steps in the field).

Funding from the Ministry for Children, Family, Refugees and Integration allows the publication of a wide range of essential guidelines that rely on good practices. Such is the comprehensive handout on the "Implementation of diversity management with a focus on LGBTIQ* in SMEs" (*Umsetzung von Diversity Management mit dem Fokus LSBTIQ* in KMU*) that addresses critical questions such as "Why is diversity management with a focus on LGBTIQ* important?" or "How do I implement diversity management in my own company?".

[1] See https://www.unternehmen-vielfalt.nrw/

Against this backdrop, the federal and state levels of governance could co-operate to make training on the *General Equal Treatment Act* (AGG) and the whole set of grounds this Act protects compulsory for both public and private employers – in France for instance, antidiscrimination training is mandatory for people in charge of recruitment in firms with more than 300 employees, noting that a lowering of this threshold is being considered. This training would aim to equip HR staff and managers with the expertise to recruit and manage individuals based on their skills, not based on irrelevant characteristics such as their sexual orientation or gender identity. To help employers fulfil their training obligations in an effective way, public authorities could devise detailed terms of reference for training providers based on results flowing from rigorous impact evaluation on what works to counter discriminatory attitudes and behaviours in the workplace (see (OECD, 2020[1]) for a preliminary analysis). In addition, to ensure this training obligation does not impose a financial burden to employers, public authorities could develop and give access to free-of-charge e-learning modules complying with these terms of reference.

Fostering a culture of equal treatment in health care

Following Berlin which has been active in this field for more than 30 years, several German states are engaged in improving the interactions of health care professionals with elderly LGBTI+ people. But more is needed to ensure that both care professionals (nurses and personal care workers) and medical professionals (doctors) are properly trained on the specific health needs of LGBTI+ people, irrespective of their age, and on how to approach them in an inclusive way.

In a majority of states (9), the curriculum for the training of care professionals is LGBTI+ inclusive (see Annex Table 4.E.3 for a detailed overview). However, this achievement which mainly occurred after the reform of the nursing profession managed at the federal level (Section 4.3.2) is driven by changes in the training for *nurses*, not personal care workers. In this context, a reform of the personal care worker profession similar to the one implemented for the nursing profession would be welcome. Moreover, no German state has made guidelines regulating the further training of doctors LGBTI+-inclusive. One way to create a positive momentum would be to amend the federally regulated curriculum for the initial training of medical professionals so that it sensitises them on the specific health needs of LGBTI+ patients and on how to approach them in a respectful way.

Yet, introducing LGBTI+ inclusion in the curriculum for the training of care and medical professionals is no guarantee that this LGBTI+-specific content will actually be taught by training institutions. To foster their compliance, more efforts should be devoted to increase the demand of inpatient care facilities and outpatient care services for staff duly trained on dealing with LGBTI+ patients, which entails their greater buy-in of the certification programme “Diversity as a Place to Live – Seal of quality” (*Lebensort Vielfalt – Qualitätssiegel*). This objective could be achieved by broadening the scope of this certification programme to ensure it is not viewed as only focused on the well-being of LGBTI+ patients, and by advertising this change among health care facilities and beyond throughout the national territory.

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Annex 4.A. Overview of partnerships between state public authorities and LGBTI+ CSOs at the German state level

Ministries and CSOs in charge of implementing policies to foster LGBTI+ equality at the state level

All 16 states subsidise CSOs that help state public authorities implement policies to foster LGBTI+ equality. Annex Table 4.A.1 provides the list of relevant state ministries in charge of LGBTI+ policies and of the main state-subsidised LGBTI+ CSOs.

Annex Table 4.A.1. All German states have an ongoing partnership between state public authorities and LGBTI+ CSOs

Overview of the state ministries in charge of LGBTI+ policies and of their main partner CSOs in all 16 German states, as of 2021

	Name of the state ministry(ies) in charge of policies to foster LGBTI+ equality	Name of the main state-subsidised LGBTI+ CSOs that help state public authorities implement policies to foster LGBTI+ equality
Baden-Württemberg	Ministry of Social Affairs, Health and Integration (*Ministerium für Soziales, Gesundheit und Integration Baden-Württemberg*) Its website hosts a webpage devoted to "Openness and acceptance. Breaking down prejudices together and creating acceptance for diversity" (*Offenheit und Akzeptanz. Gemeinsam Vorurteile abbauen und Akzeptanz für Vielfalt schaffen*). See https://sozialministerium.baden-wuerttemberg.de/de/soziales/akzeptanz-gleiche-rechte/	Network LGBTTIQ Baden-Württemberg *(Netzwerk LSBTTIQ Baden-Württemberg)* See https://www.netzwerk-lsbttiq.net/
Bavaria	Ministry of Family, Labour and Social Affairs *(Bayerishes Staatsministerium für Familie, Arbeit und Soziales)* Its website hosts a webpage devoted to "Same-sex lifestyles and gender diversity (LGBTIQ)" *(Gleichgeschlechtliche Lebensweisen und geschlechtliche Vielfalt (LSBTIQ))* under the section "Women, Equality and Gender Diversity" *(Frauen, Gleichstellung und geschlechtliche Vielfalt)*. See https://www.stmas.bayern.de/lsbtiq-geschlechtliche-vielfalt/index.php	LGBTIQ Network in Bavaria *(LSBTIQ-Netzwerk in Bayern)* This newly created network is state-subsidised since 2021. See https://www.stmas.bayern.de/lsbtiq-geschlechtliche-vielfalt/index.php
Berlin	Senate Department for Justice, Diversity and Anti-Discrimination *(Senatsverwaltung für Justiz, Vielfalt und Antidiskriminierung)* Its website hosts a webpage devoted to "LGBTI" (*LSBTI*). Formerly under the Senate Department for Labour, Integration and Women's Issues, the topic of LGBTI has now been moved to the State Office for Equal Treatment against Discrimination *(Landesstelle für Gleichbehandlung gegen Diskriminierung)*. See https://www.berlin.de/sen/lads/schwerpunkte/lsbti/	LGBTI+ Network in Berlin *(LSBTI Berlin)* See http://www.lsbti-berlin.de/

	Name of the state ministry(ies) in charge of policies to foster LGBTI+ equality	Name of the main state-subsidised LGBTI+ CSOs that help state public authorities implement policies to foster LGBTI+ equality
Brandenburg	Ministry of Social Affairs, Health, Integration and Consumer Protection *(Ministerium für Soziales, Gesundheit, Integration und Verbraucherschutz)* Its website hosts a webpage devoted to "Same-sex lifestyles, lesbian, gay, bisexual, trans *, inter * and queer people (LGBTTIQ *)" *(Gleichgeschlechtliche Lebensweisen, Lesbische, schwule, bisexuelle, trans*, inter* und queere Menschen (LSBTTIQ*))* under the section "Family" *(Familie)* See https://msgiv.brandenburg.de/msgiv/de/themen/familie/gleichgeschlechtliche-lebensweisen-lsbttiq/	The "LGBT+ state co-ordination office" *(Landeskoordinierungsstelle für LesBiSchwule & Trans* Belange – LSBT* LKS)* See http://www.queeres-brandenburg.info/ This state co-ordination office is operated since 2020 by the LGBTI+ organisation "Katte" *(Kommunale Arbeitsgemeinschaft Tolerantes Brandenburg)* See http://katte.eu/ Previously, this co-ordination office was operated by the LGBTI+ organisation "AndersARTIG" (whose website is no longer active: http://www.andersartig.info/)
Bremen	Senator for Social Affairs, Youth, Integration and Sport *(Senatorin für Soziales, Jugend, Integration und Sport)* Its website hosts a webpage devoted to "Policy for LGBTIQ*-people" *(Politik für LSBTIQ*-Personen)*. See https://www.soziales.bremen.de/jugend-familie/lsbtiq-73328	Advice & Action Centre for Queer Life *(Rat&Tat – Zentrum für queeres Leben)* See https://www.ratundtat-bremen.de/
Hamburg	The Authority for Science, Research, Equality and Districts *(Behörde für Wissenschaft, Forschung, Gleichstellung und Bezirke)* Its website hosts a webpage devoted to "Gender equality and anti-discrimination: Anti-discrimination and LGBTI*" *(Gleichstellung der Geschlechter und Antidiskriminierung und LSBTI*)*. See https://www.hamburg.de/bwfgb/antidiskriminierung-und-lsbtiq/	The "State Working Group for Lesbians and Gays in Hamburg" *(Landesarbeitsgemeinschaft Lesben und Schwule Hamburg)* is a gathering of the following non-profit organisations: LSVD Hamburg, *Hein & Fiete*, *Magnus-Hirschfeld-Zentrum* and *Lesbenverein Intervention*. One of the most prominent LGBTI+ organisations within this network is the *Magnus Hirschfeld Centre* See https://www.mhc-hh.de/
Hesse	Hessian Ministry for Social Affairs and Integration *(Hessisches Ministerium für Soziales und Integration)* Its website hosts a webpage devoted to "Family: Same-sex lifestyle" *(Familie: Gleichgeschlechtliche Lebensweise)* See https://soziales.hessen.de/Familie/Gleichgeschlechtliche-Lebensweise	LGBT*IQ Networks Hesse *(Netzwerke LSBT*IQ Hessen)* See https://lsbtiq-hessen.de/
Lower Saxony	Ministry for Social Affairs, Health and Equal Opportunities *(Niedersächsisches Ministerium für Soziales, Gesundheit und Gleichstellung)* Its website hosts a webpage devoted to "Gender and Sexual Diversity" *(Geschlechtliche und sexuelle Vielfalt)* See https://www.ms.niedersachsen.de/startseite/jugend_familie/familien_kinder_und_jugendliche/familien/geschlechtliche_und_sexuelle_vielfalt/geschlechtliche-und-sexuelle-vielfalt-13779.html	Queer Network Lower Saxony *(Queeres Netzwerk Niedersachsen)* https://qnn.de/
Mecklenburg-Western Pomerania	Ministry of Social Affairs, Health and Sport *(Ministerium für Soziales, Gesundheit und Sport)* Its website hosts a webpage devoted to "Equality of Sexual and Gender Diversity" *(Gleichstellung sexueller und geschlechtlicher Vielfalt)* See https://www.regierung-mv.de/Landesregierung/sm/Familie/Familie/Gleichstellung-und-Akzeptanz/	The "Network for LGBTIQ* associations, groups and individuals in MV" *(Netzwerk für LSBTIQ* Vereine, Gruppen und Einzelpersonen in MV)* is operated by the local chapter of LSVD *(Lesben- und Schwulenverband in Deutschland)* See https://queer-mv.de/

	Name of the state ministry(ies) in charge of policies to foster LGBTI+ equality	Name of the main state-subsidised LGBTI+ CSOs that help state public authorities implement policies to foster LGBTI+ equality
North Rhine-Westphalia	Ministry for Children, Family, Refugees and Integration *(Ministerium für Kinder, Familie, Flüchtlinge und Integration)* Its website hosts a webpage devoted to "LGBTIQ*" *(LSBTIQ*)* See https://www.mkffi.nrw/ The ministry also supports the information website "Different & Equal" (*Anders & Gleich*). See https://www.aug.nrw/	The "State Co-ordination of Anti-Violence Work for Lesbians, Gays and Trans*" *(Landeskoordination der Anti-Gewalt-Arbeit für Lesben, Schwule & Trans* in NRW)* is operated by the state-subsidised LGBTI+ organisation Rubicon See https://vielfalt-statt-gewalt.de/gewalt/ and https://rubicon-koeln.de/
Rhineland-Palatinate	Ministry for Family, Women, Culture and Integration *(Ministerium für Familie, Frauen, Kultur und Integration)* Its website hosts a webpage devoted to "Rhineland-Palatinate under the rainbow" *(Rheinland-Pfalz unterm Regenbogen)* See https://mffki.rlp.de/de/themen/vielfalt/rheinland-pfalz-unterm-regenbogen/	QueerNet Rhineland-Palatinate *(QueerNet Rheinland-Pfalz)* See https://www.queernet-rlp.de/
Saarland	Ministry of Social Affairs, Health, Women and the Family *(Ministerium für Soziales, Gesundheit, Frauen und Familie)* Its website hosts a webpage devoted to "LGBTI* – *Lesbian, gay, bisexual, transgender, transgender and intersex people" *(LSBTI* – *Lesben, Schwule, Bisexuelle, Transsexuelle, Transgender und Intersexuelle)* See https://www.saarland.de/msgff/DE/portale/familiegleichstellung/famileleistungenaz/lsbti/lsbti_node.html	LSVD Saar See https://www.saar.lsvd.de/lsvd-saar-ev-saarbruecken
Saxony	Ministry of Justice and for Democracy, Europe and Equality *(Staatsministerium der Justiz und für Demokratie, Europa und Gleichstellung)* Its website hosts a webpage devoted to diversity See https://www.vielfalt.sachsen.de/index.html	The state working group Queer Network Saxony *(Landesarbeitsgemeinschaft Queeres Netzwerk Sachsen)* See https://www.queeres-netzwerk-sachsen.de/
Saxony-Anhalt	Ministry of Justice and Equality *(Ministerium für Justiz und Verbraucherschutz)* Ministry of Labour, Social Affairs, Health and Equality *(Ministerium für Arbeit, Soziales, Gesundheit und Gleichstellung)* Their action is presented by the Headquarters for women's and equality policy *(Leitstelle für Frauen- und Gleichstellungspolitik)* that hosts a webpage devoted to "Gender and Sexual Diversity" *(Geschlechtlich-sexuelle Vielfalt)* See https://leitstelle-frauen-geschlechtergleichstellung.sachsen-anhalt.de/geschlechtlich-sexuelle-vielfalt/	The "LGBTI+ state co-ordination office" *(LSBTI*-Landeskoordinierungsstelle Sachsen-Anhalt)* is operated by two LGBTI+ organisations: − one for the Northern part of Saxony-Anhalt (based in Magdeburg), i.e. the local chapter of LSVD *(Lesben- und Schwulenverband in Deutschland)*. See https://lsvd-lsa.de/ − one for the Southern part of Saxony-Anhalt (based in Halle), i.e. the LGBTI+ organisation "BBZ *(Begegnungs- und BeratungsZentrum)* lebensart". See http://www.bbz-lebensart.de/CMS/
Schleswig-Holstein	Ministry of Social Affairs, Health, Youth, Family and Senior Citizens *(Ministerium für Soziales, Gesundheit, Jugend, Familie und Senioren)*	The LGBTI+ Network in Schleswig-Holstein, i.e. Real Diversity Office *(Geschäftsstelle Echte Vielfalt)* See https://echte-vielfalt.de/
Thuringia	State Chancellery *(Thüringer Staatskanzlei)* Its website hosts a webpage devoted to the "Thuringian State Program for Acceptance and Diversity" *(Thüringer Landesprogramm für Akzeptanz und Vielfalt)* See https://www.staatskanzlei-thueringen.de/arbeitsfelder/akzeptanz-und-vielfalt	The LGBTI+ state co-ordination office, i.e. "Living Diversity – Queerway in Thuringia" *(Vielfalt Leben – QueerWeg Verein für Thüringen)* See https://www.queerweg.de

Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Action plans aimed at fostering LGBTI+ equality at the state level

Bavaria is the only state that has not yet implemented an action plan in order to formalise the partnership between state public authorities and LGBTI+ CSOs. In other states, implementation of the ongoing action plan is sometimes overseen by an advisory board that gathers all stakeholders and meets on a regular basis. Annex Table 4.A.2 provides an overview of ongoing state action plans and of the advisory boards that supervise them where applicable.

