DEMOCRATIC BACKSLIDING AND LGBTI ACCEPTANCE

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EXECUTIVE SUMMARY

Democracy is increasingly under threat worldwide. The trend is striking: 80 percent of the global population now lives in a country that is experiencing some restriction on freedoms, which is the highest proportion since 1997. At the same time, democratic backsliding has come in tandem with a rise in state-sanctioned rhetoric and policymaking that directly targets lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Using data from the LGBTI Global Acceptance Index and the Varieties of Democracy (V-Dem) Institute, this report examines the relationship between indicators of liberal democracy and acceptance of LGBTI people globally. We pay particular attention to how democratic backsliding may be associated with changes in attitudes towards LGBTI people and their rights. We highlight four countries—Indonesia, Brazil, Poland, and Ghana—to describe the complex dynamics at play when anti-LGBTI rhetoric and policymaking are deployed in the context of rising authoritarianism. To our knowledge, this is the first study that analyzes the specific relationship between democratic backsliding and social acceptance of LGBTI people and their rights from a cross-national perspective.

KEY FINDINGS

- Attacks on LGBTI people and their rights can be a precursor to democratic backsliding, and anti-LGBTI stigma and policies may contribute to the weakening of democratic norms and institutions.
- Increased persecution of minority groups, including LGBTI people, is itself evidence of democratic backsliding by indicating the erosion of liberal democratic norms of protecting minority rights.
- Countries that are highly accepting of LGBTI people tend to have high levels of liberal democracy. Countries that are more accepting of LGBTI people also tend to have higher GDP per capita and have more of their population in urban environments.
- In some countries, efforts to increase acceptance of LGBTI people during times of democratic backsliding could provoke a backlash.
- Backsliding on democratic freedoms of association and expression may be especially impactful on LGBTI acceptance, given that such rights are fundamental to the ability of activists to mobilize and advocate for greater inclusion and to oppose further rollback of rights.
- The strength of democratic institutions, including a robust civil society, may be important in moderating the effects of anti-LGBTI rhetoric and policymaking on both LGBTI acceptance and on liberal democracy more broadly.

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INTRODUCTION

Democracy is increasingly under threat worldwide. While the “third wave” following the end of the Cold War led to an unparalleled period of democratization, the promise of that era has been challenged by the erosion of democratic norms and institutions in countries in every region. Some leaders have become more effective in expanding executive power and subverting the foundational components of liberal democracy, from undermining competitive elections to dismantling an independent judiciary to curtailing freedom of association. Indeed, the trend is striking: 80 percent of the global population now lives in a country that is experiencing some restriction on freedoms, which is the highest proportion since 1997. Moreover, civil society faces increasingly hostile environments, as journalists and human rights defenders are targeted amidst the further closing of civic space.

The global decline in democracy has had implications for the rights of lesbian, gay, bisexual, and intersex (LGBTI) people. Democratic backsliding has come in tandem with a rise in anti-LGBTI rhetoric and policymaking. Illiberal regimes have proposed or enacted anti-LGBTI laws that are framed as efforts to combat “gender ideology”—an ambiguous term that right-wing politicians have deployed to cast LGBTI advocacy as an effort to subvert traditional notions of gender and family, and therefore as threats to a core “national” identity. In many countries, LGBTI people are also targeted as part of a populist electoral strategy to align right-wing political ambitions with the values of a growing religious conservative base of voters. Much of this anti-LGBTI sentiment has been driven by a coordinated, well-funded transnational movement of conservative activists, donors, and religious organizations based in the United States and Western Europe. From 2008 to 2017, at least $1 billion was distributed
by U.S.-based organizations to support anti-gender mobilization around the world. At the same time, broader restrictions on democratic freedoms have generated more barriers for LGBTI people to mobilize and prevent further erosion or rolling back of their rights.

Using data from the LGBTI Global Acceptance Index and the Varieties of Democracy (V-Dem) Institute, this report examines the relationship between indicators of liberal democracy and acceptance of LGBTI people globally. We pay particular attention to how changes in aspects of liberal democracy, especially democratic backsliding, may be associated with changes in LGBTI acceptance. Through both quantitative and qualitative analysis, we highlight four countries from different regions that all experienced democratic backslides after extended periods of democratization—Indonesia, Brazil, Poland, and Ghana—to describe the complex dynamics at play when anti-LGBTI rhetoric and policymaking are deployed in the context of illiberalism. To our knowledge, this is the first study that analyzes the specific relationship between democratic backsliding and social acceptance of LGBTI people and their rights from a cross-national perspective.

