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Human Rights and The Global Barometer of Gay Rights (GBGR): A Multi-Year Analysis*

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Human Rights and The Global Barometer of Gay Rights (GBGR): A Multi-Year Analysis

Abstract:

Sexual minorities are some of the most vulnerable minorities on the planet. Their existence challenges cultural norms, traditions and power structures. They have been treated as social pariah and scapegoats for the economic, political or social ills in many countries. But there is a wide variance between countries and their protection or repression of sexual minorities. This article systematically analyzes the persecution or protection of sexual minorities in the world through the application of the Franklin & Marshall College Global Barometer of Gay Rights (GBGR) ©. Using GBGR© world data from 2011-2014 we document the variance in levels of state and societal persecution and protection of sexual minorities addressing the question of what factors contribute to a country's move from persecutors to protectors of human rights for sexual minorities? This analysis provides a broad quantitative assessment of structural factors that may impact the progress of rights protection for sexual minorities based on evidence produced by the GBGR.

All human beings are born free and equal in dignity and rights. All human rights are universal, interdependent, indivisible and interrelated. Sexual orientation and gender identity are integral to every person's dignity and humanity and must not be the basis for discrimination or abuse¹
(Introduction to the Yogyakarta Principles)

Although substantial inroads have been made in the Western world towards human rights legislation protecting sexual minorities, the worldwide situation for Lesbian, Gay, Bisexuals and Transgender (LGBT) individuals is still perilous. The 2014 decisions by the governments of Uganda, Nigeria and Russia to implement harsh anti-homosexuality laws threatens an even more dangerous counter trend to the advances in gay rights made in many other countries.

¹ International Commission of Jurists (ICJ), *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, March 2007, available at: <http://www.refworld.org/docid/48244e602.html> [accessed 25 April 2014]

Sexual minorities are some of the most vulnerable minorities on the planet. Their existence challenges cultural norms, traditions and power structures. Sexual minorities thus represent the epitome of individualism, and can be perceived to be a threat to the collective, and to the very health of a society. Sexual minorities have become social pariah and scapegoats for the economic, political or social ills in many countries.

The treatment of sexual minorities in any society is a true litmus test of the level of tolerance or intolerance that that society affords its minorities. We contend that the treatment of sexual minorities is also an indicator of the extent to which a regime is human rights protective, and a society, human rights respectful.² A rights-protective regime strives to ensure basic rights for all, including the right to physical security, the right to minimal economic security, and the right to political participation. A rights-protective society embraces a human rights culture that treats each human being as a “moral and political equal”³ irrespective of “...race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.⁴ We would also add sexual orientation to this definition⁵

² For a more detailed explanation of a “rights-respectful society” and a “rights-protective regime”, see Susan Dicklitch, “Failed Democratic Transition in Cameroon: A Human Rights Explanation”, *Human Rights Quarterly*, 24, 1, (February 2002), p.155.

³ Jack Donnelly (1999), “Non-Discrimination and Sexual Orientation: Making a Place for Sexual Minorities, in P. Baehr, C Flinterman and M. Senders (eds) *The Global Human Rights Regime in Innovation and Inspiration: Fifty Years of the Universal Declaration of Human rights* (Amsterdam: Royal Netherlands Academy of Arts and Sciences), pp. 93-110.

⁴ Universal Declaration of Human Rights (1948) Article 2, G.A. res. 217A (III), U.N. Doc A/810 at 71. Sexual minorities are now classified under “other status” by the United Nations.

⁵ Sexual orientation is defined as “...each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of

There is wide variance between countries and their protection or repression of sexual minorities. For example, in 2015, there were twenty countries in the world that allowed gay marriage (Argentina (2010), Belgium (2003), Brazil (2013), Canada (2005), Denmark (2012), England/Wales (2013), Finland (2015), France (2013), Iceland (2010), Ireland (2015) Luxembourg (2014) The Netherlands (2000), New Zealand (2013), Norway (2009), Portugal (2010), Scotland (2014), South Africa (2006), Spain (2005), Sweden (2009), Uruguay (2013)),⁶ and ten that punished homosexuality with death (Iran, Iraq, Mauritania, Nigeria, Qatar, Saudi Arabia, Somalia, Sudan, United Arab Emirates, Yemen)⁷ with most falling somewhere between. The reality for the majority of LGBT individuals worldwide is continual persecution.

This article systematically analyzes the persecution or protection of sexual minorities in the world through the application of the Global Barometer of Gay Rights (GBGR)© database.⁸ The first part of this paper presents the findings from the GBGR

a different gender or the same gender or more than one gender”. International Commission of Jurists (ICJ), *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, March 2007, available at: <http://www.refworld.org/docid/48244e602.html> [accessed 23 February 2015]

⁶ See Pew Research Religion & Public Life Project, *Gay Marriage Around the World*, (February 5, 2014), available at; <http://www.pewforum.org/2013/12/19/gay-marriage-around-the-world-2013/>

⁷ See, Terri Rugar, “Here are the 10 Countries Where Homosexuality May be Punished by Death”, *The Washington Post WorldViews* available at; <http://www.washingtonpost.com/blogs/worldviews/wp/2014/02/24/here-are-the-10-countries-where-homosexuality-may-be-punished-by-death/>

⁸ We use the term “homosexuals” and “gay” interchangeably to refer to gays and lesbians. Although our GBGR focuses on gays, lesbians and bisexuals, it is presumed that if gays, lesbians, and bisexuals are not tolerated within a country, neither will be transgender, or intersex individuals. This is the case for most countries with the exception of Nepal, Pakistan and India that recently established legally recognized third gender

database based on 2014 data. The second part of this paper will attempt to account for the variance in levels of state and societal persecution and protection of sexual minorities, addressing the question of what factors contribute to a country's move from persecutors to protectors of human rights for sexual minorities? We look specifically at structural variables, drawing from the seminal theoretical work of Ronald Inglehart and others on modernization and post-materialism. This analysis thus provides a broad quantitative assessment of structural factors that may impact the progress of rights protection for sexual minorities based on the evidence produced by the GBGR.