Annex Table 4.A.2. In all but one of the 16 German states an action plan aimed at fostering LGBTI+ equality is ongoing

Overview of whether a state action plan is ongoing and of whether it is supervised by an advisory board, as of 2021

	The partnership between state public authorities and LGBTI+ CSOs is formalised by an ongoing action plan aimed at fostering LGBTI+ equality	Implementation of the ongoing action plan is overseen by an advisory board that gathers all stakeholders and meets on a regular basis
Baden-Württemberg	YES Action plan for acceptance & equal rights Baden-Württemberg *(Aktionsplan „Für Akzeptanz & gleiche Rechte Baden-Württemberg")* 2015-25 See https://sozialministerium.baden-wuerttemberg.de/de/soziales/akzeptanz-gleiche-rechte/aktionsplan-fuer-akzeptanz-und-gleiche-rechte/landesweiter-aktionsplan/ *Remark*: A progress report was issued in 2019. See https://www.lsvd.de/media/doc/424/baden-wuerttemberg-umsetzung-zukunftsperspektive-aktionsplan-2019.pdf	YES An advisory board was established in 2015 and meets twice a year.
Bavaria	NO	N/A
Berlin	YES Berlin stands up for self-determination and acceptance of gender and sexual diversity *(Berlin tritt ein für Selbstbestimmung und Akzeptanz geschlechtlicher und sexueller Vielfalt)* 2019- See https://www.berlin.de/sen/lads/schwerpunkte/lsbti/igsv/ *Remark*: Two progress reports were issued: one in 2020 (see https://www.lsvd.de/media/doc/424/berlin_2020_einsch__tzung_staatssekret__rinnen_arbeitsstand_igsv.pdf), the other in 2021 (see https://www.berlin.de/sen/lads/schwerpunkte/lsbti/igsv/#umsetzungsbericht)	YES An advisory board was established in 2019. It is in charge of supervising the implementation of a subproject of the Action Plan called "Monitoring of homophobic and transphobic violence in Berlin", in the framework of regular meetings.
Brandenburg	YES Action plan for acceptance of gender and sexual diversity, for self-determination and against homophobia and transphobia in Brandenburg *(Aktionsplan für Akzeptanz von geschlechtlicher und sexueller Vielfalt, für Selbstbestimmung und gegen Homo- und Transphobie in Brandenburg)* 2017- See https://www.lsvd.de/media/doc/424/brandenburg_2016_aktionsplan_f__r_akzeptanz_von_geschlechtlicher_sexueller_vielfalt.pdf *Remark*: A progress report was issued in 2019. See https://www.parlamentsdokumentation.brandenburg.de/starweb/LBB/ELVIS/parladoku/w6/drs/ab_11400/11476.pdf	NO
Bremen	YES State action plan against homophobia, transphobia and interphobia *(Landesaktionsplan gegen Homo-, Trans- und Interphobie)* 2015- See https://www.soziales.bremen.de/sixcms/media.php/13/Aktionsplan_2015%20%28barrierefrei%29.pdf *Remark*: A progress report was issued in 2018. See https://www.soziales.bremen.de/sixcms/media.php/13/2018%2002%2027%20BerichtAktionsplan.pdf	YES An advisory board was established in 2019 and meets four times a year.

	The partnership between state public authorities and LGBTI+ CSOs is formalised by an ongoing action plan aimed at fostering LGBTI+ equality	Implementation of the ongoing action plan is overseen by an advisory board that gathers all stakeholders and meets on a regular basis
Hamburg	YES Action Plan of the Senate of the Free and Hanseatic City of Hamburg for Acceptance of Gender and Sexual Diversity *(Aktionsplan des Senats der Freien und Hansestadt Hamburg für Akzeptanz geschlechtlicher und sexueller Vielfalt)* 2017- See https://www.lsvd.de/media/doc/424/hamburg_2017_aktionsplan_akzeptanz_geschlechtlicher_sexueller_vielfalt.pdf *Remark*: Although not a progress report, recommendations and new measures for the action plan were developed in 2021 during three workshop days that gathered all stakeholders. See the "Downloads" section of https://www.hamburg.de/bwfgb/aktionsplan-akzeptanz-geschlechtliche-sexuelle-vielfalt/	NO
Hesse	YES Hessian Action Plan for Acceptance and Diversity *(Hessischer Aktionsplan für Akzeptanz und Vielfalt)* 2017- See https://antidiskriminierung.hessen.de/default-title/hessischer-aktionsplan-fuer-akzeptanz-und-vielfalt *Remark*: No progress report was issued	YES The "Roundtable of Hessian Lesbian and Gay Groups" meets annually in the framework of the ongoing action plan, noting that, from 1997 to 2016, this Roundtable was also in charge of supervising all LGBTI+-related state-wide initiatives.
Lower Saxony	YES Together for Diversity in Lower Saxony *(Gemeinsam für Vielfalt in Niedersachsen)* 2014- See https://www.ms.niedersachsen.de/startseite/jugend_familie/familien_kinder_und_jugendliche/familien/geschlechtliche_und_sexuelle_vielfalt/geschlechtliche-und-sexuelle-vielfalt-13779.html *Remark*: A progress report was issued in 2016. See https://www.lsvd.de/media/doc/424/niedersachsen_2014_kampagne_gemeinsam_f__r_vielfalt.pdf	NO
Mecklenburg-Western Pomerania	YES State action plan for equality and acceptance of sexual and gender diversity in Mecklenburg-Western Pomerania *(Landesaktionsplan für die Gleichstellung und Akzeptanz sexueller und geschlechtlicher Vielfalt in Mecklenburg-Vorpommern)* 2015- See https://www.regierung-mv.de/Landesregierung/sm/Familie/Familie/Gleichstellung-und-Akzeptanz/ *Remark*: A progress report was issued in 2019. See https://www.regierung-mv.de/static/Regierungsportal/Ministerium%20fpercentageC3%BCr%20Soziales,%20Integration%20und%20Gleichstellung/Dateien/Dateien/SM_Queer_Bericht3_DRUCK_210316.pdf	NO
North Rhine-Westphalia	YES Impulse 2020 – for queer life in NRW *(Impulse 2020 – für queeres Leben in NRW)* 2020- See https://www.mkffi.nrw/aktionsplan-impulse-2020-fuer-queeres-leben-nrw *Remark*: A progress report was issued in 2021. See https://www.mkffi.nrw/aktionsplan-impulse-2020-fuer-queeres-leben-nrw	NO

	The partnership between state public authorities and LGBTI+ CSOs is formalised by an ongoing action plan aimed at fostering LGBTI+ equality	Implementation of the ongoing action plan is overseen by an advisory board that gathers all stakeholders and meets on a regular basis
Rhineland-Palatinate	YES Rhineland-Palatinate under the rainbow – Acceptance for queer lifestyles *(Rheinland-Pfalz unterm Regenbogen – Akzeptanz für queere Lebensweisen)* 2013- See https://mffki.rlp.de/de/themen/vielfalt/rheinland-pfalz-unterm-regenbogen/ *Remark*: Two progress reports were issued: one in 2015 (see https://mffki.rlp.de/fileadmin/MFFJIV/Vielfalt/Bericht_Regenbogen.pdf), the other in 2020 (see https://mffki.rlp.de/fileadmin/MFFJIV/Vielfalt/RLP_unterm_Regenbogen/LAP_Regenbogen_2020.pdf)	YES A roundtable was established in 2013 and meets once a year.
Saarland	YES Accepting diversity of sexual and gender identity – against homophobia and transphobia *(Vielfalt sexueller und geschlechtlicher Identität akzeptieren – gegen Homo- und Transfeindlichkeit)* 2020- See https://www.saarland.de/msgff/DE/service/publikationen/publikationen_msgff_einzeln/landesaktionsplan_sexuelleVielfalt.html *Remark*: No progress report was issued	NO
Saxony	YES State action plan for the acceptance of the diversity of life plans *(Landesaktionsplan zur Akzeptanz der Vielfalt von Lebensentwürfen)* 2017- See https://www.vielfalt.sachsen.de/landesaktionsplan-3988.html Remark: No progress report was issued	YES An advisory board was established in 2017 and meets at least once a year.
Saxony-Anhalt	YES Action Program for the Acceptance of Lesbian, Gay, Bisexual, Transgender, Transgender and Intersex People (LGBTTI) *(Aktionsprogramm für die Akzeptanz von Lesben, Schwulen, Bisexuellen, Transgendern, Transsexuellen und intergeschlechtlichen Menschen (LSBTTI))* 2015- See https://leitstelle-frauen-geschlechtergleichstellung.sachsen-anhalt.de/geschlechtlich-sexuelle-vielfalt/aktionsprogramm-fuer-die-akzeptanz-von-lsbtti/ *Remark*: No progress report was issued	NO
Schleswig-Holstein	YES Action Plan for the Acceptance of Diverse Sexual Identities of the State of Schleswig-Holstein *(Aktionsplan für Akzeptanz vielfältiger sexueller Identitäten des Landes Schleswig-Holstein)* 2014- See https://echte-vielfalt.de/wp-content/uploads/2014/06/Imageflyer.pdf *Remark*: A progress report was issued in 2019 See https://www.lsvd.de/media/doc/424/schleswig_holstein_2019_studie_befragung_lebenssituation_lsbtiq.pdf	YES A roundtable was established in 2015 and meets at least once a year.
Thuringia	YES Thuringian State Program for Acceptance and Diversity *(Thüringer Landesprogramm für Akzeptanz und Vielfalt)* 2018- See https://www.staatskanzlei-thueringen.de/arbeitsfelder/akzeptanz-und-vielfalt *Remark*: No progress report was issued	NO

Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Annex 4.B. The OECD questionnaire on LGBTI+-inclusive policies at the German state level

Consistent with Section 4.2, the OECD questionnaire on LGBTI+-inclusive policies at the German state level allows collecting information on the implementation of both remedial and preventive policies.

The section devoted to remedial policies identifies whether:

- *Component 1*: LGBTI+ victims of discrimination *and* violence benefit from state-wide low-threshold legal and psychosocial support thanks to state funding;
- *Component 2*: There is one (or several) LGBTI+ liaison officers or a LGBTI+ unit within the state police to counter prejudices, stereotypes and potential misbehaviours towards LGBTI+ individuals;
- *Component 3*: Measures are undertaken in state reception facilities to ensure the safety of LGBTI+ asylum seekers fleeing persecution abroad through remedial and/or preventive measures.

The section devoted to preventive policies identifies whether efforts are undertaken to foster a culture of equal treatment of LGBTI+ individuals at school, in the workplace, and in health care.

More precisely, this section investigates whether:

- *Component 1* (school policies):
  - Respect for all individuals, including regardless of their sexual orientation, gender identity and/or sex characteristics/intersex status, is an explicit objective of the state school curriculum in primary and secondary education;
  - Modules on fostering acceptance of LGBTI+ individuals in the classroom are part of the state's teacher training offer.
- *Component 2* (workplace policies):
  - Levelling the playing field for LGBTI+ job candidates and employees is part of the training offer directed at HR staff, managers and all other interested employees in the public sector;
  - The state provides significant support to employers in the private sector to help them create an inclusive environment for LGBTI+ individuals.
- *Component 3* (health care policies):
  - Training on the specific health needs of LGBTI+ people and on how to approach them in an inclusive way is part of the state-regulated guidelines for the training of care professionals, i.e. nurses and personal care workers;
  - Training on the specific health needs of LGBTI+ people and on how to approach them in an inclusive way is part of the state-regulated guidelines for the (further) training of medical professionals, i.e. doctors (noting that LGBTI+ inclusion is absent from the federally regulated curriculum for the initial training of medical professionals).

Annex 4.C. Compiling responses to the OECD questionnaire on LGBTI+-inclusive policies at the German state level

The level of policy-based LGBTI+ inclusivity associated with each of the three components of remedial policies (Annex 4.B) is equal to: (i) 0% in case the answer to the question attached to each component is "No"; and (ii) 100% in case the answer is "Yes". However, in the case of component 1, the level of policy-based LGBTI+ inclusivity can also be equal to 50% provided the low-threshold legal and psychosocial support is provided either in instance of discrimination or in instance of violence, but not in both instances.

The level of policy-based LGBTI+ inclusivity associated with each of the three components of preventive policies (Annex 4.B) is equal to: (i) 0% in case the answer is "No" to both questions attached to each component; (ii) 50% in case the answer is "No" to one of these questions and "Yes" to the other; and (iii) 100% in case the answer is "Yes" to both questions.

For a given German state, are called:

- R1, R2 and R3 the level of policy-based LGBTI+ inclusivity associated with each of the three components of remedial policies;
- P1, P2 and P3 the level of policy-based LGBTI+ inclusivity associated with each of the three components of preventive policies.

Rm is the level of policy-based LGBTI+ inclusivity associated with remedial policies and is computed as the arithmetic average of R1, R2 and R3:

$Rm=1/3(R1+R2+R3)$.

Similarly, Pm is the level of policy-based LGBTI+ inclusivity associated with preventive policies and is computed as the arithmetic average of P1, P2 and P3:

$Pm=1/3(P1+P2+P3)$.

The overall level of policy-based LGBTI+ inclusivity, i.e. the one attached to both remedial and preventive policies, is merely the arithmetic average of Rm and Pm, meaning that all 6 components R1, R2, R3, P1, P2 and P3 are given equal weight when computing this overall level.

Annex 4.D. German states' efforts to implement LGBTI+-inclusive remedial policies

Policies to ensure low threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence

Annex Table 4.D.1 provides an overview of state policies to ensure low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence.

