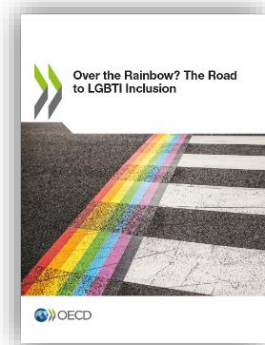


Ensuring that LGBTI people – i.e. lesbians, gay men, bisexuals, transgender and intersex individuals – can live as who they are without being discriminated against or attacked should concern us all. Discrimination against LGBTI people remains pervasive. It harms the LGBTI population, but also the wider society. It lowers investment in human capital due to bullying at school, as well as poorer returns on educational investment in the labour market. It reduces economic output by excluding or under-valuing LGBTI talents in the labour market and impairing their mental and physical health, hence their productivity. The report **Over the Rainbow? The Road to LGBTI Inclusion** provides a comprehensive overview of the extent to which laws in OECD countries ensure equal treatment of LGBTI people, and of the complementary policies that could help foster LGBTI inclusion.



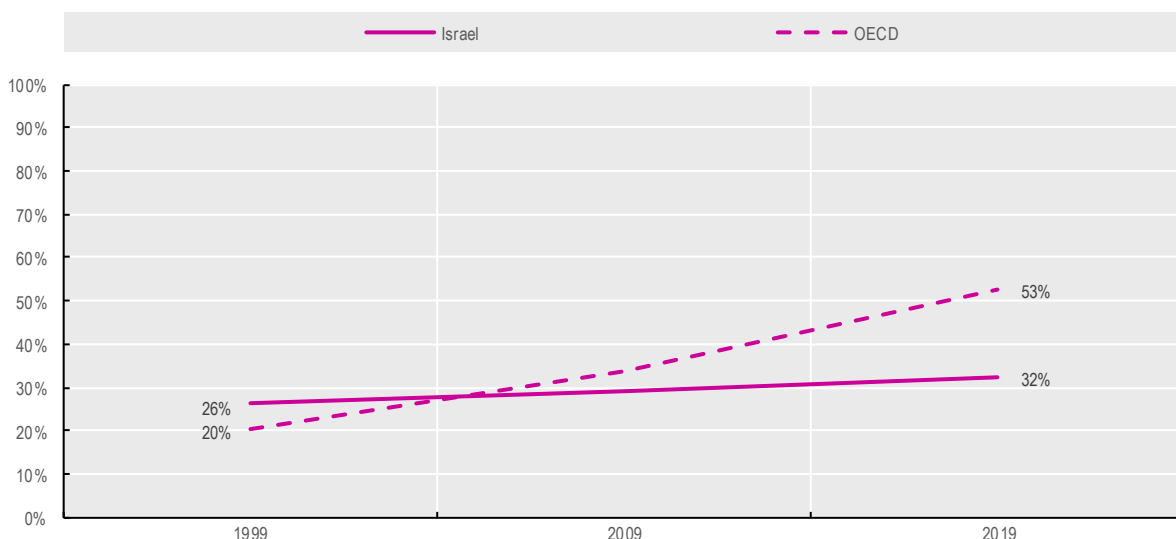
## Legal LGBTI inclusivity in Israel

### Levels and trends in legal LGBTI inclusivity

Legal LGBTI inclusivity is defined as the share of laws that are in force among those critical to ensure equal treatment of LGBTI people. Israel is one of 14 countries in the OECD where this share is still moderate. These countries are characterised by a below-average performance regarding both their level of legal LGBTI-inclusivity as of 2019 and their progress in legal LGBTI-inclusivity between 1999 and 2019 (Figure 1).

**Figure 1: Legal inclusion of LGBTI people in Israel has only modestly improved over the past two decades**

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



Legal LGBTI inclusivity refers to the percentage of LGBTI-inclusive laws that have been passed, among a basic set of laws defined based on international human rights standards.