The third part of this paper shows the worldwide trends from 2011-2014 utilizing the GBGR database. The GBGR preliminary evidence suggests, as examined below, that **high gross domestic product (GDP) per capita, lower rates of religiosity, higher life expectancy and having a democratic political system** are the best predictors of world GBGR scores or how rights respective or rights abusive countries are towards sexual minorities. Although the majority of countries in the world continue to abuse the human rights of sexual minorities, the worldwide trend suggests that there has been some steady improvement.

categories (IRIN, 14 August 2014 “LGBTI Rights-- Still Not There Yet”, <http://www.irinnews.org/report/100487/lgbti-rights-still-not-there-yet>). This discrepancy is most pronounced with the Indian Supreme Court which ruled in favor of transgender rights in 2014, but reinstated the criminalization of homosexuality in December of 2013.

The Global Barometer of Gay Rights (GBGR) Scorecard⁹

Several indices exist that track public attitudes toward homosexuality¹⁰ and laws regarding the treatment of homosexuals¹¹ in the world, but none systematically compare the actual treatment of sexual minorities on a state *and* civil society level. The GBGR scorecard examines 29 indices categorized within five sections: *constitutional* protection of homosexuals, *de facto* (civil and political) persecution of homosexuals, level of gay rights advocacy, protection of socio-economic rights of homosexuals, and societal persecution of homosexuals. It takes a human rights approach to analyzing the degree of protection or repression of the human rights of sexual minorities at both a governmental and societal level.

⁹ We launched the BGR scorecard with the case study of Uganda in 2012 available at, Susan Dicklitch, Berwood Yost, and Bryan M. Dougan, “Building a Barometer of Gay Rights (BGR): A Case Study of Uganda and the Persecution of Homosexuals”, *Human Rights Quarterly*, Vol. 34, No. 2, May 2012, pp. 448-471. We made some adjustments to the original BGR based on accessibility of reliable data for all 188 countries.

¹⁰ See for example the Pew Research Center, “The Global Divide on Homosexuality: Greater Acceptance in More Secular and Affluent Countries”, (June 4, 2013), available at; <http://www.pewglobal.org/2013/06/04/the-global-divide-on-homosexuality/#gender-and-age-and-views-of-homosexuality>

¹¹ See for example, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), available at; <http://ilga.org/>.

Table 1. Global Barometer of Gay Rights Scorecard

<i>Constitutional Protection of Homosexuals</i>
1. No death penalty for homosexuality 2. No life sentence for homosexuality 3. No prison for homosexuality 4. Homosexuality is legalized 5. Hate Crimes legislation focusing on homosexuality 6. Homosexuals openly serve in military 7. Civil Unions for homosexuals are allowed 8. Gay Marriage
<i>De Facto (Civil & Political) Protection of Homosexuals</i>
9. Freedom from arbitrary arrest based on sexual orientation 10. Head of State supports legalization of homosexuality 11. Head of State supports civil union / gay marriage 12. Majority of Citizens are Accepting of Homosexuality 13. Hate speech laws exist to protect homosexuals 14. Laws protect privacy of homosexuals 15. Homosexuals have right to fair trial
<i>Gay Rights Advocacy</i>
16. Gays allowed to organize 17. National gay rights organizations openly exist 18. Gay rights organizations are able to peacefully and safely assemble 19. Gay pride events are allowed by the state 20. Security forces provide protection to gay pride participants
<i>Socio-Economic Rights</i>
21. Fair Housing Anti-Discrimination laws protect homosexuals 22. Anti-Discrimination Laws protect homosexuals at the workplace 23. HIV/AIDS patients are not discriminated against in the workplace
<i>Societal Persecution</i>
24. No known acts of murder against homosexuals 25. No known acts of violence against homosexuals 26. Victims of hate crimes based on sexual orientation likely to report incident to police 27. Gays are allowed to donate blood 28. Gays are allowed to adopt 29. Gays are not discriminated against in access to medical treatment because of their sexual orientation

The GBGR indices reflect fundamental human rights drawn from key articles within the Universal Declaration of Human Rights including freedom and equality in dignity and rights (Article 1), the right to physical security (Articles 3, 5), equal protection under the law (Articles 6-11), right to privacy (Article 12), right to marriage (Article 16), freedom of expression or opinion (Article 19), right to peaceful assembly

and association (Article 21), and the right to work (Article 23).¹² The inclusion of gay pride events and security force protection of gay pride participants reflects the importance of individuals and groups to be able to organize and peacefully assemble without fear of reprisal from the state or society. The Yogyakarta Principles of 2006 provide key guidance for the development of the GBGR indices.¹³

The human rights examined by the GBGR reflect social, cultural and economic rights as well as civil and political rights.¹⁴ Gay rights are not special rights, but are the same rights that every law-abiding citizen of a country should enjoy within a human rights protective regime and society. The GBGR is unique because it examines both state and societal level support or repression of gay rights. Collectively, these 29 indices provide a broad, comprehensive, and quantifiable picture of the extent to which a country *and* its society is human rights protecting of its sexual minorities.

Methodology

Each variable in the GBGR is weighted equally with a “+1” or “0” score. A country will receive a “+1” if evidence supports the variable in the affirmative, and a score of “0” if in the negative. To enable valid and replicable coding, the measurements

¹² Universal Declaration of Human Rights, adopted 10 Dec. 1948, G.A. Res. 217A (III), U.N. GAOR, 3d Sess, arts. 1, 3, 5, 12, 16, 19, 20, 21 & 23, U.N. Doc. A/RES/3/217A (1948), cited in Susan Dicklitch, Berwood Yost, and Bryan M. Dougan, “Building a Barometer of Gay Rights (BGR): A Case Study of Uganda and the Persecution of Homosexuals”, *Human Rights Quarterly*, Vol. 34, No. 2, May 2012, p. 451.

¹³ International Commission of Jurists (ICJ), *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, March 2007, available at: <http://www.refworld.org/docid/48244e602.html> [accessed 23 February 2015]

¹⁴ We recognize that there are other economic rights like food, housing and social security as well.

were simplified to a 29-point scale with each variable worth one point. We use a self-weighting, summative approach, which aggregates all of the 29 indices as equal values because all of the indices are strongly inter-correlated.

Our sample size is 188 countries, grouped into regions based on the United Nations Development Program (UNDP) country classification. Although we could have included many more indices to accurately measure the extent of protection or repression of sexual minorities, the availability of reliable data for 188 countries was a key consideration.