Annex Table 4.D.1. Three-quarters of German states provide LGBTI+ victims of discrimination and violence with low-threshold legal and psychosocial support

Overview of whether German states provide state-wide low-threshold legal and psychosocial support for LGBTI+ victims of discrimination and violence, as of 2021

	LGBTI+ victims of discrimination and violence benefit from state-wide low-threshold legal and psychosocial support
Baden-Württemberg	YES The "Network LGBTTIQ Baden-Württemberg" (*Netzwerk LSBTTIQ Baden-Württemberg*) provides free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence, via in-person counselling (through local counselling centres), counselling over the phone, or online counselling (e.g. by email, live chat, or video consultation). See https://www.beratung-lsbttiq.net/ This Network is subsidised by the state in the framework of the "Action Plan for Acceptance and Equal Rights" that was launched in 2015. *Remark*: This specialised support comes in addition to the more general support of the state Antidiscrimination Office (*Antidiskriminierungsstelle*) that was created in 2018. This Office notably aims to inform users about their rights, in particular based on the *General Act on Equal Treatment* (Allgemeines Gleichbehandlungsgesetz – AGG), and to refer users willing to take further actions to competent bodies and experts (e.g. local or online counselling centres, legal professionals, etc.).
Bavaria	YES The "LGBTIQ Network in Bavaria" (*LSBTIQ-Netzwerk in Bayern*) provides free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence through "Strong!", the "LGBTIQ* specialist agency against discrimination and violence" (*LGBTIQ* Fachstelle gegen Diskriminierung und Gewalt*), via counselling over the phone or online counselling (e.g. by email, live chat, or video consultation). See https://strong-community.de/ This Network has been state-subsidised since 2021 ("Strong!" is the former "Anti-Violence Project (AGP) for gay, bisexual and queer men", which had been ongoing without state funding since the early 1990s). *Remark*: There is no state Antidiscrimination Office. However, Bavaria operates a "Control Center for Equality between Women and Men" (*Leitstelle für die Gleichstellung von Frauen und Männern*) in charge of promoting equal opportunities for all genders, which includes women, men, as well as non-binary individuals.

	LGBTI+ victims of discrimination and violence benefit from state-wide low-threshold legal and psychosocial support
Berlin	YES The LGBTI+ Network in Berlin (*LSBTI Berlin*) provides free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence, via in-person counselling (through counselling centres in Berlin), counselling over the phone or online counselling (e.g. by email, live chat, or video consultation). See http://www.lsbti-berlin.de/ and https://www.berlin.de/sen/lads/sensibilisierung/kampagnen/lsbti-support/ This Network is subsidised by the state in the framework of the several state action plans towards LGBTI+ equality that have been launched since 2010. *Remark*: This specialised support comes in addition to the more general support of the state Antidiscrimination Office ("State Office for Equal Treatment – against Discrimination"- *Landesstelle für Gleichbehandlung – gegen Diskriminierung)* that was created in 2007. This Office notably aims to inform users about their rights, in particular based on the *General Act on Equal Treatment* (Allgemeines Gleichbehandlungsgesetz – AGG), and to refer users willing to take further actions to competent bodies and experts (e.g. local or online counselling centres, legal professionals, etc.).
Brandenburg	YES The LGBTI+ organisation "Katte" (*Kommunale Arbeitsgemeinschaft Tolerantes Brandenburg*) provides free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence through the "AGNES initiative", via in-person counselling (through two local counselling centres – one in Potsdam, the other in Cottbus), counselling over the phone, or online counselling (e.g. by email, live chat, or video consultation). See http://katte.eu/index.php/startseite-mainmenu-1/gewalt Katte has been state-subsidised since 2020 as the operator of the "LGBT+ state co-ordination office" (*Landeskoordinierungsstelle für LesBiSchwule & Trans* Belange – LSBT* LKS*) that has been active since 2017, when the "Action Plan for Acceptance of Gender and Sexual Diversity, for Self-Determination and against Homophobia and Transphobia in Brandenburg" was launched (previously, the "LGBT+ state co-ordination office" was operated by the LGBTI+ organisation "AndersARTiG"). *Remark*: This specialised support comes in addition to the more general support of the state Antidiscrimination Office ("State Office for Equal Opportunities and Anti-Discrimination"- *Landesstelle für Chancengleichheit und Antidiskriminierung)* that was created in 2017. This Office notably aims to inform users about their rights, in particular based on the *General Act on Equal Treatment* (Allgemeines Gleichbehandlungsgesetz – AGG), and to refer users willing to take further actions to competent bodies and experts (e.g. local or online counselling centres, legal professionals, etc.).
Bremen	YES The LGBTI+ organisation "Advice & Action Centre for Queer Life" (*Rat & Tat Zentrum für queeres Leben*) provides free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence, via in-person counselling (through a counselling centre in Bremen), counselling over the phone, or online counselling (e.g. by email, live chat, or video consultation). See https://www.ratundtat-bremen.de/Beratung/ The Advice & Action Centre for Queer Life is subsidised by the state as one of the main LGBTI+ organisations involved in the implementation of the "State Action Plan against Homophobia, Transphobia and Interphobia" that was launched in 2015. *Remark*: There is no state Antidiscrimination Office.
Hamburg	YES The organisation "Basis&Woge" provides free and responsive legal support specifically in case of anti-LGBTI+ discrimination through the "Read" initiative, via in-person counselling (through a counselling centre in Hamburg), counselling over the phone, or online counselling (e.g. by email, live chat, or video consultation). See http://adb-hamburg.de/read/ Moreover, the LGBTI+ organisation "Magnus Hirschfeld Centre" (*Magnus Hirschfeld Centre – mhc*) provides free legal and psychosocial support in case of anti-LGBTI+ discrimination and violence, via in-person counselling (through a counselling centre in Hamburg), counselling over the phone, or online counselling (e.g. by contact form, email, live chat, or video consultation). See https://www.mhc-hh.de/beratungsstelle/ Basis&Woge and the Magnus Hirschfeld Centre are subsidised by the state as two of the main organisations involved in the implementation of the "Action Plan for the acceptance of gender and sexual diversity" that was launched in 2017. *Remark*: There is no state Antidiscrimination Office.

	LGBTI+ victims of discrimination and violence benefit from state-wide low-threshold legal and psychosocial support
Hesse	YES for anti-LGBTI+ discrimination, NO for anti-LGBTI+ violence The state-subsidised organisation "ADiBe" (*Antidiskriminierungsberatung*) provides free and responsive legal support including in case of anti-LGBTI+ discrimination, via in-person counselling (through local counselling centres in Frankfurt, Kassel and Marburg), counselling over the phone, or online counselling (e.g. by email, live chat, or video consultation). See https://adibe-hessen.de/de *However*, the state-subsidised LGBT*IQ Networks Hesse (*Netzwerke LSBT*IQ Hessen*) does not officially provide free legal and psychosocial support in case of anti-LGBTI+ violence. See https://lsbtiq-hessen.de/ *Remark*: This specialised support for anti-LGBTI+ discrimination comes in addition to the more general support of the state Antidiscrimination Office (*Antidiskriminierungsstelle*) that was created in 2015. This Office notably aims to inform users about their rights, in particular based on the *General Act on Equal Treatment* (Allgemeines Gleichbehandlungsgesetz – AGG), and to refer users willing to take further actions to competent bodies and experts (e.g. local or online counselling centres, legal professionals, etc.).
Lower Saxony	NO Notably, the state-subsidised "Queer Network Lower Saxony" (*Queeres Netzwerk Niedersachsen – QNN*) does not officially provide free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence. See https://qnn.de/ *Remark*: There is no state Antidiscrimination Office.
Mecklenburg-Western Pomerania	YES The "Network for LGBTIQ* associations, groups and individuals in MV" (*Netzwerk für LSBTIQ* Vereine, Gruppen und Einzelpersonen in MV*), that is operated by the local chapter of LSVD (*Lesben- und Schwulenverband in Deutschland*), provides free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence, via in-person counselling (through two counselling centres), counselling over the phone, or online counselling (e.g. by email, live chat, or video consultation). See https://queer-mv.de/koordinierungs-und-beratungsstelle This Network is subsidised by the state in the framework of the "State Action Plan for Equality and Acceptance of Sexual and Gender Diversity in Mecklenburg-Western Pomerania" that was launched in 2015. *Remark*: There is no state Antidiscrimination Office.
North Rhine-Westphalia	YES The "State Co-ordination of Anti-Violence Work for Lesbians, Gays and Trans*" (*Landeskoordination der Anti-Gewalt-Arbeit für Lesben, Schwule & Trans* in NRW*), that is operated by the LGBTI+ organisation Rubicon, provides free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence, via counselling over the phone or online counselling (e.g. by email, live chat, or video consultation). See https://vielfalt-statt-gewalt.de/gewalt/ This Network is subsidised by the state in the framework of the several state action plans towards LGBTI+ equality that have been launched since 2012. *Remark*: There is no state Antidiscrimination Office.
Rhineland-Palatinate	NO Notably, the state-subsidised "Queernet-RLP" does not officially provide free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence. See https://www.queernet-rlp.de/ *Remark*: There is a state Antidiscrimination Office (*Antidiskriminierungsstelle*) since 2012. This Office notably aims to inform users about their rights, in particular based on the *General Act on Equal Treatment* (Allgemeines Gleichbehandlungsgesetz – AGG), and to refer users willing to take further actions to competent bodies and experts (e.g. local or online counselling centres, legal professionals, etc.).
Saarland	YES The local chapter of LSVD (*Lesben- und Schwulenverband in Deutschland*) provides free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence, via in-person counselling (through a counselling centre in Saarbrücken), counselling over the phone, or online counselling (e.g. by email, live chat, or video consultation). See https://lgbtiberatungsaar.de/ This local chapter is subsidised by the state in the framework of the State action plan "Accepting diversity of sexual and gender identity – against homophobia and transphobia" that was launched in 2020. *Remark*: There is no state Antidiscrimination Office.

	LGBTI+ victims of discrimination and violence benefit from state-wide low-threshold legal and psychosocial support
Saxony	NO for anti-LGBTI+ discrimination, YES for anti-LGBTI+ violence The civil society organisation (CSO) "ADB" (*Antidiskriminierungsbüro Sachsen*) provides free and responsive legal support including in case of anti-LGBTI+ discrimination, via in-person counselling (through local counselling centres), counselling over the phone, or online counselling (e.g. by email, live chat, or video consultation). See https://www.adb-sachsen.de/de/kontakt *However*, this CSO is not funded by the state. The "State Working Group Queer Network Saxony" (*Landesarbeitsgemeinschaft Queeres Netzwerk Sachsen*) provides free and responsive legal and psychosocial support in case of anti-LGBTI+ violence, via in-person counselling (through two counselling centres), counselling over the phone, or online counselling (e.g. by email, live chat, or video consultation). See https://www.queeres-netzwerk-sachsen.de/hasskriminalitaet-gegen-lsbttiq This Network is subsidised by the state in the framework of the "State Action Plan to Promote the Acceptance of Diversity" that was launched in 2017. *Remark*: There is no state Antidiscrimination Office.
Saxony-Anhalt	YES The "LGBTI+ state co-ordination office" (*LSBTI*-Landeskoordinierungsstelle Sachsen-Anhalt*) provides free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence, via in-person counselling (through local counselling centres), counselling over the phone, or online counselling (e.g. by email, live chat, or video consultation). More precisely, this support is provided by two LGBTI+ organisations in charge of operating the LGBTI+ state co-ordination office in the Northern part (Magdeburg) and in the Southern part (Halle) of Saxony-Anhalt: (i) the local chapter of LSVD (*Lesben- und Schwulenverband in Deutschland*) based in Magdeburg, through "DiMSA" (*Diskriminierungs-Meldestelle in Sachsen-Anhalt*) – see https://dimsa.lgbt/; (ii) the LGBTI+ organisation "BBZ (Begegnungs- und BeratungsZentrum) lebensart" based in Halle – see http://www.bbz-lebensart.de/CMS/index.php?page=beratung The LGBTI+ state co-ordination office is subsidised by the state in the framework of the "Action programme for the acceptance of Lesbian, Gay, Bisexual, Transgender, Transsexual and Intersex People (LSBTTI) in Saxony-Anhalt" that was launched in 2015. *Remark*: This specialised support comes in addition to the more general support of the state Antidiscrimination Office (*Antidiskriminierungsstelle*)that was created in 2018. This Office notably aims to inform users about their rights, in particular based on the *General Act on Equal Treatment* (Allgemeines Gleichbehandlungsgesetz – AGG), and to refer users willing to take further actions to competent bodies and experts (e.g. local or online counselling centres, legal professionals, etc.).
Schleswig-Holstein	YES The LGBTI+ Network in Schleswig-Holstein, i.e. the "Real Diversity Office" (*Geschäftsstelle Echte Vielfalt*), provides free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence, via in-person counselling (through local counselling centres), counselling over the phone, or online counselling (e.g. by email, live chat, or video consultation). See https://echte-vielfalt.de/beratung-und-recht/beratungsangebote/ This Network is subsidised by the state in the framework of the "Action Plan for the Acceptance of Diverse Sexual Identities Schleswig-Holstein" that was launched in 2014. *Remark*: This specialised support comes in addition to the more general support of the state Antidiscrimination Office (*Antidiskriminierungsstelle*)that was created in 2013. This Office notably aims to inform users about their rights, in particular based on the *General Act on Equal Treatment* (Allgemeines Gleichbehandlungsgesetz – AGG), and to refer users willing to take further actions to competent bodies and experts (e.g. local or online counselling centres, legal professionals, etc.).
Thuringia	YES The LGBTI+ state co-ordination office, i.e. "Living Diversity – Queerway in Thuringia" (*Vielfalt Leben – QueerWeg Verein für Thüringen*), provides free and responsive legal and psychosocial support in case of anti-LGBTI+ discrimination and violence, via counselling over the phone or online counselling (e.g. by email, live chat, or video consultation). See https://www.queerweg.de/beratung The LGBTI+ state co-ordination office is subsidised by the state in the framework of the "Thuringian State Programme for Acceptance and Diversity" that was launched in 2014. *Remark*: This specialised support comes in addition to the more general support of the state Antidiscrimination Office (*Antidiskriminierungsstelle*)that was created in 2018. This Office notably aims to inform users about their rights, in particular based on the *General Act on Equal Treatment* (Allgemeines Gleichbehandlungsgesetz – AGG), and to refer users willing to take further actions to competent bodies and experts (e.g. local or online counselling centres, legal professionals, etc.).

Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Policies to ensure that the police are viewed as trustworthy by LGBTI+ victims of discrimination and violence

Annex Table 4.D.2 provides an overview of state policies to ensure that the police are viewed as trustworthy by LGBTI+ victims of discrimination and violence.