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

Legal LGBTI inclusivity in Israel has improved over the past two decades, but at a modest pace (Figure 1). As of 2019, Israel performs better than the OECD average concerning the protection of intersex minors against unconsented medically unnecessary sex-normalising treatment or surgery (Figure 2). In 2017, the Ministry of Health issued *Circular No. 10/2017* that advises to postpone irreversible medical interventions on intersex minors as long as they are not vital.

Moreover, Israel performs as well as the OECD average concerning the protection of LGBTI individuals against violence (Figure 2). In 1997, the *Law prohibiting defamation* was amended in order to prohibit defamation on a set of new grounds, including sexual orientation. In this law, defamation is defined as "anything written or said orally that is likely to humiliate a person or to make her/him the object of hatred, contempt or ridicule." Additionally, since 2004, hate crime explicitly based on sexual orientation is prohibited in the *Penal Code*.

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

### **How could Israel further improve legal LGBTI inclusivity?**

Israel explicitly prohibits discrimination based on sexual orientation in employment since 1992, and in public accommodations since 2000. However, Israel does not outlaw such discrimination explicitly based on gender identity and sex characteristics/intersex status. Moreover, contrary to the situation in a majority of OECD countries, no national equality body, ombudsman or human rights commission is in charge of enforcing legal protections for LGBTI individuals. Additionally, although Israeli same-sex couples are granted some of the pecuniary rights to which married couples are entitled following a 1994 Supreme Court ruling, same-sex partners are still not granted equal access to adoption and assisted reproductive technology relative to different-sex partners. Therefore, further improving legal LGBTI inclusivity in Israel could entail: (i) explicitly criminalising discrimination based on gender identity and sex characteristics in a broad range of fields, as well as creating a national human rights institution notably in charge of enforcing legal protections of LGBTI individuals; and (ii) treating same-sex couples on an equal footing regarding access to adoption and assisted reproductive technology.