In order to keep the GBGR coding sources constant we utilize annual United States Department of State reports on Country Conditions on Human Rights, Amnesty International, and Human Rights Watch annual reports.¹⁵ These reports have been supplemented with qualitative data drawn from local newspaper reports, governmental reports and non-governmental organization reports where necessary, and cross-checked with data from the International Lesbian, Gay and Transgender Association (ILGA) website.¹⁶

The outcomes for each country are summed with the highest score 29/29 and the lowest score 0/29. We then divide the summed totals by 29 to provide a percentage representing the degree of human rights protection for sexual minorities within the country. Countries are subsequently categorized along a color-coded human rights continuum as; *persecuting* (0-59%), *intolerant* (60-69%), *resistant* (70-79%), *tolerant*

¹⁵ GBGR coders follow a GBGR coding manual

¹⁶ See; ILGA website: <http://ilga.org/>

(80-89%), or *protecting* (90-100%) and assigned a corresponding grade of “F”, “D”, “C”, “B”, or “A” based on their percentage score.

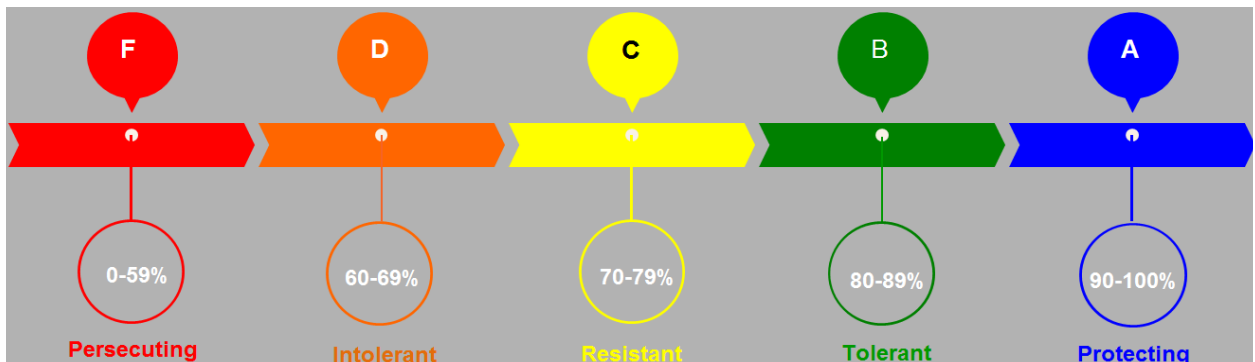
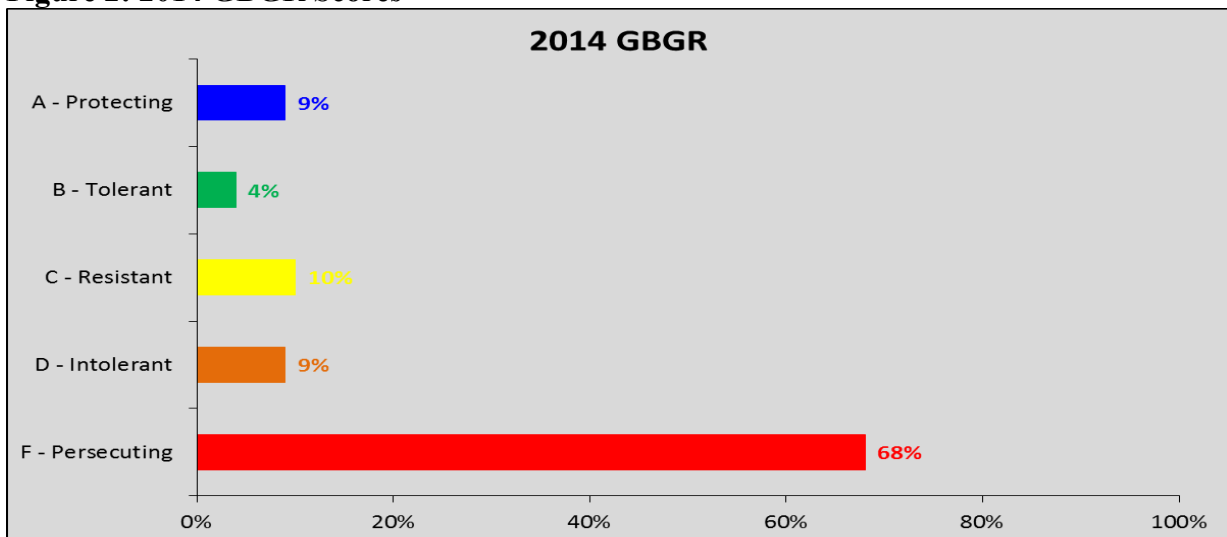


Figure 1. The GBGR Categories and Scoring

GBGR Scorecard Findings:

Based on 2014 data, sixty-eight percent of countries were *persecuting*, nine percent were *intolerant*, ten percent were *resistant*, four percent were *tolerant* and only nine percent were *protecting* (see *Figure 2* below).

Figure 2: 2014 GBGR Scores



As illustrated in Table 2, the most gay rights protective regions in the world are typically developed, post-industrialized and democratic, while the most gay rights-abusive regions in the world are found in the developing countries, former Soviet bloc countries and pre-industrial or industrializing countries in the world. Latin American countries have the greatest variation in tolerance toward sexual minorities ranging from persecuting to protecting.