Annex Table 4.D.2. All but two of the 16 German states have established one or several LGBTI+ liaison officers or a LGBTI+ unit within the state police

Overview of whether German states have established one (or several) LGBTI+ liaison officers or a LGBTI+ unit within the state police, as of 2021

	There is one (or several) LGBTI+ liaison officers or a LGBTI+ unit within the state police to counter prejudices, stereotypes and potential misbehaviours towards LGBTI+ individuals
Baden-Württemberg	YES (BUT) Since the mid-2010s, all police headquarters in Baden-Württemberg have LGBTI+ liaison officers (18 in total) whose contact details can be easily found online. *However*, these officers do not seem to benefit from a workload relief giving them time to implement their tasks as LGBTI+ liaison officers, on top of their regular policing activities. *Remark*: Baden-Württemberg is a member of Velspol but the website of VelsPol Süd (VelsPol South), the regional chapter resulting from the merger in 2021 of VelsPol Baden-Württemberg and VelsPol Bavaria, is still inactive. See https://www.velspolsued.de/
Bavaria	NO (despite local LGBTI+ CSOs repeatedly advocating for LGBTI+ contact persons to be appointed in the state police). *Remark*: Bavaria is a member of Velspol but the website of VelsPol Süd (VelsPol South), the regional chapter resulting from the merger in 2021 of VelsPol Baden-Württemberg and VelsPol Bavaria, is still inactive. See https://www.velspolsued.de/
Berlin	YES There are two LGBTI+ liaison officers (a man since 1992 and a woman since 2006) whose contact details can be easily found online. These officers are relieved of 100% of their workload to allow them to fully focus on their tasks as LGBTI+ liaison staff. Moreover, in addition to these two full-time contact persons, the Berlin Police has an agency-wide network of part-time LGBTI+ contact persons. It is worthwhile noting that Berlin was the first state to appoint in 2012 an LGBTI+ contact person at the public prosecutor's office (*Ansprechpersonen bei der Staatsanwaltschaft*) to enhance the capacity of the judiciary to process proceedings involving anti-LGBTI+ hate crime, notably by maintaining low-threshold contact with LGBTI+ victims of violence and the NGOs in charge of supporting them. *Remark*: Berlin is a member of Velspol through the Berlin-Brandenburg Velspol chapter. See https://bb.velspol.de/
Brandenburg	YES (BUT) Since the mid-2010s, there is one LGBTI+ liaison officer based in Potsdam whose contact details can be easily found online. *However*, this officer does not benefit from any workload relief to help them free time to implement their tasks as LGBTI+ liaison officer, on top of their regular policing activities. *Remark*: Brandenburg is a member of Velspol through the Berlin-Brandenburg Velspol chapter. See https://bb.velspol.de/
Bremen	YES (BUT) Since the mid-2010s, there is one LGBTI+ liaison officer, noting that this officer is relieved of 25% of their workload to help them free time to implement their tasks as LGBTI+ liaison officer, on top of their regular policing activities. *However*, this position has no visibility (no contact details can be found online). *Remark*: Bremen is a member of Velspol through the Velspol Nordwest (North West) chapter that gathers Bremen, Hamburg and Lower Saxony. See https://velspol-nordwest.de/

	There is one (or several) LGBTI+ liaison officers or a LGBTI+ unit within the state police to counter prejudices, stereotypes and potential misbehaviours towards LGBTI+ individuals
Hamburg	YES Since the mid-2010s, there are two LGBTI+ liaison officers whose contact details can be easily found online (see https://www.polizei.hamburg/lsbti). Moreover, these officers are relieved of 100% of their workload to allow them to fully focus on their tasks as LGBTI+ liaison staff. *Remark*: Hamburg is a member of Velspol through the Velspol Nordwest (North West) chapter that gathers Bremen, Hamburg and Lower Saxony. See https://velspol-nordwest.de/
Hesse	YES Since the mid-2010s, all regional police headquarters in Hesse have LGBTI+ liaison officers (7 in total) whose contact details can be easily found online. Moreover, these officers are relieved of up to 50% of their workload to help them free time to implement their tasks as LGBTI+ liaison officers, on top of their regular policing activities. *Remark*: Hesse is a member of Velspol. See http://www.velspol-hessen.de
Lower Saxony	YES Since the mid-2010s, all police headquarters in Lower Saxony have LGBTI+ liaison officers (12 in total) whose contact details can be easily found online. Moreover, these officers are relieved of 50% of their workload to help them free time to implement their tasks as LGBTI+ liaison officers, on top of their regular policing activities (noting that one of these officers enjoys a 100% workload relief for co-ordination purposes). *Remark*: Lower Saxony is a member of Velspol through the Velspol Nordwest (North West) chapter that gathers Bremen, Hamburg and Lower Saxony. See https://velspol-nordwest.de/
Mecklenburg-Western Pomerania	YES Since the mid-2010s, there are two LGBTI+ liaison officers whose contact details can be easily found online. Moreover, these officers are relieved of up to 50% of their workload to help them free time to implement their tasks as LGBTI+ liaison officers, on top of their regular policing activities. *Remark*: Mecklenburg-Western Pomerania is a member of Velspol. See https://www.velspol-mv.de/
North Rhine-Westphalia	YES Since at least the mid-2010s, there is a LGBTI+ unit within the State Criminal Police Office (Landeskriminalamt) that closely collaborates with the "State Co-ordination of Anti-Violence Work for Lesbians, Gays and Trans*" that is operated by the main state-subsidised LGBTI+ organisation Rubicon. Both entities are engaged in exemplary actions to improve the reporting of anti-LGBTI+ discrimination and violence to the police. *Remark*: North Rhine-Westphalia is a member of Velspol. See https://www.velspol-nrw.de
Rhineland-Palatinate	YES Since the mid-2010s, all regional police headquarters in Rhineland-Palatinate have LGBTI+ liaison officers. These police officers are co-ordinated by a police chief inspector whose contact details can be easily found online. At least the latter officer is relieved of part or all of their workload to help them free time to implement their co-ordinating activities, on top of their regular policing activities (if any). *Remark*: Rhineland-Palatinate is a member of Velspol through Velspol-Rheinland Pfalz. See https://www.velspol-rp.de
Saarland	YES (BUT) Since the mid-2010s, there is one LGBTI+ liaison officer. HOWEVER, this position has no visibility (no contact details can be found online). Moreover, this officer does not seem to benefit from any workload relief to help them free time to implement their tasks as LGBTI+ liaison officer, on top of their regular policing activities. *Remark*: Saarland is not a member of Velspol
Saxony	YES Since the late 2010s, there is a LGBTI+ unit within the state police that collaborates with the state-subsidised "State Working Group Queer Network Saxony" in order to improve the reporting of anti-LGBTI+ discrimination and violence to the police. *Remark*: Saxony is not a member of Velspol

	There is one (or several) LGBTI+ liaison officers or a LGBTI+ unit within the state police to counter prejudices, stereotypes and potential misbehaviours towards LGBTI+ individuals
Saxony-Anhalt	YES Since the mid-2010s, all regional police headquarters in Saxony-Anhalt have LGBTI+ liaison officers (5 in total). These police officers are co-ordinated by a central LGBTI+ contact point whose contact details can be easily found online. Moreover, the former officers are relieved of 50% of their workload to help them free time to implement their tasks as LGBTI+ liaison officers, on top of their regular policing activities (noting that the latter officer enjoys a 100% workload relief for co-ordination purposes). *Remark*: Saxony-Anhalt is not a member of Velspol
Schleswig-Holstein	YES Since the late 2010s, all regional police headquarters in Schleswig-Holstein have LGBTI+ liaison officers. These police officers are co-ordinated by a central LGBTI+ contact point whose contact details can be easily found online. At least the latter officer is relieved of part or all of their workload to help them free time to implement their co-ordinating activities, on top of their regular policing activities (if any). *Remark*: Schleswig-Holstein is not a member of Velspol
Thuringia	NO (despite local LGBTI CSOs repeatedly advocating for LGBTI+ contact persons to be appointed in the state police). *Remark*: Thuringia is not a member of Velspol

Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Policies to ensure the safety of LGBTI+ asylum seekers fleeing persecution abroad in reception facilities

Annex Table 4.D.3 provides an overview of state policies to ensure the safety of LGBTI+ asylum seekers in reception facilities.

Annex Table 4.D.3. All but two of the 16 German states have implemented policies to ensure the safety of LGBTI+ asylum seekers in reception facilities

Overview of whether German states have undertaken measures to ensure the safety of LGBTI+ asylum seekers in reception facilities, as of 2021

	Measures are undertaken in state reception facilities to ensure the safety of LGBTI+ asylum seekers fleeing persecution abroad through (i) remedial policies (e.g. separate housing, flyers in different languages on support services for LGBTI+ asylum seekers) and/or (ii) preventive policies (e.g. information about the rights and duties of asylum seekers within the facility and in Germany, training of reception centres' staff)
Baden-Württemberg	YES No « Gewaltschutzkonzept » was published by state authorities but one (Karlsruhe) of the four (Freiburg, Karlsruhe, Stuttgart and Tübingen) state regional councils in charge of administering reception facilities operates a special "shelter" that is intended "for the accommodation of pregnant women, women who have recently given birth, the sick or people in life situations who have a higher need for care or space for other reasons" (which includes LGBTI+ asylum seekers). *Remark*: The state-subsidised "Network LGBTTIQ Baden-Württemberg" provides advice and support to LGBTI+ asylum seekers and refugees, from helping them navigate the asylum procedure, to assisting them in case they are bullied in reception centres, to fostering their integration in the German society once their refugee status is granted. See https://www.netzwerk-lsbttiq.net/refugees
Bavaria	YES A « Gewaltschutzkonzept » was published in 2020 by state authorities that stresses the implementation of both remedial (separate housing, information on support services) and preventive policies (information on rights and duties, staff training).

	Measures are undertaken in state reception facilities to ensure the safety of LGBTI+ asylum seekers fleeing persecution abroad through (i) remedial policies (e.g. separate housing, flyers in different languages on support services for LGBTI+ asylum seekers) and/or (ii) preventive policies (e.g. information about the rights and duties of asylum seekers within the facility and in Germany, training of reception centres' staff)
Berlin	YES A "Care and integration concept for asylum seekers and refugees" and an "Information package for refugees" were published in 2015 and 2017 respectively by state authorities. These documents stress the implementation of both remedial (separate housing, information on support services) and preventive policies (information on rights and duties, staff training). Moreover, in 2018, the state of Berlin published "Guidelines for the identification of particularly vulnerable refugees for staff of the Social Services of the State Office for Refugees" (*Leitfaden zur Identifizierung von besonders schutzbedürftigen Geflüchteten in Berlin. Für Mitarbeiter*innen des Sozialdienstes des Landesamts für Flüchtlingsangelegenheiten – LAF*) to help them recognise special needs for protection during the personal counselling interview with asylum seekers, as a result of which the necessary care and/or adequate accommodation can be initiated. For more information on the Berlin Model to support LGBTI refugees, see: https://www.berlin.de/sen/lads/schwerpunkte/gefluechtete/lsbti-gefluechtete/ *Remark*: The state-subsidised LGBTI+ Network in Berlin (*LSBTI Berlin*) provides advice and support to LGBTI+ asylum seekers and refugees, from helping them navigate the asylum procedure, to assisting them in case they are bullied in reception centres, to fostering their integration in the German society once their refugee status is granted. The Network also provides training directed at reception centres' staff, notably via the LGBTI+ organisation "Schwulen Beratung Berlin". See https://schwulenberatungberlin.de/angebote/fortbildung/
Brandenburg	YES (BUT) A « Gewaltschutzkonzept » was published in 2018 by state authorities that stresses the implementation of both remedial (separate housing, information on support services) and preventive policies (information on rights and duties, staff training). *However*, these protection measures are restricted to female asylum seekers and refugees, meaning that they exclude gay men. *Remark*: The state-subsidised LGBTI+ organisation "Katte" provides advice and support to LGBTI+ asylum seekers and refugees, from helping them navigate the asylum procedure, to assisting them in case they are bullied in reception centres, to fostering their integration in the German society once their refugee status is granted. See http://katte.eu/index.php/startseite-mainmenu-1/migration
Bremen	YES A « Gewaltschutzkonzept » was published in 2016 by state authorities that stresses the implementation of both remedial (separate housing, information on support services) and preventive policies (information on rights and duties, staff training). *Remark*: The state-subsidised LGBTI+ organisation "Advice & Action Centre for Queer Life" (*Rat & Tat Zentrum für queeres Leben*) has developed the free service "Café and advice for LGBTIQ* refugees, migrants and people of colour" (*Café und Beratung Für LSBTIQ*-Geflüchtete, Migrant_innen und People of Colour*) where, twice per month, people can chat, listen, support each other and develop ideas over coffee and tea. See https://www.ratundtat-bremen.de/PDF-Archiv/Downloads-Beratung/Refugee-Cafe_Folder_web.pdf?m=1507197393
Hamburg	YES A « Gewaltschutzkonzept » was published in 2016 by state authorities that stresses the implementation of both remedial (separate housing, information on support services) and preventive policies (information on rights and duties, staff training). *Remark*: The state of Hamburg has issued a "Welcome" flyer directed at asylum seekers and available in different languages to inform them about the values and norms that prevail in Germany. Notably, the flyer stresses that "No one may be discriminated against, insulted, or attacked because of his or her gender, religion, skin color or sexual orientation" and that "love between people of the same gender is allowed in Germany". See https://www.hamburg.de/politische-bildung/5955578/infos-fluechtlinge Moreover, the state-subsidised LGBTI+ organisation "Magnus Hirschfeld Centre" provides advice and support to LGBTI+ asylum seekers and refugees, from helping them navigate the asylum procedure, to assisting them in case they are bullied in reception centres, to fostering their integration in the German society once their refugee status is granted. See https://www.mhc-hh.de/beratungsstelle/migration-und-flucht/ Other state-subsidised initiatives are provided in the framework of the programme "Queer Refugees Hamburg". See https://www.queer-refugees.hamburg/
Hesse	YES A « Gewaltschutzkonzept » was published in 2016 by state authorities that stresses the implementation of both remedial (separate housing, information on support services) and preventive policies (information on rights and duties, staff training). *Remark*: The organisation "Aids-Hilfe Hessen" conducts the state-subsidised programme "Rainbow Refugee Support" that provides advice and support to LGBTI+ asylum seekers and refugees, from helping them navigate the asylum procedure, to assisting them in case they are bullied in reception centres, to fostering their integration in the German society once their refugee status is granted. See https://www.frankfurt-aidshilfe.de/en/rrs