### **Policies to foster LGBTI inclusion in Israel, beyond LGBTI-inclusive laws**

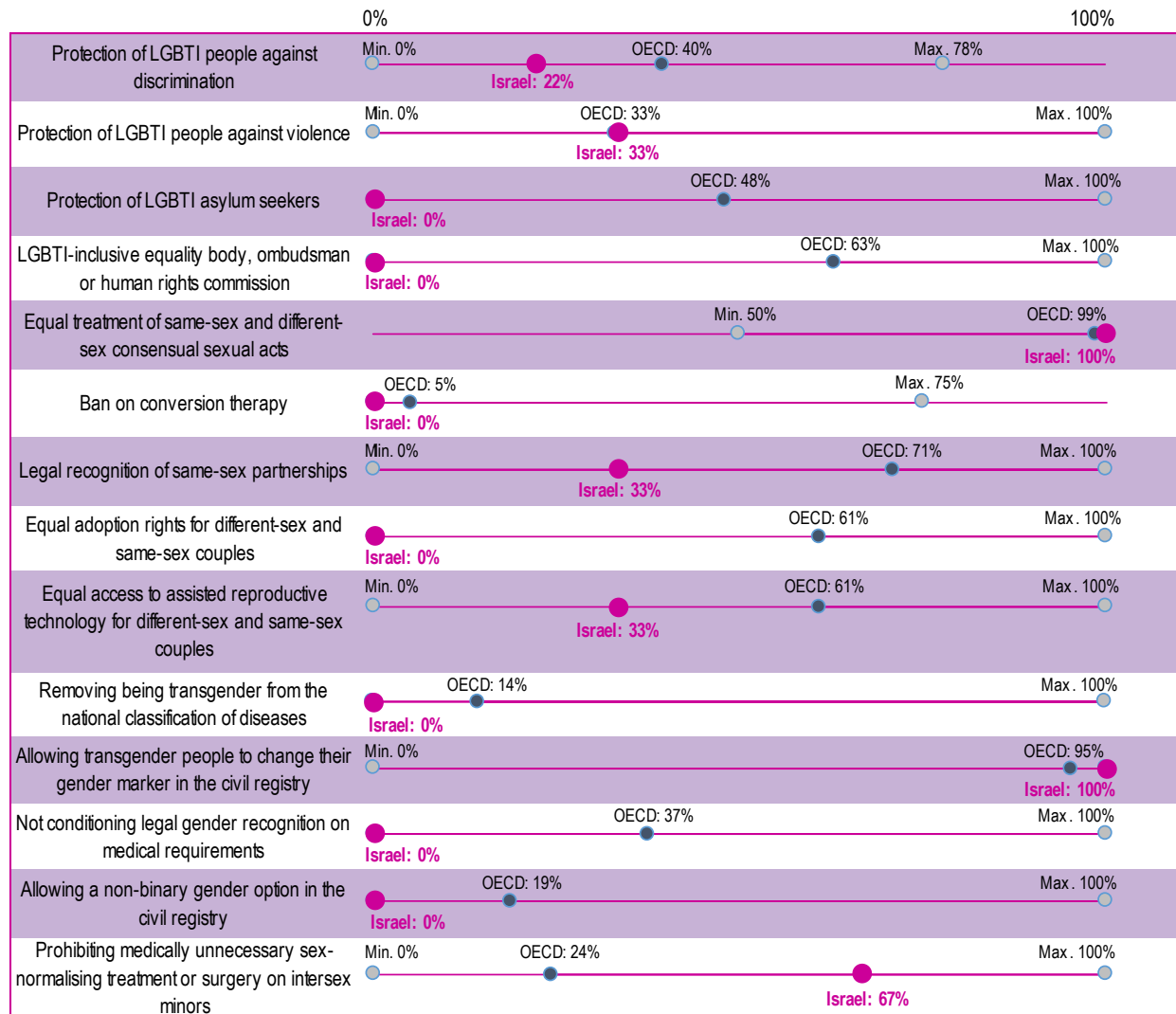
LGBTI-inclusive laws should come along significant efforts to make LGBTI individuals better represented and visible in national statistics. Without appropriate data collection, policymakers aiming to improve LGBTI inclusion will continue to do so with little if any relevant information. As of 2018, Israel does not include questions on self-identification as heterosexual, homosexual, or bisexual in nationally representative surveys. It does not collect information on the share of transgender and intersex people among the adult population either.

It would also be important that Israel be or remain active in the following complementary policy areas that are viewed as key by ongoing national actions plans aimed at strengthening LGBTI inclusion:

<b>Policy #1</b>	<b>Policy #2</b>	<b>Policy #3</b>
Enforcing LGBTI-inclusive antidiscrimination, hate crime/hate speech and asylum laws, e.g. through training police officers on properly dealing with hate crimes targeting LGBTI people	Fostering a culture of equal treatment in education, employment and healthcare, beyond enforcing laws prohibiting discrimination in these fields, e.g. through a whole-school approach to tackle LGBTI-phobic bullying	Creating and maintaining popular support for LGBTI inclusion, e.g. through well-designed awareness-raising activities among the general public.

**Figure 2: How Israel compares**

Legal LGBTI inclusivity as of 30 June 2019 in Israel and OECD-wide, by component



Note: Figure 2 presents the components that serve to compute the average level of legal LGBTI inclusivity reported in Figure 1 as of 30 June 2019. The component "Protection of LGBTI people's civil liberties" is missing since it shows no cross-country variation: no legal provision in OECD countries explicitly restricts the rights to freedom of expression, peaceful assembly, and association of sexual and gender minorities. Legal LGBTI-inclusivity attached to each component can vary between 0% and 100%. For instance, a level of legal LGBTI inclusivity in Israel equal to 22% regarding the protection of LGBTI people against discrimination means that two of the nine antidiscrimination provisions critical to protect LGBTI people are in force in Israel as of 2019. "Min." refers to the score of the bottom-performing OECD country(ies) while "Max." refers to the score of the top-performing OECD country(ies). These values are specified except when they coincide with the score of Israel.

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

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