Table 2. GBGR 2014 Country Classification and Scores

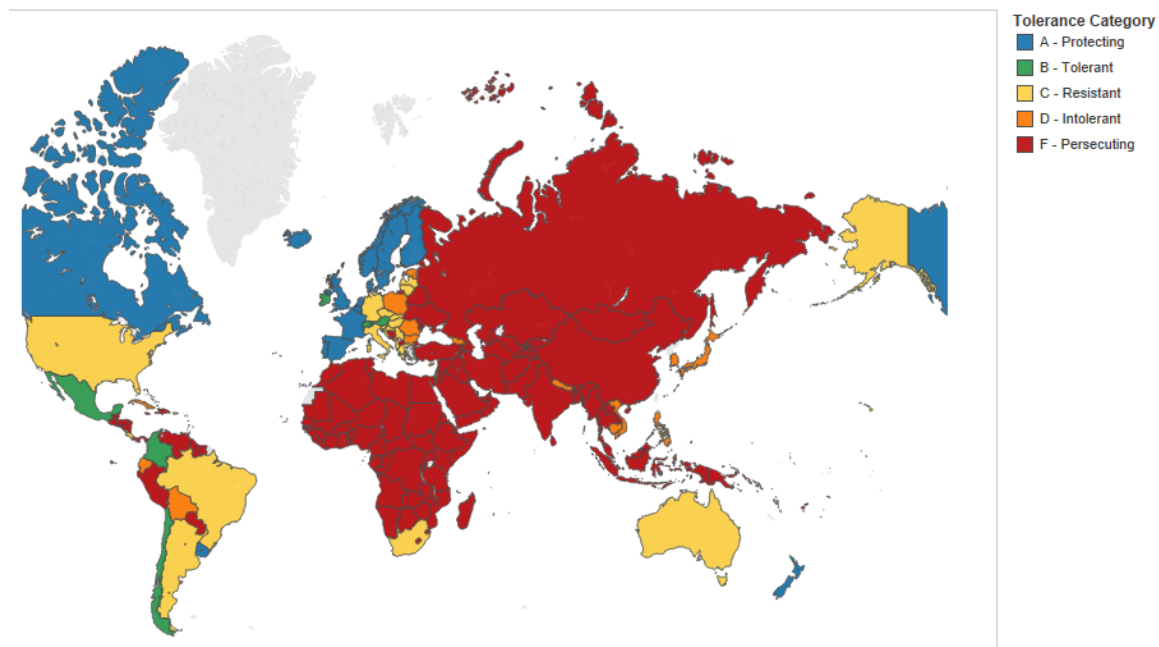
A - Protecting	B - Tolerant	C - Resistant	D - Intolerant	F - Persecuting			
New Zealand 100%	Colombia 86%	Albania 79%	Bulgaria 69%	Fiji 59%	Haiti 39%	Botswana 24%	Morocco 17%
Canada 97%	Luxembourg 86%	Argentina 79%	Cambodia 69%	Moldova 59%	Azerbaijan 38%	Central African Republic 24%	Tanzania 17%
Denmark 97%	Austria 83%	Australia 79%	Ecuador 69%	Thailand 59%	Benin 38%	Chad 24%	Uganda 17%
Sweden 97%	Chile 83%	Brazil 79%	Estonia 69%	Burkina Faso 55%	Dominican Republic 38%	Ghana 24%	Zimbabwe 17%
Uruguay 97%	Ireland 83%	Costa Rica 79%	Japan 69%	China 55%	Kyrgyzstan 38%	India 24%	Afghanistan 14%
Andorra 96%	Israel 83%	Italy 79%	Montenegro 69%	Hong Kong 55%	Madagascar 38%	Jamaica 24%	Algeria 14%
Iceland 96%	Mexico 83%	Slovakia 79%	Romania 69%	Laos 55%	Turkey 38%	Lebanon 24%	Bangladesh 14%
Belgium 93%	Switzerland 83%	Croatia 76%	Cyprus 66%	Nicaragua 55%	Belarus 34%	Mali 24%	Egypt 14%
France 93%		Germany 76%	Nepal 66%	Mauritius 54%	Burundi 34%	Myanmar (Burma) 24%	Ethiopia 14%
Malta 93%		Hungary 76%	Philippines 66%	Vanuatu 54%	Equatorial Guinea 34%	Russia 24%	Gambia 14%
Netherlands 93%		Lithuania 76%	Bolivia 62%	Bahamas 52%	Honduras 34%	Swaziland 24%	Guinea 14%
Norway 93%		Slovenia 76%	Cape Verde 62%	East Timor 52%	Jordan 34%	Turkmenistan 24%	Libya 14%
Portugal 93%		South Africa 76%	Cuba 62%	Guinea-Bissau 52%	Lesotho 34%	Angola 21%	Maldives 14%
Spain 93%		Liechtenstein 75%	Georgia 62%	Kazakhstan 52%	Palau 32%	Brunei 21%	Oman 14%
United Kingdom 93%		Czech Republic 72%	Poland 62%	Macedonia 52%	Samoa 32%	Comoros 21%	Saint Vincent and Grenadines 14%
Finland 90%		Greece 72%	South Korea 62%	Mozambique 52%	Belize 31%	Eritrea 21%	South Sudan 14%
		Latvia 72%	Vietnam 62%	Venezuela 52%	Congo, D.R. (Kinshasa) 31%	Guyana 21%	Zambia 14%
		Serbia 72%		Micronesia 50%	Congo, Rep.(Brazzaville) 31%	Indonesia 21%	Qatar 10%
		UNITED STATES 72%		Panama 50%	Niger 31%	Liberia 21%	Saint Kitts and Nevis 10%
				Bosnia and Herzegovina 48%	Tajikistan 31%	Namibia 21%	Sudan 10%
				Paraguay 48%	Tonga 31%	Papua New Guinea 21%	Syria 10%
				Rwanda 48%	Kiribati 29%	Saint Lucia 21%	Iraq 7%
				Ukraine 48%	Antigua and Barbuda 28%	Senegal 21%	Nigeria 7%
				Armenia 45%	Bahrain 28%	Sierra Leone 21%	Pakistan 7%
				Cote d'Ivoire 45%	Bhutan 28%	Togo 21%	Saudi Arabia 7%
				El Salvador 45%	Djibouti 28%	Tunisia 21%	United Arab Emirates 7%
				Guatemala 45%	Kenya 28%	Uzbekistan 21%	Iran 3%
				Mongolia 45%	Seychelles 28%	Solomon Islands 18%	Somalia 3%
				Singapore 45%	Sri Lanka 28%	Cameroon 17%	Yemen 3%
				Suriname 45%	Trinidad and Tobago 28%	Kuwait 17%	
				Gabon 41%	Dominica 25%	Malawi 17%	
				Peru 41%	Grenada 25%	Malaysia 17%	
				Sao Tome and Principe 41%	Barbados 24%	Mauritania 17%	

The most repressive countries in the world for sexual minorities are Iran, Somalia and Yemen, while the most protective country in the world for sexual minorities is New

Zealand, with Canada, Denmark, Sweden and Uruguay tying for second place. The United States was an outlier in the Western post-industrialized world earning a score of 72% and a grade of “C” in 2014.

There is great variation within the *Persecuting* category, with some countries scoring below 10 percent (Iraq, Nigeria, Pakistan, Saudi Arabia, United Arab Emirates, Iran, Somalia, and Yemen) and others almost in the next category of *intolerant* at 59 percent (Fiji, Moldova, and Thailand). The majority of African countries are toward the bottom of the *Persecuting* category, but there are some outliers over fifty percent: Mozambique, Guinea-Bissau, Mauritius, and Burkina Faso.