PUBLIC ATTITUDES, DEMOCRACY, AND SOCIAL ACCEPTANCE OF LGBTI PEOPLE

Public attitudes about LGBTI people have important implications for their rights and lived experiences. Attitudes can be both oppressive and accepting. Negative beliefs about LGBTI people can lead to violence and discrimination on the basis of a person's real or perceived sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC). Shared negative beliefs create stigmas, which can lead to the exclusion of LGBTI people from social, economic, and political life by enshrining discrimination into laws or providing a pretext for rejection by employers, family, clergy, or society as a whole. The stigma faced by LGBTI people has been linked to violence and discrimination and decreases in economic growth and productivity. Conversely, acceptance of LGBTI people reflects the extent to which LGBTI people are seen in ways that are positive and inclusive. Social acceptance of LGBTI people is associated with a greater likelihood that LGBTI rights are included in a country's laws.

and policies.\textsuperscript{15}

On average, the global acceptance of LGBTI people has increased since 1980.\textsuperscript{16} However, the progress has largely been polarized: the most accepting countries have become more accepting of LGBTI people and their rights, while the least accepting countries have experienced decreased levels of acceptance or have had relatively unchanging levels of acceptance.\textsuperscript{17} Acceptance has also varied by region. Western Europe and North America have had the highest levels of acceptance, while Central and Eastern Europeans are more divided. Sub-Saharan Africa and the Middle East have experienced lower levels of acceptance, while acceptance in Asia has remained relatively unchanged.\textsuperscript{18}

Previous studies have found that democracy is often a necessary precondition for LGBTI acceptance. Some analysts have observed that, while LGBTI rights may not exist in all democracies, there are no cases in which strong LGBTI acceptance or legal inclusion is found in non-democracies.\textsuperscript{19} In other words, democracy alone may not be sufficient to ensure LGBTI acceptance, but the trajectory of LGBTI rights around the world suggests that foundational aspects of liberal democracy—that is, rule by the people in conjunction with the rule of law, judicial independence and review, civil liberties, religious freedom, media independence, and minority rights—may be necessary to ensure greater acceptance and inclusion.\textsuperscript{20} For example, democracies that protect freedom of speech can foster tolerance for minorities by exposing people to a diversity of ideas and experiences, creating more opportunities to present alternative viewpoints on issues such as gender and sexuality.\textsuperscript{21} Additionally, freedom of association enables LGBTI civil society to organize and advocate for an expansion of rights within the courts, the legislature, and more broadly within society.\textsuperscript{22} Furthermore, liberal democratic values of pluralism and minority rights may allow LGBTI people to live more openly and visibly and therefore take advantage of those fundamental freedoms.\textsuperscript{23}

Research also shows that LGBTI acceptance is understood, in some cases, as intrinsic to democratic rule. For instance, LGBTI activists in Europe have successfully framed their activism in the language of “European” democratic values, “making the issue of [LGBTI] acceptance one of human rights and


\textsuperscript{16} Flores, “Social Acceptance of LGBTI People in 175 Countries and Locations: 1981 to 2020.”

\textsuperscript{17} Ibid.


\textsuperscript{23} Encarnación, “Gay Rights.”
democratic responsibilities as members of the EU community.”24 In this sense, democracy not only enables an environment that is more accepting of LGBTI people, but greater acceptance of sexual and gender diversity is seen as a fundamental quality of what it means to be a liberal democracy. By extension, any efforts to stigmatize or exclude sexual and gender minorities, or in some way infringe upon their rights, are per se anti-democratic. Thus, the association between democracy and LGBTI acceptance appears to be bidirectional: fundamental aspects of liberal democracy may be necessary for LGBTI acceptance, while greater acceptance of sexual and gender minorities may itself reinforce and embody democratic values and practices.25

Figure 1. Mechanisms of association between liberal democracy and LGBTI acceptance

DEMOCRATIC BACKSLIDING AND CHALLENGES FOR LGBTI ACCEPTANCE

We understand democratic backsliding to be the gradual “state-led debilitation or elimination of any of the political institutions [and values] that sustain an existing democracy.”26 Following Wunsch and Blanchard, we conceptualize democratic backsliding as a multidimensional series of processes that encompass three types of democratic safeguards as the target of executive overreach: vertical, diagonal, and horizontal safeguards.27 Vertical safeguards correspond to formal electoral

25 While a causal analysis of democracy and LGBTI acceptance is beyond the scope of this report, we find it important to identify these associations in the context of understanding how a weakening of democracy through backsliding may also be associated with changes in the level of LGBTI acceptance.
process and voter turnout and suppression, including the quality of election systems and citizen participation in elections; diagonal safeguards center on citizen capacity to challenge regimes, encompassing freedoms of expression, association, and the press as critical mechanisms for holding a regime accountable, particularly from civil society; and horizontal safeguards are comprised of an independent legislature and judiciary that can impose constraints on executive power. By focusing on these three types of safeguards as sites of potential backsliding, we can observe the range of policies and other political actions that could be taken to weaken democratic governance, and the impact this may have on the acceptance of LGBTI citizens.