	Measures are undertaken in state reception facilities to ensure the safety of LGBTI+ asylum seekers fleeing persecution abroad through (i) remedial policies (e.g. separate housing, flyers in different languages on support services for LGBTI+ asylum seekers) and/or (ii) preventive policies (e.g. information about the rights and duties of asylum seekers within the facility and in Germany, training of reception centres' staff)
Lower Saxony	YES A « Gewaltschutzkonzept » was published in 2019 by state authorities that stresses the implementation of both remedial (separate housing, information on support services) and preventive policies (information on rights and duties, staff training). *Remark*: In 2016, the state of Lower Saxony funded the creation of the "Lower Saxony network centre for the concerns of LGBTI* refugees" (*Niedersächsische Vernetzungsstelle für die Belange der LSBTI* Flüchtlinge – NVBF*) that provides (i) advice and support to LGBTI+ asylum seekers and refugees; (ii) training directed at reception centres' staff. See https://www.vnb.de/formate/projekte/projekte-aktuell/nvbf/
Mecklenburg-Western Pomerania	NO No « Gewaltschutzkonzept » was published by state authorities. Moreover, since 2017, the Refugee Council for Mecklenburg-Western Pomerania has repeatedly relayed calls from different organisations for more protection for particularly vulnerable groups of asylum seekers and refugees. In August 2021, a position paper drafted by 33 organisations notably advocated for separate housing for groups whose appropriate protection in reception centres' shared accommodation areas cannot be ensured.
North Rhine-Westphalia	YES A « Gewaltschutzkonzept » was published in 2017 by state authorities that stresses the implementation of both remedial (separate housing, information on support services) and preventive policies (information on rights and duties, staff training). *Remark*: Since 2016, the State Co-ordination of Anti-Violence Work for Lesbians, Gays and Trans* provides training directed at reception centres' staff. See https://vielfalt-statt-gewalt.de/was-diskriminierung/ Several member organisations also provide advice and support to LGBTI+ asylum seekers and refugees.
Rhineland-Palatinate	YES A « Gewaltschutzkonzept » was published in 2017 by state authorities that stresses the implementation of both remedial (separate housing, information on support services) and preventive policies (information on rights and duties, staff training). *Remark*: The state-subsidised "Queernet-RLP" provides (i) advice and support to LGBTI+ asylum seekers and refugees (see https://www.queernet-rlp.de/projekte/queere-gefluechtete); (ii) training directed at reception centres' staff (see the description in the flyer "Information for multipliers in the refugee aid" (*Informationen für Multiplikator_innen in der Flüchtlingshilfe*)).
Saarland	NO No « Gewaltschutzkonzept » was published by state authorities. Moreover, the 2020 state action plan "Accepting diversity of sexual and gender identity – against homophobia and transphobia" does not mention any intent to improve the protection of LGBTI+ asylum seekers in reception facilities.
Saxony	YES A « Gewaltschutzkonzept » was published in 2017 by state authorities that stresses the implementation of both remedial (separate housing, information on support services) and preventive policies (information on rights and duties, staff training). *Remark*: The state-subsidised "State Working Group Queer Network Saxony" provides (i) advice and support to LGBTI+ asylum seekers and refugees; (ii) training directed at reception centres' staff. It does so via one of its member organisations "Rosalinde Leipzig". See https://www.rosalinde-leipzig.de/de/beratung/queer-refugees-network/
Saxony-Anhalt	YES "Guidelines for the Protection of Women and Children from Violence in Initial Reception Facilities in Saxony-Anhalt" were published in 2018 by state authorities. These guidelines were presented in 2020 by the Ministry of the Interior as also applying to LGBTI+ individuals in a written answer to the parliament. *Remark*: The two state-subsidised organisations in charge of operating the LGBTI+ state co-ordination office organise meeting points several times a month where LGBTI+ refugees and migrants can chat, listen, support each other and develop ideas. See https://lsvd-lsa.de/rbc/ (Northern part of Saxony-Anhalt) and http://www.bbz-lebensart.de/CMS/index.php?page=queere-gefluechtete (Southern part of Saxony-Anhalt).
Schleswig-Holstein	YES A « Gewaltschutzkonzept » was published in 2017 by state authorities that stresses the implementation of both remedial (separate housing, information on support services) and preventive policies (information on rights and duties, staff training). *Remark*: The state-subsidised LGBTI+ Network "Real Diversity Office" provides advice and support to LGBTI+ asylum seekers, refugees and migrants, in the framework of the programme "QUREMI-Queer Refugees and Migrants" that is conducted by the LGBTI+ organisation HAKI. See https://haki-sh.de/gruppen-und-angebote/#quremi

	Measures are undertaken in state reception facilities to ensure the safety of LGBTI+ asylum seekers fleeing persecution abroad through (i) remedial policies (e.g. separate housing, flyers in different languages on support services for LGBTI+ asylum seekers) and/or (ii) preventive policies (e.g. information about the rights and duties of asylum seekers within the facility and in Germany, training of reception centres' staff)
Thuringia	YES The "Thuringian ordinance on minimum conditions for the operation of community accommodation and social care and advice for refugees and asylum seekers" was published in 2018 by state authorities. This ordinance states the obligation for each shared accommodation to issue and implement a protection plan to ensure the safety of vulnerable groups such as LGBTI+ individuals. *Remark*: In the framework of the "QuestTH" project, the LGBTI+ state co-ordination office "Living Diversity – Queerway in Thuringia" provides (i) advice and support to LGBTI+ asylum seekers and refugees; (ii) training directed at reception centres' staff. See https://www.queerweg.de/projekte/questh

Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Annex 4.E. German states' efforts to implement policies to foster a culture of equal treatment of LGBTI+ individuals

Policies to foster a culture of equal treatment of LGBTI+ individuals at school

Annex Table 4.E.1 provides an overview of state policies to foster a culture of equal treatment of LGBTI+ individuals at school.

Annex Table 4.E.1. All German states have adopted LGBTI+ inclusive policies at the school level

Overview of whether German states have established LGBTI+ inclusive school curricula and teacher training, as of 2021

	Respect for all individuals, including regardless of their sexual orientation, gender identity and/or sex characteristics/intersex status, is an explicit objective of the state school curriculum in primary and secondary education	Modules on fostering acceptance of LGBTI+ individuals in the classroom are part of the state's teacher training offer
Baden-Württemberg	YES (in the framework of the general educational objective « Tolerance and acceptance of diversity » (*Bildung für Toleranz und Akzeptanz von Vielfalt*) that was launched in 2016) *Remark*: SO-based discrimination is explicitly prohibited by law since the early 2010s in tertiary education, but this is not the case in primary and secondary education	YES (see the website « Teacher further training in Baden-Württemberg » (*Lehrerinnenfortbildung Baden-Württemberg*): https://lehrerfortbildung-bw.de/) *Remark*: In addition, in 2020, the Ministry of Culture, Youth and Sport published via the Centre for School Quality and Teacher Training a handout to help school psychologists and guidance counsellors create an LGBTI-inclusive school climate: "All colours in view?!? Counselling of those seeking advice by school psychology and counselling teachers with special regard to LGBTTIQ issues" (*Alle Farben im Blick?!? Beratung von Ratsuchenden durch Schulpsychologie und Beratungslehrkräfte unter besonderer Berücksichtigung des Themenkomplexes LSBTTIQ*) Moreover, also in 2020, the Ministry of Social Affairs, Health and Integration funded a guide directed at school staff on supporting transgender and non-binary students written by the Network LGBTTIQ Baden-Württemberg: "Gender diversity in schools. A guide for schools in Baden-Württemberg" (*Vielfalt von Geschlecht in der Schule. Ein Leitfaden für Schulen in Baden-Württemberg*) Finally, the state-subsidised "Network LGBTTIQ Baden-Württemberg" offers training directed at school staff and at classrooms. See https://www.netzwerk-lsbttiq.net/themen/bildungsarbeit. The network is also to be praised for its brochure directed at youth between 12 and 20: "Coming out – everything you should know!" (*Coming-Out – Alles was du wissen solltest!*) whose 1st edition was published in 2017 with the help of the Ministry of Social Affairs, Health and Integration (a 4th edition is in preparation). The objective is to make youth who do not feel exclusively heterosexual and cisgender comfortable with this feeling and to help those whose queer identity is more and more affirmed do their inner and outer coming out.

	Respect for all individuals, including regardless of their sexual orientation, gender identity and/or sex characteristics/intersex status, is an explicit objective of the state school curriculum in primary and secondary education	Modules on fostering acceptance of LGBTI+ individuals in the classroom are part of the state's teacher training offer
Bavaria	YES (the 2016 guidelines for « Family and sex education » insist that this school subject should aim to have students in year 1/2 « understand and exchange with respect about different family forms and ways of living together » and have students in year 9/10 : (i) « respect their own sexual orientation and the sexual orientation of others (hetero-, homo-, bisexuality) »; (ii) « respect and know about trans- and intersexuality »; (iii) « show tolerance and respect towards people regardless of their sexual identity ») *Remark*: SOGISC-based discrimination is not explicitly prohibited by law, should it be in primary, secondary, or tertiary education	YES (see the website "Further training in Bavarian schools" (*FIBS-Fortbildung in bayerischen Schulen*): https://fibs.alp.dillingen.de/) *Remark*: In addition, in 2019, the Ministry of Education and Culture published via the "Institute for School Quality and Educational Research" guidelines to help school staff teach "Family and sex education": "Family and Sex education in Bavarian schools" (*Familien- und Sexualerziehung in den bayerischen Schulen*). The handout notably provides definitions of LGBTI+-related terms and recalls that LGBTI+ issues are viewed as highly sensitive by some pupils and parents (which entails addressing underlying prejudice and stereotypes with care and sensitivity while doing so without falling into complacency: "Concessions to religious-cultural traditions must not contradict constitutional principles and violate laws in force in Germany, such as forced marriage, discrimination against homosexuals, female genital mutilation"). Moreover, the newly-formed and state-subsidised "LGBTIQ Network in Bavaria" is expected to develop training activities, notably directed at school staff and/or classrooms.
Berlin	YES (in the framework of several educational objectives co-developed with the state of Brandenburg at least since the mid-2010s: "Education to the acceptance of diversity" which entails teaching "appreciation of social, gender, sexual, age, physical, mental, ethnic, linguistic, religious, and cultural diversity"; "Gender equality and gender mainstreaming" which includes teaching respect for "people with other gender identities [than male or female]; "Sex education" which implies teaching "the diversity of lifestyles, sexual orientations and genders") *Remark*: SOGI-based discrimination is explicitly prohibited by law since 2004 in primary and secondary education, and since 2007 in tertiary education	YES (see the website "Regional further training" (*Regionale Fortbildungen*): https://fibs.alp.dillingen.de/; see also the website "Berlin-Brandenburg education server training network" (*FortbildungsNetz Bildungsserver Berlin-Brandenburg*): https://tisonline.brandenburg.de/) *Remark:* In addition, since 2010, Queerformat's Competence Centre for LGBTIQ* Education (*Queerformat Fachstelle Queere Bildung*) has been the specialist agency of the State of Berlin for the implementation and quality assurance of educational work in the field of sexual and gender diversity. See https://www.queerformat.de/

	Respect for all individuals, including regardless of their sexual orientation, gender identity and/or sex characteristics/intersex status, is an explicit objective of the state school curriculum in primary and secondary education	Modules on fostering acceptance of LGBTI+ individuals in the classroom are part of the state's teacher training offer
Brandenburg	YES (in the framework of several educational objectives co-developed with the state of Berlin at least since the mid-2010s: "Education to the acceptance of diversity" which entails teaching "appreciation of social, gender, sexual, age, physical, mental, ethnic, linguistic, religious, and cultural diversity"; "Gender equality and gender mainstreaming" which includes teaching respect for "people with other gender identities [than male or female]; "Sex education" which implies teaching "the diversity of lifestyles, sexual orientations and genders") *Remark*: SO-based discrimination is explicitly prohibited by law in primary and secondary education since 2002, and since 2005 in tertiary education	YES (see the website "Berlin-Brandenburg education server training network" (*FortbildungsNetz Bildungsserver Berlin-Brandenburg*): https://tisonline.brandenburg.de/) *Remark*: In addition, as early as 2008, the Ministry of Education published via the "Centre for teacher training and education research" and in partnership with the LGBTI+ CSO "AndersARTiG" detailed guidelines on familiarising pupils with the diversity of sexual orientations and lifestyles: "School under the Rainbow. HeteroHomoBiTrans lifestyles in the classroom at schools in the state of Brandenburg" (*Schule unterm Regenbogen. HeteroHomoBiTrans-Lebensweisen im Unterricht an den Schulen im Land Brandenburg*). Moreover, the state-subsidised LGBTI+ CSO "Katte" offers training directed at classrooms. See http://katte.eu/index.php/aufklaerungsprojekte This was also the case of the formerly state-subsidised LGBTI+ CSO "AndersARTiG" through its programme "Education under the Rainbow" (*Bildung unterm Regenbogen*) directed at students from 7th grade onwards. See http://www.queeres-brandenburg.info/index.php/bildungsexpress/geschlecht-identitaet/321-bildung-unterm-regenbogen
Bremen	YES (starting familiarising pupils on "gender roles" (Year 1-4) and "homosexual and heterosexual lifestyles" (Year 3-4) has been part of the basic curriculum since 2007; moreover, since 2013, the "sex education" curriculum promotes acceptance for different sexual orientations) *Remark*: SOGISC-based discrimination is not explicitly prohibited by law, should it be in primary, secondary, or tertiary education	YES (see the website "State Institute for schools Bremen advanced training" (*LIS-Landesinstitut für Schule Bremen Fortbildung*): https://fortbildung.lis.bremen.de/) *Remark*: In addition, the state-subsidised LGBTI+ organisation "Advice & Action Centre for Queer Life" (*Rat & Tat Zentrum für queeres Leben*) has created a "Media Suitcase KITA" (*Medienkoffer KITA*) that compiles a selection of children's books, handouts and reference books helpful for an inclusive and diverse pedagogical practice in day care centres (this suitcase can be borrowed from several locations in Bremen). See https://www.ratundtat-bremen.de/medienkoffer/
Hamburg	YES (acceptance of LGBTI+ identities is an aim of the "sex education" curriculum since 1996) *Remark*: SOGISC-based discrimination is not explicitly prohibited by law, should it be in primary, secondary, or tertiary education	YES (see the website "State Institute for Teacher Training and School Development" (*LI-Landesinstitut für Lehrerbildung und Schulentwicklung*): https://tis.li-hamburg.de/) *Remark*: In addition, the State Institute for Teacher Training and School Development hosts a "Gender and sexual diversity" working group open to school staff, youth workers, researchers, CSOs and parents. This working group meets several times a year to develop resources to introduce students to the diversity of sexual orientations and gender identities and create an inclusive environment in the school setting. See https://li.hamburg.de/vielfalt/ Moreover, the state-subsidised LGBTI+ organisation "Magnus Hirschfeld Centre" (mhc) offers training directed at classrooms through the "Soorum" project. See https://www.mhc-hh.de/qualifizierung-und-aufklpercentageC3%A4rung/soorum-aufklpercentageC3%A4rungsprojekt/