Figure 3. 2014 GBGR Map of Human Rights Protection for Sexual Minorities



The GBGR data above shows a world significantly divided in its protection and repression of sexual minorities. But what accounts for this significant variation? We look

to the literature for guidance on how to explain such widespread levels of human rights tolerance and intolerance.

Post-Materialism as a Foundation for Human Rights

Although a rights-protective regime and society are not necessarily synonymous with democracy, one school of thought suggests that a liberal regime may be necessary prerequisite for a rights-protective regime and society, focusing on the importance of Western universal human rights and minimal state intervention.¹⁷

Others from the modernization and “post-materialism” literature, like Inglehart and Baker, demonstrate the relationship between modernization, cultural change and the persistence of traditional values arguing that there is an “...association between economic development and to some extent, predictable cultural change.”¹⁸ They argue that there is evidence to suggest that, “...industrialization promotes a shift from traditional to secular-rational values, while the rise of post-industrial society brings a shift toward more trust, tolerance, well-being, and post-materialist values.”¹⁹ Post-materialist values move from giving top priority to physical sustenance and safety, toward a “...heavier emphasis on belonging, self-expression and the quality of life”.²⁰ These post-materialist values are

¹⁷ See Rhoda E. Howard and Jack Donnelly (1986) “Human Dignity, Human Rights and Political Regimes”, *The American Political Science Review*, Vol. 80, No. 3 (September), pp. 801-817.

¹⁸ Ronald Inglehart and Wayne E. Baker, “Modernization, Cultural Change, and the Persistence of Traditional Values,” *American Sociological Review*, Vol. 65, No. 1 (February 2000), p. 49.

¹⁹ *Ibid.*, p. 49.

²⁰ Inglehart, Ronald (1981) “Post-Materialism in an Environment of Insecurity”, *The American Political Science Review*, Vol. 75, No. 4 (Dec.), p. 880.

“contingent on material security”.²¹ A dichotomy between pre-industrial and post-industrial societies emerges with an emphasis between high levels of material insecurity versus high levels of material security and a distinct contrast between trust, tolerance, subjective well-being, political activism and self-expression. Because post-industrial societies have more material security, the theory argues, there is greater room for human autonomy and higher levels of trust, tolerance, subjective well-being, political activism and self-expression.²²

Further, according to Inglehart and Baker, post-materialist societies tend to be more tolerant of “outgroups” like, for example, homosexuals or foreigners because of an “...increased emphasis on self-expression, subjective well-being and quality-of-life concerns”.²³ Conversely, societies that are “traditional” or are in the process of industrialization tend to be more focused on economic and physical survival, and thus more threatened by “outgroups”.²⁴

As Sniderman, Hagendoorn, and Prior argue, “...intolerance seems to be largely related to a perception that an outgroup poses a social or economic threat – whether real or imaginary – to an individual’s or nation’s interest.”²⁵ Sexual minorities demanding equal recognition before the law and the right to human dignity are often perceived as

²¹ Ibid., p.898.

²² Inglehart, Ronald and Wayne E. Baker (2000) “Modernization, Cultural Change, and the Persistence of Traditional Values”, *American Sociological Review*, Vol. 65, No.1, pp. 19-51.

²³ Inglehart, Ronald (1981) “Post-Materialism in an Environment of Insecurity”, *The American Political Science Review*, Vol. 75, No. 4 (Dec.), p. 880. p. 26.

²⁴ Ibid., p.26.

²⁵ Paul M. Sniderman, Louk Hagendoorn and Markus Prior (2004), “Pre-dispositional factors and Situational Triggers: Exclusionary Reactions to Immigrant Minorities”, *American Political Science Review*, 98 (1), pp. 35-50.

challenging the very core of human relationships and society, and thus pose the greatest threat to traditional societies and power structures. Similarly, Uslander argues that there is a negative relationship between economic inequality and tolerance, and a positive relationship between generalized social trust and tolerance toward outgroups.²⁶ Anderson and Fetner argue that citizens from modern industrialized nations tend to have more “postmaterialist” attitudes than citizens from developing nations, including pluralistic tolerance, a preference for gender equality and a tolerance of homosexuality.²⁷

A regression analysis of 65 countries by economists Berggren and Nilsson revealed that economic freedom is positively related to tolerance towards homosexuals.²⁸ They found that “...market institutions tend to lead to tolerance by creating assurance that interacting with strangers is not very risky in the presence of the rule of law and by enabling the market process; and the market process tends to lead to tolerance by helping to internalize a sympathy for others by creating incentives for openness to others when trying try [sic] improve one’s well-being. Social trust strengthens the relationship between economic freedom and tolerance.”²⁹

A 2013 Pew Research Center report based on a survey of attitudes toward homosexuality in 39 countries found that there was a greater acceptance of

²⁶ Eric M. Uslander and Mitchell Brown 2005, “Inequality, Trust, and Civic Engagement”, *American Politics Research* 33 (6), pp. 868-94.

²⁷ Robert Andersen and Tina Fetner, 2008, “Economic inequality and Intolerance” *Attitudes toward Homosexuality in 35 Democracies*, *American Journal of Political Science*, Vol. 52, no. 4 (October 2008), pp. 942-958

²⁸ Berggren, Niclas and Therese Nilsson (2012) “Does Economic Freedom Foster Tolerance? IFN (Research Institute of Industrial Economics) Working Paper, No. 918.

²⁹ Berggren, Niclas and Therese Nilsson (2012) “Does Economic Freedom Foster Tolerance? IFN (Research Institute of Industrial Economics) Working Paper, No. 918, p. 10.

homosexuality in more secular and affluent countries. The report examined five predictors of tolerance of homosexuality: age, high economic development, national income inequality, religiosity, and education.³⁰ Public opinion toward homosexuality was widely tolerated in North America, the European Union and much of Latin America, but broadly rejected in Muslim nations, in Africa, and parts of Asia and Russia.³¹

Others have argued that there is a correlation if not causal relationship between democracy and gay rights, suggesting that the process of democratization appears to go “hand-in-hand” with the evolution of citizenship, a vibrant and robust civil society, a strong judiciary and the rule of law.³² That assessment is based on a small “n” sample size, while the GBGR examines 188 countries. Obviously, there is not just one factor that leads to a human rights protective and a human rights respectful society. The universality of human rights is often associated with the rise of individualism and the increased respect for and protection of individual rights and freedoms over the collective. It is perhaps little surprise then, that post-materialist societies that are more secular and individualistic are more likely to be protective and respectful of “outgroups” like homosexuals than traditional or industrializing societies.