Less research has focused on whether the weakening of these safeguards through democratic backsliding is associated with an attendant decline in LGBTI acceptance. Whereas scholars and policymakers once paid closer attention to sudden democratic breakdowns, such as military or executive coups (i.e. “autogolpes”), the frequency of these events has declined over time. Contemporary democratic backsliding now resembles a more gradual or incremental weakening of norms, rules, and institutions by elected officials. This process may not represent a full reversion to autocracy, but the dismantling of institutions and freedoms that underpin inclusive democracy nevertheless has important implications for the rights of citizens, including LGBTI people.

Previous research on minority rights within weakening democracies, where democratic backsliding and attacks on marginalized groups go hand-in-hand, may provide insight into this dynamic for LGBTI people. For example, the Hindu-nationalist BJP in India, led by Prime Minister Narendra Modi, has used its electoral victories to impose new laws that limit forums for dissent and condone vigilante violence against Muslims as part of a broader strategy to consolidate nationalist public support. While India’s continuity in holding elections may signify its stability as an electoral democracy by some minimal, procedural measures, the direct exclusion of Muslims, along with further crackdowns on civil society, reflect a backsliding on liberal democratic norms and institutions. Similarly, “ethnopopulist” parties in Eastern Europe, elected by majorities of voters, have harnessed anti-immigrant sentiment to galvanize broader opposition to neoliberal economic policies. While populist electoral strategies are not necessarily anti-democratic, populist elected leaders in Hungary, Poland, and Czechia have pursued illiberal policies that weakened opposition movements, dismantled counter-majoritarian institutions, and eroded minority rights as an effort to consolidate power around themselves as the
sole “true” leader of the nation.35

While this study focuses on backsliding in democracies, the experience of LGBTI acceptance and mobilization in authoritarian states may also be instructive for LGBTI acceptance in weakened democracies. In non-democratic countries where freedoms of association and speech are highly restricted, LGBTI advocacy is necessarily constrained. LGBTI organizations must often adopt non-confrontational strategies that avoid conflict with the government or more broadly within society, thus limiting opportunities to advocate for full inclusion.36 Activists must engage on the government’s terms or altogether avoid discussion of rights in favor of less polarizing issues such as health services or community resources.37 Anti-LGBTI stigma persists, and threats of violence and backlash remain real.38 To be sure, variation across institutions in authoritarian states can sometimes offer openings to challenge anti-LGBTI laws, for example through legal channels where courts may have a degree of independence.39 Nevertheless, authoritarian states provide a cautionary tale about the risks and constraints imposed on LGBTI people in the absence of democratic safeguards. Coupled with populist discourse that casts minorities as a threat to national identity and values, cases of democratic backsliding may impose similar constraints on LGBTI mobilization and therefore on LGBTI acceptance.

Analyzing the relationship between weakened democracy and LGBTI acceptance is thus important for understanding how each phenomenon may affect or be affected by the other. State-sanctioned stigmatization of LGBTI people may be a precursor to broader processes of democratic backsliding. Conversely, democratic backsliding may weaken or undermine core institutions that directly impact the acceptance and inclusion of minorities, including LGBTI people.

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35 Ibid.


38 Chua, “Pragmatic Resistance, Law, and Social Movements in Authoritarian States.”

ESTABLISHING LINKS BETWEEN THE LGBTI GLOBAL ACCEPTANCE INDEX AND DEMOCRATIC INDICATORS

The LGBTI Global Acceptance Index (GAI) is a measure of the degree to which societies are accepting of LGBTI people. Countries receive a score from zero to 10, where zero indicates a country is the least accepting, and 10 indicates a country is the most accepting. The GAI aggregates numerous cross-national and regional social surveys, such as the Gallup World Poll and the European Social Survey, and relies on a group-level item-response theory (G-IRT) model to assign each country a score. This results in annual estimates of acceptance across 175 countries and other jurisdictions. In previous studies, the GAI has consistently correlated with the legal inclusion of LGBTI people (i.e. the extent to which LGBTI people are protected in a country's laws and policies), a country's economic performance, and country-level indicators of a free press.