	Respect for all individuals, including regardless of their sexual orientation, gender identity and/or sex characteristics/intersex status, is an explicit objective of the state school curriculum in primary and secondary education	Modules on fostering acceptance of LGBTI+ individuals in the classroom are part of the state's teacher training offer
Hesse	YES (since 2016, the "sex education" curriculum includes age-appropriate educational objectives in order to foster acceptance of LGBTI+ individuals: (i) for 6-10 year-olds, students should learn about "different family situations (e.g. single-parent families, foster families, same-sex partnerships)"; (ii) for 10-12 year-olds, students should learn about "different sexual orientations and gender identities (hetero-, bi-, homo- and transsexuality)"; (iii) for 13-16 year-olds, the curriculum includes "support for pupils coming out if necessary"; (iv) for 16-19 year-olds, topics such as "the right to sexual self-determination" or "desire for children, pregnancy, conception regulation, adoption, surrogacy, artificial insemination, foster care" are added) *Remark*: SOGISC-based discrimination is not explicitly prohibited by law, should it be in primary, secondary, or tertiary education	YES (see the website "Teacher training in Hessen" (*Lehrerfortbildung in Hessen*): https://akkreditierung.hessen.de/catalog) *Remark*: In addition, the state-subsidised "LGBT*IQ Networks Hessen" offers training directed at classrooms via the organisation SCHLAU Hessen, the local chapter of the SCHLAU network specialised in peer-to-peer (older youth to school-age youth) queer education. See http://www.schlau-hessen.de/
Lower Saxony	YES (since the mid-2010s; for instance, presenting same-sex families as equal to other family forms is an educational objective in primary education) *Remark*: SOGISC-based discrimination is not explicitly prohibited by law, should it be in primary, secondary, or tertiary education	YES (see the "Lower Saxony State Institute for School Quality Development" (*Niedersächsisches Landesinstitut für schulische Qualitätsentwicklung*): https://vedab.de/) *Remark*: In addition, the state-subsidised "Queer Network Lower Saxony" offers training directed at classrooms via the organisation SCHLAU Niedersachsen, the local chapter of the SCHLAU network specialised in peer-to-peer (older youth to school-age youth) queer education. See https://schlau-nds.de/
Mecklenburg-Western Pomerania	YES (familiarising pupils on "homosexual and heterosexual lifestyles" (Year 3-4) has been part of the basic curriculum for primary education since the mid-2000s; moreover, the handout "Recommendations for teachers on sexual education and upbringing" (*Empfehlungen für Lehrkräfte zur sexuellen Bildung und Erziehung*) that was published in 2019 by the Ministerium for Education, Science and Culture contains a class activity to foster acceptance of family and sexual diversity, despite the fact that there is otherwise no explicit mention of LGBTI+ inclusion in the curriculum for secondary education) *Remark*: SO-based discrimination is explicitly prohibited by law since 2019 in tertiary education, but this is not the case in primary and secondary education	NO (see the website "Education server Mecklenburg-Western Pomerania" (*Bildungsserver Mecklenburg-Vorpommern*): https://www.bildung-mv.de/)

	Respect for all individuals, including regardless of their sexual orientation, gender identity and/or sex characteristics/intersex status, is an explicit objective of the state school curriculum in primary and secondary education	Modules on fostering acceptance of LGBTI+ individuals in the classroom are part of the state's teacher training offer
North Rhine-Westphalia	YES (since 1999, the guidelines on sex education that apply to years 1 through 13 state that "sexuality education serves to educate and promote mutual acceptance among all people, regardless of their sexual orientation and identity and the relationships and lifestyles associated with them"). *Remark*: SOGISC-based discrimination is not explicitly prohibited by law, should it be in primary, secondary, or tertiary education	YES (see the website "Search – Further training for teachers in North Rhine-Westphalia" (*Suche – Fortbildung für Lehrerinnen und Lehrer in Nordrhein-Westfalen*): https://suche.lehrerfortbildung.schulministerium.nrw.de/) *Remark*: In addition, the state-subsidised "Queer Network NRW" offers training directed at classrooms via the organisation SCHLAU NRW, the local chapter of the SCHLAU network specialised in peer-to-peer (older youth to school-age youth) queer education. See www.schlau.nrw Moreover, the state-subsidised website on intersexuality contains a wide range of guidance and teaching material directed at school staff. See https://inter-nrw.de/category/educators/
Rhineland-Palatinate	YES (acceptance of LGBTI+ individuals is anchored in the sex education curriculum for primary and secondary education since 2009) *Remark*: SO-based discrimination is explicitly prohibited by law in primary and secondary education since 2004, and since 2020 in tertiary education	YES (see the website "Training: Education server Rhineland-Palatinate" (*Fortbildung: Bildungsserver Rheinland-Pfalz*): https://bildung-rp.de/lehrkraefte/fortbildung.html) *Remark*: In addition, the state-subsidised "Queernet-RLP" has developed two diversity teaching kits: (i) one for kindergarden (*Kita-Koffer*) that seeks to make children from all types of families (including single-parent families, rainbow families or families with a migration background) feel included (see https://www.queernet-rlp.de/projekte/kita-koffer); (ii) one for primary schools (*Grundschulkoffer*) which contains age-appropriate books and games to foster acceptance of people with disabilities, people with migration histories, people of different religions, people of poor background or people who are gay, lesbian, transgender or intersex (see https://www.queernet-rlp.de/grundschulkoffer). Moreover, the state-subsidised "Queernet-RLP" offers training directed at classrooms via the organisation SCHLAU RLP, the local chapter of the SCHLAU network specialised in peer-to-peer (older youth to school-age youth) queer education. See https://schlau-rlp.de/
Saarland	YES (the 2020 guidelines for sex education insist that, throughout the curriculum, this school subject should contribute to foster a welcoming environment for LGBTI+ individuals) *Remark*: SOGISC-based discrimination is not explicitly prohibited by law, should it be in primary, secondary, or tertiary education	YES (see the website "State Institute for Education and Media" (*Landesinstitut für Pädagogik und Medien*): https://www.lpm.uni-sb.de/) *Remark*: In addition, the state-subsidised local chapter of LSVD offers training directed at school staff and at classrooms. See www.saar.lsvd.de/lsvd-schule-homosexualiaet-im-unterricht-saarland/vorstellung
Saxony	YES (the 2016 guidelines for sex education insist that "family and sexuality education should (...) encourage tolerance towards different sexual orientations, behaviours and lifestyles and motivate to counteract discrimination") *Remark*: SOGISC-based discrimination is not explicitly prohibited by law, should it be in primary, secondary, or tertiary education	YES (see the website "Saxony school portal" (Sachsen Schulportal): https://www.schulportal.sachsen.de/) *Remark*: In addition, the state-subsidised "State Working Group Queer Network Saxony" offers training directed at school staff and at classrooms via the organisation Rosalinde-Leipzig. See https://www.rosalinde-leipzig.de/de/projekte/)

	Respect for all individuals, including regardless of their sexual orientation, gender identity and/or sex characteristics/intersex status, is an explicit objective of the state school curriculum in primary and secondary education	Modules on fostering acceptance of LGBTI+ individuals in the classroom are part of the state's teacher training offer
Saxony-Anhalt	YES (the Ministry of Education issued a decision on sex education in 2015 (*Runderlass*) that is clearly LGBTI+-inclusive: "It is important to present different and same-sex lifestyles in their diversity and to teach them in an age-appropriate way. School-based sexuality education thus contributes to the reduction of homophobia and transphobia and to the elimination of discrimination against homosexual, bisexual, transgender and intersex people.") *Remark*: SO-based discrimination is explicitly prohibited by law in primary and secondary education since 2018, but this is not the case of tertiary education	YES (see the website "Education server Saxony-Anhalt" (Bildungsserver Sachsen-Anhalt): https://www.bildung-lsa.de/) *Remark*: In addition, the state-subsidised "Competence centre for gender-sensitive children and youth aid" develops material to foster gender equality and acceptance of LGBTI+ individuals, including a media suitcase directed at early childhood education institutions. This suitcase offers children the opportunity to appreciate the diversity of genders as well as life and family forms in order to counteract the development of prejudices. See https://medienkoffer-kgkjh.de/ Moreover, the state- subsidised "LGBTI+ state co-ordination office" offers training directed at school staff and at classrooms via the organisation BBZ (Begegnungs- und BeratungsZentrum) lebensart. See: http://www.bbz-lebensart.de/CMS/index.php?page=bildungsarbeit
Schleswig-Holstein	NO (the curriculum for primary and secondary education does not include any LGBTI+-specific content nor intention to foster acceptance of sexual and gender minorities) *Remark*: SOGISC-based discrimination is not explicitly prohibited by law, should it be in primary, secondary, or tertiary education	YES (see Formix, the online booking system for teacher further training in Schleswig-Holstein: https://www.secure-lernnetz.de/formix) *Remark*: In addition, the state-subsidised LGBTI+ Network "Real Diversity Office" offers training directed at school staff and at classrooms through the project "Openness to diverse lifestyles" (*Projekt Offenheit für vielfältige Lebensweisen*). See https://echte-vielfalt.de/lebensbereiche/lsbtiq/projekt-offenheit-fuer-vielfaeltige-lebensweisen/ Moreover, the network also provides peer-to-peer (older youth to school-age youth) queer education via SCHLAU SH, the local chapter of the SCHLAU network. See https://schlau-sh.de/
Thuringia	YES (the education plan up to 18 issued in 2015 includes several explicit mentions of the need to open students to the diversity of gender identities and sexual orientations) *Remark*: SO-based discrimination is explicitly prohibited by law in primary and secondary education since 2020, and SOGI-based discrimination is explicitly prohibited by law in tertiary education since 2018	YES (see Thüringen Schulportal (Thuringia school portal) https://www.schulportal-thueringen.de/) *Remark*: In addition, the LGBTI+ state co-ordination office "Living Diversity – Queerway in Thuringia" contributed to the creation of the "Rainbow suitcase" (*Regenbogenkoffer*) that aims to help school teachers and other professionals working with children address the diversity of families, lifestyles, gender identities and sexual orientations in an unprejudiced way, as early as primary school. See https://www.regenbogenkoffer.de/ Moreover, since 2018, the state-subsidised programme for democracy, tolerance and cosmopolitanism (*DenkBunt*) provides training directed at school staff. See https://denkbunt-thueringen.de/?s=lsbt Finally, the LGBTI+ state co-ordination office "Living Diversity – Queerway in Thuringia" offers training directed at classrooms via the project "Togetherness: Education in schools" (*Miteinanders: Aufklärung an Schulen*). See: https://www.miteinanders-thueringen.de

Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Policies to foster a culture of equal treatment of LGBTI+ individuals in the workplace

Annex Table 4.E.2 provides an overview of state policies to foster a culture of equal treatment of LGBTI+ individuals in the workplace.

Annex Table 4.E.2. Nearly one-third of German states did not implement policies in the public and private sectors to foster a culture of equal treatment of LGBTI+ individuals in the workplace

Overview of whether states have implemented policies to foster a culture of equal treatment of LGBTI+ individuals in the workplace, as of 2021

	Creating an inclusive environment for LGBTI+ individuals is part of the training offer for HR staff, managers, and all other interested employees in the public sector (e.g. diversity training that includes a specific focus on LGBTI+ job candidates and employees)	The state provides significant support to employers in the private sector to help them create an inclusive environment for LGBTI+ individuals	List of prominent additional support provided by the state and/or by state-subsidised LGBTI+ networks/organisations to help employers create an LGBTI+-inclusive environment in the workplace
Baden-Württemberg	YES In 2017, the Ministry of Social Affairs, Health and Integration developed via the "State Agency for Civic Education Baden-Württemberg" (*Landeszentrale für politische Bildung Baden-Württemberg*) an online course directed at all employees in the public sector that they can take at any time, with a specific section on LGBTI+ inclusion: "Baden-Württemberg: Fair and diverse! Diversity in the state" (*Baden-Württemberg: Fair und verschieden! Diversity im Land*). See https://www.elearning-politik.net/moodle39/course/view.php?id=351 *Remark:* The state is a signatory of the German Diversity Charter (*Charta der Vielfalt*) since 2012.	NO	In partnership with private consultancy firms such as the Institute for Diversity Management, the Ministry of Finance and Economy, together with the Chambers of Commerce and Industry, organised a first edition (2014) and a second edition (2016) of the Baden-Württemberg Diversity Congress which welcomed hundreds of participants (including executives, HR managers and diversity officers from the private and public sector) to exchange ideas about implementing diversity management. However, no additional editions were organised. Moreover, it is unclear whether LGBTI+ inclusion was given specific attention. Finally, the state-subsidised "Network LGBTTIQ Baden-Württemberg" offers training directed at employers to help them be inclusive with transgender and intersex individuals. See https://www.beratung-lsbttiq.net/fortbildung
Bavaria	NO	NO	

	Creating an inclusive environment for LGBTI+ individuals is part of the training offer for HR staff, managers, and all other interested employees in the public sector (e.g. diversity training that includes a specific focus on LGBTI+ job candidates and employees)	The state provides significant support to employers in the private sector to help them create an inclusive environment for LGBTI+ individuals	List of prominent additional support provided by the state and/or by state-subsidised LGBTI+ networks/organisations to help employers create an LGBTI+-inclusive environment in the workplace
Berlin	YES The "Administrative Academy Berlin" (*Verwaltungsakademie Berlin – Vak*) which is responsible for the training of employees in the public sector offer a module on LGBTI+ inclusion, e.g. "Diversity in relation to sexual and gender identity – lesbians, gays, bisexuals, trans * – and inter * people" (*Diversity in Bezug auf sexuelle und geschlechtliche Identität – Lesben, Schwule, Bisexuelle, Trans*- und Inter*Personen*) *Remark*: At least one state ministry is a signatory of the German Diversity Charter (*Charta der Vielfalt*) since 2007.	YES In the early 2010s, the Senate Department for Justice, Diversity and Anti-Discrimination launched the project "Trans* in work" (*Trans* in Arbeit*) that, based on a series of working groups with employers in the public and private sectors, staff representatives, LGBTI+ CSOs, etc., produced guidance and training material aimed at helping all employers be inclusive of transgender individuals. See https://www.berlin.de/sen/lads/schwerpunkte/lsbti/trans-in-arbeit/	
Brandenburg	YES The "State Academy for Public Administration" (*Landesakademie für öffentliche Verwaltung*) which is responsible for the training of employees in the public sector offers a module directed at managers on "Diversity – shaping diversity together" (*Diversity – gemeinsam Vielfalt gestalten*) that notably aims to cover all the grounds protected by the *General Equal Treatment Act* (AGG), hence LGBTI+ identity. See http://www.afz-kw.brandenburg.de/lakoev/2021/1241_Diversity_-_gemeinsam_Vielfalt_gestalten.html *Remark*: The state is a signatory of the German Diversity Charter (*Charta der Vielfalt*) since 2008.	NO	
Bremen	YES The "Education and Training Centre" (*Aus- und Fortbildungszentrum*) which is responsible for the training of employees in the public sector proposes an exemplary offer on diversity management with an explicit focus on LGBTI+ inclusion. There is notably a training on "sexual identities and management" (*Sexuelle Identitäten und Verwaltung*). See https://www.afz.bremen.de/verwaltung-entwickeln/diversity-3828 *Remark*: The state is a signatory of the German Diversity Charter (*Charta der Vielfalt*) since 2009.	NO	