Does a country’s level of modernization predict its categorization on the GBGR, or in other words, how rights-protective and respectful that society is towards sexual

³⁰ Pew Research Center, “The Global Divide on Homosexuality: Greater Acceptance in More Secular and Affluent Countries”, (June 4, 2013), available at; <http://www.pewglobal.org/2013/06/04/the-global-divide-on-homosexuality/#gender-and-age-and-views-of-homosexuality>

³¹ *Ibid.*,

³² Encarnacio, Omar G (2014) “Gay Rights: Why Democracy Matters”, *Journal of Democracy*, Vol. 25, No. 3 (July), p. 90-104.

minorities? As Welzel, Inglehart & Klingemann observe, “[m]odernization theorists have argued that there are close relations between socio-economic development, emancipative values and degrees of democracy”.³³ Inkeles & Smith and others have argued, socio-economic development gives rise to “modern” values.³⁴ They suggest that modern generally means a nation state characterized by a complex of traits including urbanization, high level of education, industrialization, and high rates of social mobility.³⁵ Modernization theory suggests that economic development is linked with “...coherent and, to some extent, predictable changes in culture and social and political life”.³⁶ Similarly, Inglehart contends that some of the social, economic and political changes associated with modernization include; “...urbanization, industrialization, occupational specialization, mass formal education, development of mass media, secularization, the rise of entrepreneurs and entrepreneurial motivations, bureaucratization, the mass production assembly line and the emergence of the modern state.”³⁷ Although we cannot pretend to measure all aspects of such a complex process as modernization, we selected seven key indicators of modernity, economic development,

³³ Welzel, Inglehart & Klingemann (2003) “The Theory of Human Development: A Cross-Cultural Analysis”, *European Journal of Political Research*, Vol. 42, pp. 341-379, p. 342).

³⁴ Inkeles, A. & Smith, D.H. (1974) *Becoming Modern* (Cambridge MA: Harvard University Press).

³⁵ Smith, D.H., and A. Inkeles (1966) “The OM Scale: A Comparative Socio-psychological Measure of Individual Modernity”, *Sociometry*, Vol. 29, pp. 353-77.

³⁶ Inglehart, Ronald and Wayne E. Baker (2000) “Modernization, Cultural Change, and the Persistence of Traditional Values”, *American Sociological Review*, Vol. 65, No.1, p. 21

³⁷ Inglehart, Ronald (1995) “Changing Values, Economic Development and Political Change”, *International Social Science Journal*, No. 145 (September), pp. 379-388, 400-403.

and democracy as proxies of structural factors representing modernization to predict GBGR scores. The seven independent variables are:

1. Gross domestic product, per capita (GDP)
2. Mean years of schooling of adults
3. Religiosity
4. Life expectancy at birth
5. Rural Population (% of total)³⁸
6. Internet Users (per 100 people)³⁹
7. Democratic Political System

The independent variable GDP per capita is defined as the sum of gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products, expressed in international dollars using purchasing power parity rates and divided by total population during the same period. The most current data for that predictor is from 2011⁴⁰.

GDP per capita offers insight into the level of economic growth within a country. Greater GDP per capita within a country represents greater resource security and the potential for greater human autonomy. As Welzel, Inglehart & Klingemann (2003) argue, “...poor societies whose citizens suffer from scarce resources... tend to be dominated by conformity values that reflect constraints on human autonomy”⁴¹ Thus, as individuals

³⁸ World Bank (2015) *World Development Report Data Indicators*, available at; <http://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS>

³⁹ *World Development Report Data Indicators*, available at; <http://data.worldbank.org/indicator/IT.NET.USER.P2>

⁴⁰ World Bank (2013a) *World Development Indicators*. Washington, D.C.: World Bank. <http://data.worldbank.org>

⁴¹ See for example, Welzel, Inglehart & Klingemann (2003) “The Theory of Human Development: A Cross-Cultural Analysis”, *European Journal of Political Research*, Vol. 42, pp. 341-379, p. 342)

become less dependent on the collective or the community for survival, their potential for greater human freedom grows.

Life expectancy at birth is calculated by “using a minimum value of 20 years and maximum value of 83.57 years. This is the observed maximum value of the indicators from the countries in the time series, 1980–2012. Thus, the longevity component for a country where life expectancy at birth is 55 years would be 0.551.”⁴²

Mean years of schooling of adults is the average number of years of education received by people ages 25 and older, converted from education attainment levels using official durations of each level. The most current data is from 2012.⁴³ Both the mean years of schooling of adults, and life expectancy at birth provide insight into how much growth is shared in terms of human development and social development not simply economic growth. As societies modernize, education levels rise as does the general overall health of the population.

Religiosity is measured by the religious composition by country (in percentages). These estimates are based primarily on the 2010 revision of the United Nations World Population Prospects data. The most current data for this predictor is from 2010.⁴⁴ Religious composition refers to the percentage of people within each country that identify

⁴² The United Nations Development Program, *Human Development Reports*.

⁴³ The United Nations Development Program, *Human Development Reports*. <http://hdr.undp.org/en/countries/>. HDRO updates of Barro and Lee (2012) estimates based on UNESCO Institute for Statistics data on education attainment (2013) and Barro and Lee (2011) methodology.

⁴⁴ PEW report: Global Religious Landscape: United Nations World Population Prospects Data. Religious Composition by Country, in Percentages. Religiosity Estimated 2010 total population figures are based primarily on the 2010 revision of the United Nations World Population Prospects data. PEW Forum On Religion & Public Life. <http://features.pewforum.org/grl/population-percentage.php>

themselves as being a part of a religious group (Religious groups included in the survey were Christian, Muslim, Hindu, Buddhist, Folk religions, Jewish, and Other religions. The last category is “unaffiliated”, meaning they do not identify as being a part of any religion). These categories total 100%, thus the religious composition of each country can be calculated. For this research, we combined all religious groups into one percentage, and compared that to the percent “unaffiliated” to determine the religiosity score for each country. As a country modernizes and there is a lesser focus on fatalism and greater sense of human control of the environment, the role ascribed to religion and God dwindle.⁴⁵

Rural populations as percentage of total population refers to the percentage of the population living outside of urban areas as defined by national statistical offices. It is calculated using World Bank population estimates and rural ratios from the United Nations World Urbanization Prospects. This index shows the degree of urbanization within a country, and its progress towards modernization, or a movement away from an agriculturally-based economy to a more industrialized economy.