	Creating an inclusive environment for LGBTI+ individuals is part of the training offer for HR staff, managers, and all other interested employees in the public sector (e.g. diversity training that includes a specific focus on LGBTI+ job candidates and employees)	The state provides significant support to employers in the private sector to help them create an inclusive environment for LGBTI+ individuals	List of prominent additional support provided by the state and/or by state-subsidised LGBTI+ networks/organisations to help employers create an LGBTI+-inclusive environment in the workplace
Hamburg	NO *Remark*: The state is a signatory of the German Diversity Charter (*Charta der Vielfalt*) since 2008.	NO	Following the judgment of the Federal Constitutional Court in 2017 that affirmed the right to recognition of individuals who cannot be clearly assigned to a gender (male or female), the Hamburg Senate published guidelines to ensure that the language used in the public administration is inclusive of all genders: "Gender-sensitive language in the Hamburg administration" (*Gendersensible Sprache in der Hamburger Verwaltung*). See https://www.hamburg.de/bwfgb/gendersensible-sprache/
Hesse	YES The "Advanced training platform" (*Zentrale Fortbildung Hessen*) which is responsible for the training of employees in the public sector provides an e-learning on the General Equal Treatment Act (AGG) that covers all the grounds this Act protects, including LGBTI+ identity. See https://www.fortbildung.e-learning.hessen.de/moodle/course/index.php?categoryid=2 *Remark*: The state is a signatory of the German Diversity Charter (Charta der Vielfalt) since 2011.	NO	When publishing job ads, all ministries state adding a mention that all applications are welcome, regardless of, among others, gender identity or sexual orientation. Moreover, in 2021, the Anti-Discrimination Office in the Hessian Ministry for Social Affairs and Integration and the Anti-Discrimination Office for Students (ADiS) at the Philipps University of Marburg (UMR) organised a symposium directed at all employees in the public sector: "Out in public service!? Sexual and gender diversity in the Hessian state service" (*Out im öffentlichen Dienst!? Sexuelle und geschlechtliche Vielfalt im Hessischen Landesdienst*)
Lower Saxony	NO *Remark*: At least one state ministry is a signatory of the German Diversity Charter (Charta der Vielfalt) since 2008.	NO	In 2018, the state-subsidised "Queer Network Lower Saxony" organised the symposium "Queer works?! – LGBTI* in the workplace" (*Queer works?! – LSBTI* in der Arbeitswelt*) that was notably directed at HR managers. Moreover, in 2019, the city administration of the state capital Hanover published a "Recommendation for a gender-equitable administrative language" (*Empfehlung für eine geschlechtergerechte Verwaltungssprache*). The purpose of this initiative is to ensure that the language used by Hannover's public administration is inclusive of all genders, irrespective of the communication medium that the administration resorts to (emails, presentations, brochures, press articles, printed matter, in-house communications, flyers, letters and forms). See https://www.hannover.de/content/download/756032/file/Flyer_Geschlechtergerechte_Sprache.pdf

	Creating an inclusive environment for LGBTI+ individuals is part of the training offer for HR staff, managers, and all other interested employees in the public sector (e.g. diversity training that includes a specific focus on LGBTI+ job candidates and employees)	The state provides significant support to employers in the private sector to help them create an inclusive environment for LGBTI+ individuals	List of prominent additional support provided by the state and/or by state-subsidised LGBTI+ networks/organisations to help employers create an LGBTI+-inclusive environment in the workplace
Mecklenburg-Western Pomerania	YES The "Institute for Advanced Training and Administrative Modernisation" (*Institut für Fortbildung und Verwaltungsmodernisierung*) which is responsible for the training of employees in the public sector offers modules on the General Equal Treatment Act (AGG) that covers all the grounds this Act protects, including LGBTI+ identity. See http://www.fh-guestrow.de/fortbildung/fi/ *Remark*: At least one state ministry is a signatory of the German Diversity Charter (Charta der Vielfalt) since 2010.	NO	
North Rhine-Westphalia	YES The "Training academy of the Ministry of the Interior" (*Fortbildungsakademie des Ministeriums des Innern*) which is responsible for the training of employees in the public sector offers modules on LGBTI+ inclusion such as "Diverse administration – gender & LGBTTIQ – (what) does that have to do with job and performance?!" (*Vielfältige Verwaltung – Gender & LSBTTIQ – (was) hat das mit Job und Performance zu tun?!*). See https://fah.nrw.de/ *Remark*: The state is a signatory of the German Diversity Charter (Charta der Vielfalt) since 2013.	YES In the late 2010s, the state set up an "Alliance for Diversity and Equal Opportunities" to help small and medium-sized enterprises (SMEs) in the private sector create an inclusive workplace for all. In this framework, the state launched in 2020 the project "Company diversity" (*Unternehmen Vielfalt*) that provides thorough guidance and training to support SMEs in their efforts to provide a welcoming environment to LGBTI+ people. This project includes innovative initiatives such as "tandems", i.e. partnerships between two companies (one that already does Diversity Management successfully, the other that wishes to make progress in this field). See https://www.unternehmen-vielfalt.nrw/	In 2020, the state-subsidised "Office for Trans matters" Landeskoordination Trans* NRW published the brochure "Trans* at work" (*Trans* am Arbeitsplatz*) that is directed at all employers.
Rhineland-Palatinate	YES According to the 2020 progress report on the implementation of the 2013 action plan for LGBTI+ inclusion, most ministries train their staff on the *General Equal Treatment Act* (AGG) and the grounds this Act protects, including LGBTI+ identity. *Remark*: The state is a signatory of the German Diversity Charter (Charta der Vielfalt) since 2017.	NO	The state-subsidised "Queernet-RLP" offers training on "LGBTI and the workplace" (*LSBTI und Arbeitswelt*). See https://www.queernet-rlp.de/wp-content/uploads/Flyer_Familienvielfalt_Fortbildung_2019.pdf
Saarland	NO *Remark*: At least one state ministry is a signatory of the German Diversity Charter (Charta der Vielfalt) since 2008.	NO	

	Creating an inclusive environment for LGBTI+ individuals is part of the training offer for HR staff, managers, and all other interested employees in the public sector (e.g. diversity training that includes a specific focus on LGBTI+ job candidates and employees)	The state provides significant support to employers in the private sector to help them create an inclusive environment for LGBTI+ individuals	List of prominent additional support provided by the state and/or by state-subsidised LGBTI+ networks/organisations to help employers create an LGBTI+-inclusive environment in the workplace
Saxony	YES The "Training centre of the Free State of Saxony" (*Fortbildungszentrum des Freistaates Sachsen*) which is responsible for the training of employees in the public sector designed, in partnership with its equivalent in Saxony-Anhalt, a module "Diversity is diverse" (*Diversity ist vielfältig*) that notably addresses the issue of LGBTI+ inclusion in the workplace. See https://www.hsf.sachsen.de/fortbildungszentrum/ *Remark*: The state is a signatory of the German Diversity Charter (Charta der Vielfalt) since 2019.	NO	In 2020, the "State Working Group Queer Network Saxony" co-organised a workshop on the *General Equal Treatment Act* (AGG) with a specific focus on LGBTI+ equality. See https://www.queeres-netzwerk-sachsen.de/aktuelles/2021/07/07-und-14-september-2021-fachtag-und-podium-zum-allgemeinen-gleichbehandlungsgesetz The Network also provides guidance to employers through the project "Queer in the workplace" (*Queer am Arbeitsplatz*) that is led by LSVD Sachsen. See https://sachsen.lsvd.de/queer-am-arbeitsplatz/
Saxony-Anhalt	YES The "Education and Training Institute" (*Aus- und Fortbildungsinstitut*) which is responsible for the training of employees in the public sector designed, in partnership with its equivalents in Saxony and Thuringia, a module "Diversity is diverse" (*Diversity ist vielfältig*) that notably addresses the issue of LGBTI+ inclusion in the workplace. See https://afi.sachsen-anhalt.de/ *Remark*: The state is a signatory of the German Diversity Charter (Charta der Vielfalt) since 2010.	NO	
Schleswig-Holstein	NO *Remark*: At least one state ministry is a signatory of the German Diversity Charter (Charta der Vielfalt) since 2012.	NO	

	Creating an inclusive environment for LGBTI+ individuals is part of the training offer for HR staff, managers, and all other interested employees in the public sector (e.g. diversity training that includes a specific focus on LGBTI+ job candidates and employees)	The state provides significant support to employers in the private sector to help them create an inclusive environment for LGBTI+ individuals	List of prominent additional support provided by the state and/or by state-subsidised LGBTI+ networks/organisations to help employers create an LGBTI+-inclusive environment in the workplace
Thuringia	YES The Ministry of the Interior and Municipal Affairs develops every year a training offer directed at all employees in the public sector. This programme includes modules on LGBTI+ inclusion in the workplace that are provided by the state-subsidised programme for democracy, tolerance and cosmopolitanism (*DenkBunt*), e.g. "Administration under the rainbow. Culturally sensitive handling of diverse identities, ways of life and family models" (*Verwaltung unterm Regenbogen. Kultursensibler Umgang mit vielfältigen Identitäten, Lebensweisen und Familienmodellen*) or "The variety game. Diversity management in dealing with sexual and gender diversity in administration" (*Das Vielfaltsspiel. Diversity-Management im Umgang mit sexueller und geschlechtlicher Vielfalt in der Verwaltung*) *Remark*: The state is a signatory of the German Diversity Charter (Charta der Vielfalt) since 2016.	NO	

Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Policies to foster a culture of equal treatment of LGBTI+ individuals in health care

Annex Table 4.E.3 provides an overview of state policies to foster a culture of equal treatment of LGBTI+ individuals in health care.

Annex Table 4.E.3. Nearly half of the 16 German states did not adopt LGBTI+ sensitive guidelines as part of the state-regulated curricula for the training of care and medical professionals

Overview of whether states have implemented policies to foster equal treatment of LGBTI+ individuals in health care, as of 2021

	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for the training of care professionals, i.e. nurses and personal care workers	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for further training directed at medical professionals, i.e. doctors	List of prominent support provided by the state and/or by state-subsidised LGBTI+ networks/organisations in order to help stakeholders create an LGBTI+-inclusive environment in health care
Baden-Württemberg	YES (the case for nurses, but not for personal care workers) In 2020, the Ministry of Social Affairs and Integration and the Ministry of Culture, Youth and Sport published an LGBTI+-inclusive curriculum for the training of nurses. *Remark*: SOGISC-based discrimination is explicitly prohibited by law in the field of assisted living since 2014	NO	In 2017, the state-subsidised "Network LGBTTIQ Baden-Württemberg" published comprehensive quality standards for psychosocial counselling for LGBTI+ individuals: "Standards and quality assurance for psychosocial counselling services for LGBTTIQ people" (*Standards und Qualitätssicherung für psychosoziale Beratungsangebote für LSBTTIQ Menschen*). In addition, the state-subsidised Network offers training directed at psychosocial counsellors. See https://www.beratung-lsbttiq.net/fortbildung Finally, in 2019, the Ministry for Social Affairs, Health and Integration funded a report that provides guidance to care and medical professionals interacting with elderly LGBTI+ people to help them do so in an informed and hence respectful way : « Care, Biography and Diversity – Accompanying LGBTTIQ People in Baden-Württemberg » (*Pflege, Biographie und Vielfalt – Begleitung von LSBTTIQ-Menschen in Baden-Württemberg*).
Bavaria	YES (the case for nurses, but not for personal care workers) In 2020, the Ministry of Education and Culture published an LGBTI+-inclusive curriculum for the training of nurses. *Remark*: SOGISC-based discrimination is not explicitly prohibited by law in the field of assisted living	NO	

	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for the training of care professionals, i.e. nurses and personal care workers	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for further training directed at medical professionals, i.e. doctors	List of prominent support provided by the state and/or by state-subsidised LGBTI+ networks/organisations in order to help stakeholders create an LGBTI+-inclusive environment in health care
Berlin	NO *Remark*: SOGI-based discrimination is explicitly prohibited by law in the field of assisted living since 2010	NO	Berlin has been active for more than 30 years in improving the interactions of health care professionals with elderly LGBTI+ people. For example, the Senate of Berlin sponsors the "Diversity in care" (*Vielfalt in der Pflege*) programme that is offered by the Berlin Care Alliance (*Berliner Bündnis für Pflege*). This programme offers guidance to care and medical professionals interacting with elderly LGBTI+ people to help them do so in an informed and hence respectful way. Moreover, this programme supports the seal of quality "Diversity as a Place to Live" (*Lebensort Vielfalt – Qualitätssiegel*) that is awarded by the CSO "Schwulen Beratung Berlin" to inpatient and outpatient care services that create an inclusive environment for LGBTI+ individuals − it was initially funded by the BMFSFJ (from 2017 to 2020) and is now funded by the Association of Private Health Insurance and by the German AIDS Foundation). See https://www.berlin.de/sen/pflege/buendnis-fuer-pflege/vielfalt-in-der-pflege/ Finally, although sexual and gender minorities have been given consideration in Berlin's policy for the integration of senior citizens since 2013, this policy's guidelines were revised in 2021 notably to ensure that LGBTI+ inclusion becomes a cross-cutting issue underlying each guideline. See https://www.berlin.de/sen/soziales/besondere-lebenssituationen/seniorinnen-und-senioren/leitlinien-der-seniorenpolitik/
Brandenburg	NO *Remark*: SO-based discrimination is explicitly prohibited by law in the field of assisted living since 2010	NO	The Ministry for Social Affairs, Health, Integration and Consumer Protection subsidises the training activities of the CSO AIDS-Hilfe Potsdam that target two groups: (i) eldercare facilities that apply to the Berlin-sponsored "Diversity as a Place to Live" seal of quality; (ii) nursing schools to which AIDS-Hilfe Potsdam proposes a training module that aims, in line with the new *Nursing Profession Act* that was established at the federal level, to counter unfounded fears of self-infection with HIV (especially when dealing with LGBTI patients). See www.aidshilfe-potsdam.de
Bremen	YES (the case for nurses, but not for personal care workers) In 2019, the Office for Health, Women and Consumer Protection published an LGBTI+-inclusive curriculum for the training of nurses. *Remark*: SO-based discrimination is explicitly prohibited by law in the field of assisted living since 2010	NO	In 2020, the state-subsidised LGBTI+ organisation "Advice & Action Centre for Queer Life" (*Rat & Tat Zentrum für queeres Leben*) published a brochure that provides guidance to care and medical professionals on how to interact with LGBTI+ patients (including LGBTI+ elderly individuals) in an informed and hence respectful way: « Queer perspectives in care and in old age » (*Queere Perspektiven in der Pflege und im Alter*). Moreover, the Rat & Tat Centre organises trainings directed at health care professionals. See https://www.ratundtat-bremen.de/Beratung/Fortbildungsangebote.php
Hamburg	NO *Remark*: SO-based discrimination is explicitly prohibited by law in the field of assisted living since 2010	NO	

	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for the training of care professionals, i.e. nurses and personal care workers	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for further training directed at medical professionals, i.e. doctors	List of prominent support provided by the state and/or by state-subsidised LGBTI+ networks/organisations in order to help stakeholders create an LGBTI+-inclusive environment in health care
Hesse	YES (the case for nurses, but not for personal care workers) In 2011, the Ministry for Social Affairs published an LGBTI+-inclusive curriculum for the training of future nurses working in retirement homes. *Remark*: SOGISC-based discrimination is not explicitly prohibited by law in the field of assisted living	NO	In 2017, the Ministry for Social Affairs and Integration published the second edition of a report that provides guidance to care and medical professionals interacting with elderly LGBTI+ people to help them do so in an informed and hence respectful way: « Ageing differently. Lesbian senior citizens and gay senior citizens. Information for providers of care and nursing facilities for the elderly and for managers and employees in care for the elderly » (*Anders altern. Lesbische Seniorinnen und schwule Senioren. Informationen für Träger von Altenhilfe- und Pflegeeinrichtungen und für Leitungskräfte und Beschäftigte in der Altenpflege*). A first edition was published in 2009. Moreover, in 2020, the state established a co-ordination office that aims to foster the well-being of LGBTI+ elderly individuals which notably organises workshops directed at health care professionals: "LSBTimAlter". See https://www.lsbt-im-alter-hessen.de Finally, the Ministry for Social Affairs and Integration subsidises the « Competence hub trans* and diversity » (*Kompetenzzentrum Trans* und Diversität – KTD*) that is based in Hesse and is operated by the German association for trans identity and intersexuality (*Deutsche Gesellschaft für Transidentität und Intersexualität – dgti*), a self-help organisation. The KTD offers seminars and trainings for therapists, doctors, or activists around "health care for trans* and intersex people". See https://www.k-t-d.org
Lower Saxony	NO *Remark*: SOGISC-based discrimination is not explicitly prohibited by law in the field of assisted living	NO	The state-subsidised "Queer Network Lower Saxony" published flyers, one for each subgroup (lesbians, gays, trans* and intersex), collecting good practices for general practitioners on how to talk to LGBTI+ patients and make sure that the health-related challenges LGBTI+ people face are properly addressed. See https://qnn.de/queere-gesundheit/ Moreover, the Network provides a checklist to LGBTI+ individuals to help them prepare for medical visits to make sure their health needs are addressed, and directs LGBTI+ individuals to a list of LGBTI+-friendly doctors. See https://qnn.de/sfn/deine-gesundheit-dein-wohlbefinden/
Mecklenburg-Western Pomerania	NO *Remark*: SOGISC-based discrimination is not explicitly prohibited by law in the field of assisted living	NO	

	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for the training of care professionals, i.e. nurses and personal care workers	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for further training directed at medical professionals, i.e. doctors	List of prominent support provided by the state and/or by state-subsidised LGBTI+ networks/organisations in order to help stakeholders create an LGBTI+-inclusive environment in health care
North Rhine-Westphalia	NO *Remark*: SOGI-based discrimination is explicitly prohibited by law in the field of assisted living since 2014	NO	In 2018, the Ministry of Labour, Health and Social Affairs funded a curriculum published by the Catholic University of Applied Sciences in North Rhine-Westphalia that provides guidance to care and medical professionals on how to interact with diverse individuals, including individuals with different gender identities and sexual orientations: « Cultural Sensitivity in Health Care » (*Kultursensibilität im Gesundheitswesen*). Moreover, in 2019, the Ministry for Children, Family, Refugees and Integration published comprehensive quality standards for psychosocial counselling for LGBTI+ individuals: « Sexual and gender diversity in psychosocial counselling » (*Sexuelle und geschlechtliche Vielfalt in der psychosozialen Beratung*). Finally, the state-subsidised website on intersexuality contains tips and information for medical staff. See https://inter-nrw.de/category/medical-workers/
Rhineland-Palatinate	NO *Remark*: SOGI-based discrimination is explicitly prohibited by law in the field of assisted living since 2009	NO	In 2018, the Ministry for Social Affairs, Labour, Health and Demography funded a report published by the State Centre for Health Promotion (*Landeszentrale für Gesundheitsförderung – LZG*) that provides guidance to care and medical professionals interacting with elderly LGBTI+ people to help them do so in an informed and hence respectful way: "Care under the rainbow. On dealing with homosexual, bisexual, transgender and intersex people in nursing and care for the elderly" (*Pflege unterm Regenbogen. Über den Umgang mit homosexuellen, bisexuellen, transidenten und intersexuellen Menschen in der Kranken- und Altenpflege*). Moreover, in 2019, the Ministry for Family Affairs, Women, Youth, Integration and Consumer Protection published a flyer to provide acceptance of intersex babies and their families, including by health care professionals: "All are welcome. Acceptance of intersex children and their families" (*Alle sind Willkommen. Akzeptanz von intergeschlechtlichen Kindern und ihren Familien*). Finally, in 2018, the state-subsidised "Queernet-RLP" published a handout on creating an inclusive environment for LGBTI+ elderly in long-term care facilities: "Equal and yet different. Information for professional elder care for lesbian, gay, bisexual, transgender and intersex people" (*Gleich und doch anders. Informationen für eine professionelle Altenpflege für Lesben, Schwule, Bisexuelle, Transidente und Intersexelle*). In addition, the Network offers training modules and workshops on "LGBTI and Age" (*LSBTI und Alter*).

	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for the training of care professionals, i.e. nurses and personal care workers	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for further training directed at medical professionals, i.e. doctors	List of prominent support provided by the state and/or by state-subsidised LGBTI+ networks/organisations in order to help stakeholders create an LGBTI+-inclusive environment in health care
Saarland	YES (the case for nurses, but not for personal care workers) In 2020, the Ministry of Social Affairs, Health, Women and Family published an LGBTI+-inclusive curriculum for the training of nurses. *Remark*: SOGI-based discrimination is explicitly prohibited by law in the field of assisted living since 2009	NO	
Saxony	YES (the case for nurses, but not for personal care workers) In 2020, the Ministry of Culture published an LGBTI+-inclusive curriculum for the training of nurses. *Remark*: SOGISC-based discrimination is not explicitly prohibited by law in the field of assisted living	NO	In 2020, the "State Working Group Queer Network Saxony" published a handout to help psychosocial counsellors deal with the specific challenges that hit LGBTI+ individuals during the coronavirus pandemic: "All in view? LGBTIQ* in the pandemic – challenges and support. Handout for socio-pedagogical and counselling professionals in Saxony" (*Alle im Blick? LSBTIQ* in der Pandemie – Herausforderungen und Unterstützung. Handreichung für sozialpädagogische und beratende Fachkräfte in Sachsen*)
Saxony-Anhalt	YES (the case for nurses, but not for personal care workers) In 2021, the State Institute for School Quality and Teacher Education published an LGBTI+-inclusive curriculum for the training of nurses. *Remark*: SO-based discrimination is explicitly prohibited by law in the field of assisted living since 2011	NO	
Schleswig-Holstein	YES (the case for personal care workers, but not for nurses) In 2019, Schleswig-Holstein issued a state ordinance that establishes an LGBTI+-inclusive curriculum for the training of personal care workers. *Remark*: SOGISC-based discrimination is not explicitly prohibited by law in the field of assisted living	NO	The state-subsidised LGBTI+ Network "Real Diversity Office" offers training directed at health care professionals, in the framework of the programme "HAKI care knowledge" (*HAKI PflegeWissen*) that is conducted by the LGBTI+ organisation HAKI. See https://haki-sh.de/gruppen-und-angebote/#bildung

	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for the training of care professionals, i.e. nurses and personal care workers	Sensitisation to the vulnerability and health needs of LGBTI+ patients is part of the state-regulated guidelines for further training directed at medical professionals, i.e. doctors	List of prominent support provided by the state and/or by state-subsidised LGBTI+ networks/organisations in order to help stakeholders create an LGBTI+-inclusive environment in health care
Thuringia	YES (the case for nurses, but not for personal care workers) In 2020, the Ministry for Education, Youth and Sport published an LGBTI+-inclusive curriculum for the training of nurses. *Remark*: SOGISC-based discrimination is not explicitly prohibited by law in the field of assisted living	NO	Since 2018, the state-subsidised programme for democracy, tolerance and cosmopolitanism (*DenkBunt*) provides training directed at health care professionals. See https://denkbunt-thueringen.de/?s=lsbt

Note: Initial training of medical professionals, which is regulated at the federal level, does not contain any LGBTI+-inclusive mention.
Source: OECD questionnaire on LGBTI+-inclusive policies at the German state level (2021) and desk research conducted by the OECD.

Notes

[1] See https://www.lgbtpolice.eu/.

[2] Combined with the fact that only a few victims of anti-LGBTI+ violence decide to report it to the police, this situation explains why some German states record virtually no homophobic or transphobic violence (Kohrs, 2022[38]).

[3] See Articles 23, 25 and 26 of the *Universal Declaration of Human Rights* and Articles 6, 12 and 13 of the *International Covenant on Economic, Social and Cultural Rights*.

[4] Health4LGBTI is an EU-funded Pilot Project aimed at reducing health inequalities experienced by LGBTI people. This programme relies on a training course named "Reducing health inequalities experienced by LGBTI people: What is your role as a health professional?".

[5] See the webpage of the department "Same-sex lifestyles, gender diversity": https://www.bmfsfj.de/bmfsfj/themen/gleichstellung/gleichgeschlechtliche-lebensweisen-geschlechtsidentitaet.

[6] See the "Advice hotline for rehabilitation and compensation" (*Beratungstelefon zur Rehabilitierung und Entschädigung*) available at https://schwuleundalter.de/entschaedigung-und-rehabilitierung/.

[7] See https://lambda-online.de/aktiv-werden/#inout.

[8] See https://www.gewaltschutz-gu.de/.

[9] See https://www.queer-refugees.de/.

[10] See https://www.selbstverstaendlich-vielfalt.de/.

[11] See https://www.waldschloesschen.org/de/.

[12] See the section "Pedagogy & Education" (Pädagogik & Bildung) of the portal: https://www.regenbogenportal.de/fuer-fachkraefte/paedagogik-bildung/einstieg-ins-thema.

[13] Other federal bodies have issued educational material, e.g. the Federal Agency for Civic Education (Bundeszentrale für politische Bildung – BPB). See for instance their offer on the topic "Homosexuality" (https://www.bpb.de/themen/gender-diversitaet/homosexualitaet/) or on the topic "Gender Diversity – trans*" (https://www.bpb.de/gesellschaft/gender/geschlechtliche-vielfalt-trans/).

[14] See https://queere-bildung.de/.

[15] The other grounds are: age, ethnic origin and nationality, physical and mental abilities, religion and belief and social background. See https://www.charta-der-vielfalt.de/ueber-uns/ueber-die-initiative/urkunde-charta-der-vielfalt-im-wortlaut/.

[16] The Diversity Charter was signed by the entire government in 10 states, and by at least one ministry in 5 states. The only state where no ministry signed the Charter is Bavaria.

[17] See "Queer Worx: Diversity welcome!" (*Queer Worx: Vielfalt willkommen!*): https://www.waldschloesschen.org/de/veranstaltungsdetails.html?va_nr=2880.

[18] See https://www.ada-bremen.de/bildung/unser-schulungsangebot/.

[19] For further information on the project "Networks for an Anti-discrimination culture in Schleswig-Holstein: Support on the ground!" (*Netzwerke für eine AntidiskriminierungsKultur in Schleswig-Holstein: Unterstützung vor Ort! – NAKi-SH*) that is supported by the Federal Antidiscrimination Agency, see https://www.advsh.de/wp-content/uploads/2018/02/NAKI_2016_2017_Flyer_aktuell_200218.pdf. The training offer directed at private and public employers is detailed here: https://advsh.de/unsere-projekte/iq-schleswig-holstein/fortbildungsangebote/.

[20] See the « Educational video on the subject of trans* and inter* in health care » (*Aufklärungsvideo zum Thema trans* und inter* im Gesundheitswesen*): https://www.bundesverband-trans.de/publikationen/aufklaerungsvideo-zum-thema-trans-und-inter-im-gesundheitswesen/.

[21] Among other federally funded initiatives specifically focused on the well-being of transgender individuals in the health care system, one can cite: (i) the project "i²TransHealth » that is run by the Institute for Sex Research and the Interdisciplinary Transgender Health Care Center at the University Medical Center Hamburg-Eppendorf (UKE) – see https://www.i2transhealth.de/; (ii) the project "Trans*Kids" (see https://transkids-studie.de/).

[22] See https://queer-im-alter.de/.

[23] See https://schwuleundalter.de/e-learning-kurs-vielfalt-in-der-pflege/.

[24] See https://schwulenberatungberlin.de/qualitaetssiegel-lebensort-vielfalt/.

[25] The purpose of the *Nursing Professions Act* is to bring together the *Elderly Care Act* and the *Nursing Act* so that all nurses receive a generalist training (while, previously, pediatric nursing, geriatric nurses, etc. were subject to distinct regulations). It is accompanied by: (i) the *Nursing Professions Training and Examination Ordinance* (PflAPrV) that regulates the training structure, the training content, the examinations and the recognition of foreign professional qualifications, (ii) the *Nursing Professions Training Financing Ordinance* (PflAFinV) that regulates the financing process and the implementation of statistical surveys. The *Nursing Professions Act* came into force on 1 January 2020.

[26] See https://www.velspol.de/.

[27] See https://www.berlin.de/rbmskzl/_assets/dokumentation/versorgungs-_und_integrationskonzept_fur_fluchtlinge.pdf, more particularly subsection "Quality assurance and complaint management" (*Qualitätssicherung und Beschwerdemanagement*).

The Road to LGBTI+ Inclusion in Germany

PROGRESS AT THE FEDERAL AND LÄNDER LEVELS

This report is the first country review undertaken as part of the OECD work on LGBTI+ inclusion. It explores legal and policy progress towards LGBTI+ equality in Germany at both the national and subnational levels, and identifies good practices. The report first investigates the life situation of LGBTI+ Germans by presenting the most up-to-date data on the share of Germans who self-identify as LGBTI+, evaluating the extent to which LGBTI+ Germans face discrimination and violence, and assessing how this population fares in terms of well-being, mental and physical health. The report then examines whether laws critical to achieving LGBTI+ equality have been passed and how LGBTI+ equality in Germany could be further improved through legislation. Finally, beyond laws, the report focuses on policy achievements towards LGBTI+ equality, by distinguishing between remedial policies, aimed at enforcing antidiscrimination and anti-violence laws, and preventive policies, aimed at fostering a culture of equal treatment of LGBTI+ individuals at school, in the workplace, and in healthcare.

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