The political system of a country was determined by condensing political systems into the two following categories: the first category is “Democracy,” which the Freedom House defines as “political systems whose leaders are elected in competitive multi-party and multi-candidate processes in which opposition parties have a legitimate chance of attaining power or participating in power.”⁴⁶ In our data, 113 countries are classified as having a “Democracy.” The second category is a compilation of the four other political

⁴⁵ Inglehart, Ronald and Wayne E. Baker (2000) “Modernization, Cultural Change, and the Persistence of Traditional Values”, *American Sociological Review*, Vol. 65, No.1, pp. 19-51.

⁴⁶ Freedom House: Freedom in the World Reports <http://www.freedomhouse.org/regions>

systems defined by the Freedom House (in parenthesis following the political system titles are the n-value for each among the countries in our sample): Authoritarian Regime (n=37), Protectorate (n=2), Restricted Democratic Practice (n=16), Traditional Monarchy (n=10), and Totalitarian Regime (n=4). The democratic political system of the country is a proxy for the degree of political development within a country.

The variable Internet users (per 100 people) is defined as people with access to the worldwide network. This is a proxy for the degree of technological and communication development within a country.

We use these seven variables as proxies for modernization as represented by socio-economic development, political development and cultural change.⁴⁷

Accounting for the Global Variation in GBGR Outcomes:

Descriptive statistics (means and standard deviations) were calculated for each predictor based on the GBGR score category of the country for the entire world. GDP per capita (M=36,779), mean years of schooling (M=11.1), life expectancy (M=81.1), internet users (M=85.8), and having a democratic political system (M=100%) were highest in “protecting” countries, while religiosity (M=94.2) and percent of the population that is rural (M=50.8) were highest in “persecuting” countries. The scores for the world as a whole are shown in the last row of the table.

⁴⁷ We are cognizant that many other variables could have been added to measure levels of modernization, but we were also restricted by available data for 188 countries.

Table 3: Descriptive Statistics for Key Predictors of GBGR Scores by Tolerance Category:

Tolerance Category	GDP per capita		Mean years of schooling		Religiosity		Life expectancy		Rural population		Internet users		Democratic political system	
	<i>N</i>	<i>Mean</i>	<i>N</i>	<i>Mean</i>	<i>N</i>	<i>Mean</i>	<i>N</i>	<i>Mean</i>	<i>N</i>	<i>Mean</i>	<i>N</i>	<i>Mean</i>	<i>N</i>	<i>Mean</i>
A - Protecting	16	36779.3	16	11.1	16	81.1	16	81.2	16	14.6	16	85.8	16	100%
B - Tolerant	8	35392.7	8	10.7	8	88.6	8	80.2	8	21.4	8	72.9	7	88%
C - Resistant	19	16553.0	19	11.0	19	80.5	19	77.0	19	32.9	19	70.4	19	100%
D - Intolerant	17	8420.5	17	9.4	17	86.6	17	75.2	17	40.9	17	51.7	14	82%
F - Persecuting	128	5123.9	128	7.0	128	94.2	128	67.7	128	50.8	128	31.9	62	48%
Total World	188	10706.3	188	8.1	188	90.7	188	71.0	188	43.7	188	44.2	118	63%

A multiple regression was run to predict GBGR score from the key predictors (GDP per capita, mean years of schooling, religiosity, life expectancy, democratic political system, percent of the population that is rural, and internet users). These variables significantly predicted GBGR score, $F(7, 177) = 27.60, p < .000$, adj. $R^2 = .51$. The variables GDP per capita $B = .19, t(177) = 2.33, p < .05$, religiosity $B = -.18, t(177) = -2.97, p < .01$, life expectancy at birth $B = .095, t(177) = -2.06, p < .05$, and democratic political system $B = .31, t(177) = 5.47, p < .000$ added statistically significantly to the prediction.

Table 4. Summary of Multiple Regression Analysis:

<i>Summary of Multiple Regression Analysis: WORLD2014</i>					
	Unstandardized Coefficients		Standardized Coefficients		
	<i>B</i>	<i>Std. Error</i>	<i>Beta</i>	<i>t</i>	Sig.
(Constant)	18.925	22.671		0.835	0.405
GDP per capita	0	0	0.192	2.332	0.021
Mean years of schooling	0.629	0.82	0.072	0.767	0.444
Religiosity	-0.362	0.122	-0.175	-2.974	0.003
Life expectancy at birth	0.634	0.308	0.195	2.06	0.041
Democratic political system	17.262	3.156	0.308	5.469	0.000
% Rural Population	-0.117	0.088	-0.1	-1.338	0.183
Internet users (per 100 people)	0.003	0.121	0.003	0.025	0.980
Dependent Variable: BGR Score					

Preliminary Conclusions

These structural indices provide some support to the argument that a country's GBGR score is related to its level of socio-economic and political development. But what accounts for the significant variation in GBGR scores between countries that share similar structural, socio-economic, political and cultural backgrounds, like the South American continent?

Broad structural factors may help account for tectonic shifts between persecutors or rights-protectors when it comes to sexual minorities, but they fall short of explaining variations within similar continents/cultures/backgrounds. What are the precipitating factors that propel a country from one category in the GBGR to another? Are the factors that affect change indeed simply structural and temporal, or is there room for individual agency to expedite a more rights-protective regime and society towards sexual minorities? These are questions for further research with the Global Barometer of Gay

Rights. We hypothesis that macro-level structural factors provide a guide to understanding regional differences, but not necessarily differences between countries with similar historical, cultural, or political histories. This leaves the door wide open for other non-structural variables like visibility of sexual minorities, social movements, level of globalization, and backlash to globalization to help explain variance between countries on the GBGR.

The state of human rights protection for sexual minorities in the world is depressingly inadequate. High GDP per capita, lower rates of religiosity, higher life expectancy, and having a democratic political system are best predictors of world GBGR scores, or how rights respective or rights abusive countries are towards sexual minorities. These structural factors provide strong support to the argument that a country's GBGR score is related to its level of socio-economic and political development.

Although these structural factors help predict high rights-protective or repressive a country is towards sexual minorities, it is also important to analyze case study by case-study the impact that well-devised foreign policy initiatives, trade boycotts, non-governmental organization lobbying, and grassroots activism can have on advancing human rights protections for sexual minorities. As Rhoda Howard-Hassmann suggests when examining the impact of globalization on human rights advancements worldwide, there is the potential for "human rights leapfrogging".⁴⁸ The most recent example of

⁴⁸ Howard-Hassmann, Rhoda E (2005) "The Second Great Transformation: Human Rights Leapfrogging in the Ear of Globalization", *Human Rights Quarterly*, Vol. 27, No. 1 (February), pp. 1-40.

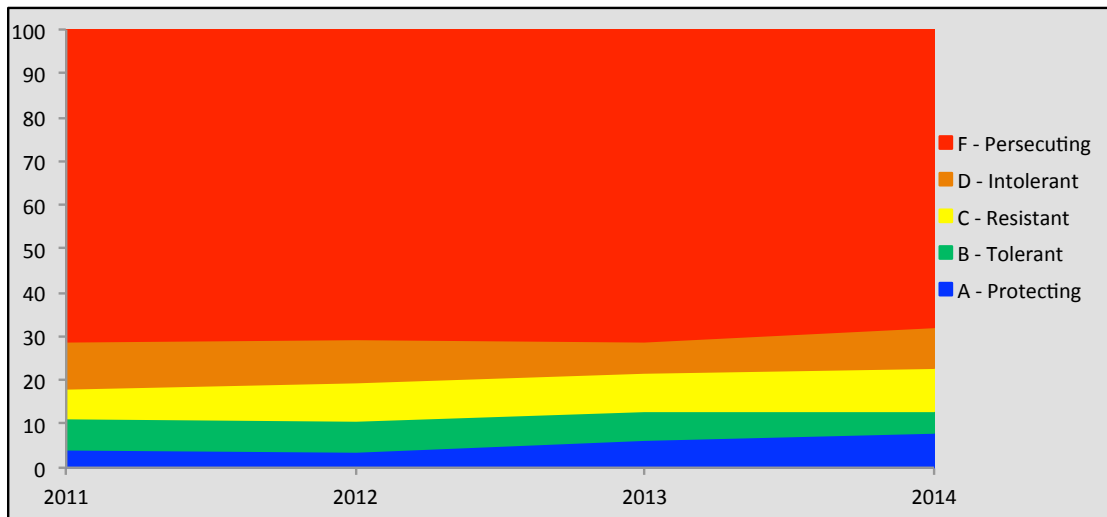
Ugandan President Museveni’s reversal⁴⁹ on Uganda’s anti-homosexuality bill because of concerns for Uganda’s trade relations, provides a beacon of hope for “human rights leapfrogging” for sexual minorities in Uganda and throughout the persecuting world.

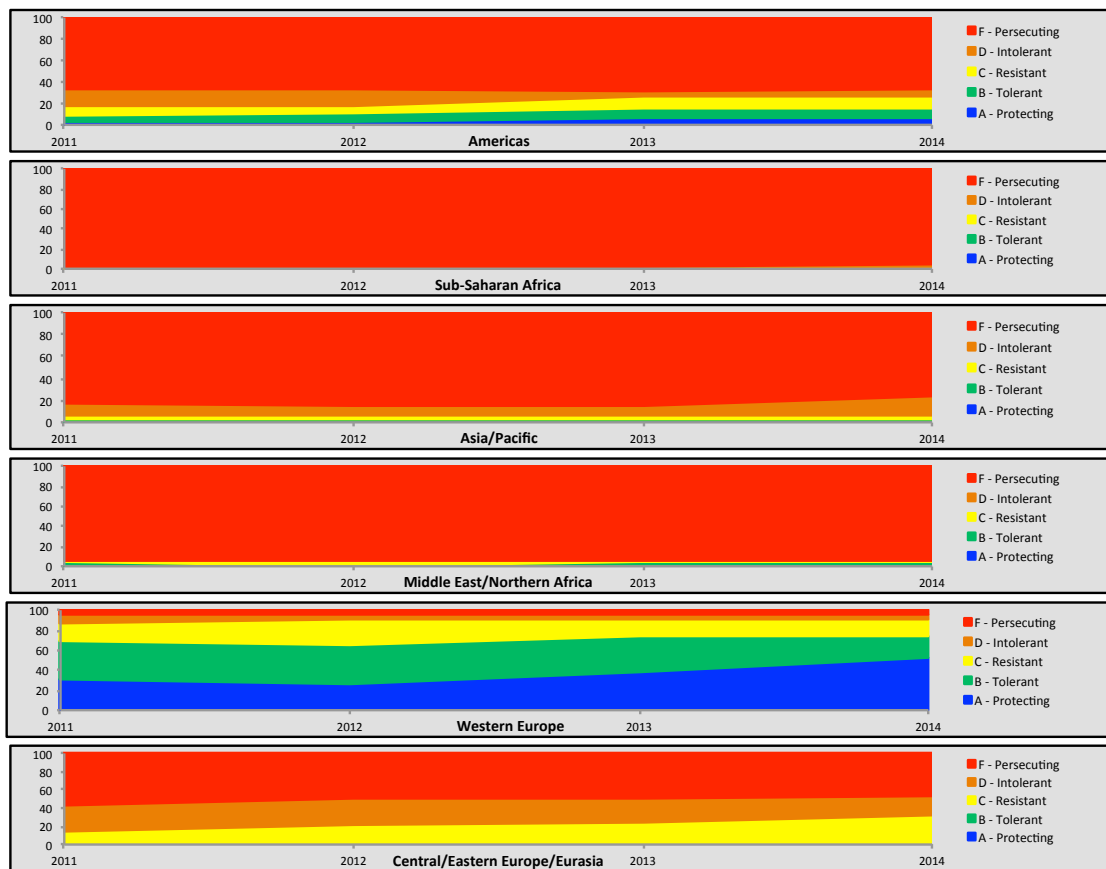
GBGR Tolerance Trends

	Year							
	2011		2012		2013		2014	
	N	%	N	%	N	%	N	%
Tolerance Category								
A - Protecting	9	4.8%	10	5.3%	15	8.0%	16	8.5%
B - Tolerant	12	6.4%	10	5.3%	9	4.8%	8	4.3%
C - Resistant	13	6.9%	17	9.0%	17	9.0%	19	10.1%
D - Intolerant	20	10.6%	18	9.6%	13	6.9%	17	9.0%
F - Persecuting	134	71.3%	133	70.7%	134	71.3%	128	68.1%
World Mean GBGR Score	42		42		44		45	

⁴⁹ See Museveni, Yoweri, K., “The Way Forward on Homosexuality”, *The Independent* (Kenya), 6 October 2014).

GBGR Tolerance Trends





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