This section aims to establish links between the GAI and indicators of democracy more broadly. We obtained various indicators of democratic institutions from the Varieties of Democracy (V-Dem) Institute, Freedom House, and the World Values Survey. From these databases, we chose to work with indicators from the V-Dem Institute based on the availability of data across countries and years for which we have data for the GAI. We further obtained economic and social indicators from the World Bank databases. Previous studies have found that countries are more likely to support minority rights as they grow economically. With multiple indicators relating to democracy and only one measure of LGBTI acceptance, links are established by comparing how these multiple indicators correlate with the GAI. Given the possible use of numerous indicators, a machine learning

42 Flores, “Social Acceptance of LGBTI People in 175 Countries and Locations.”
LASSO model was first performed to identify the variables that best relate to the GAI. Afterward, relationships among these selected variables were examined.

THE RELATIONSHIP AMONG LGBTI ACCEPTANCE, DEMOCRATIC INDICATORS, AND SOCIO-ECONOMIC INDICATORS

Four variables were identified as strongly relating to LGBTI acceptance: the V-Dem Liberal Democracy Index, the V-Dem Free and Fair Elections Index, GDP per Capita, and percentage of the population residing in urban areas. The Liberal Democracy Index is a scale ranging from low (0) to high (1) in the extent to which a country is a liberal democracy. This takes into account minority protections, limited government, protection of civil liberties, the strength of the rule of law, and other characteristics that describe liberal democratic regimes.49 The Free and Fair Election Index (or the Clean Elections index) is a scale ranging from low (0) to high (1) that combines numerous indicators about the strength of a country’s electoral system.50

Figure 2 shows the correlations between these indicators and the GAI. Correlations in each box represent the strength of the association between indicators in each respective row and column. There are moderate to strong positive correlations with the GAI across all these indicators. Moving down the first column, countries that score high on the GAI strongly relate to levels of both liberal democracy (0.67) and free and fair elections (0.64). Likewise, countries with higher GDP per capita tend to be more accepting of LGBTI people than those with lower GDP per capita. Further, countries with more of their population in urban environments tend to be more accepting of LGBTI people than countries with fewer shares of their population in urban environments.

Figure 2. Correlation matrix relating the LGBTI Global Acceptance Index to country indicators

Note: All correlation coefficients are statistically significant at p < .05.

49 See Appendix 3 for details of indicators.
50 See Appendix 3 for details of indicators.
Figure 2 also shows positive relationships among the other indicators. As would be expected, countries that score higher on the Liberal Democracy Index also score high on the Free & Fair Elections Index, with a correlation of 0.94. Countries with a higher GDP per capita positively relate to both democratic indices (0.61 and 0.54, respectively) as well as urbanicity (0.61). Urbanicity also positively relates to the democratic indicators.

To elaborate on these relationships, Figure 3 illustrates the relationship between the Liberal Democracy Index and the GAI across countries between 2001 and 2020, with the size of the circles reflecting a country's GDP per capita. Notably, while LGBTI acceptance is positively correlated with both the Liberal Democracy Index and GDP per capita, there are clearly changes in that relationship over time. Countries with higher scores on the Liberal Democracy Index seemed to increase in their level of acceptance of LGBTI people at higher rates as they achieve stronger levels of liberal democracy.

There may also be some cases where democratic backsliding preceded or followed reductions in LGBTI acceptance. For example, during and prior to 2001, Indonesia had a GAI score around 4.1, which subsequently declined to a score of 2.44 in 2015, then slightly increased to 3.0 in 2020 (well below the 2001 score). In this same time series, Indonesia made substantial increases in its Liberal Democracy score, averaging 0.05 between 1981 and 1998, then averaging 0.53 between 1999 and 2015, and ultimately declining to 0.446 in 2020. Thus, in Indonesia, reduction in LGBTI acceptance appears to precede democratic backsliding. This may not be the case in other contexts, and these changes may mutually influence one another.51

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51 It is also possible that these trends are explained by other variables not considered here. Our aim is not to establish causal relationships but rather to evidence associations. In this analysis, we controlled for time and country by using fixed effects—that is, “within-country” analyses controlling for “temporal shocks” or “trends” that uniformly affect all countries. Thus, we focus on changes that uniquely occur over time within a country.
Thus far, it has been established that there are links between democracy indicators, socio-economic indicators, and LGBTI acceptance. However, understanding these relationships can be complex. For example, Figure 3 shows that the relationship between the Liberal Democracy Index and the GAI may be nonlinear. The overlap of the indicators (Figure 2) may also suggest that they may mutually influence one another when attempting to understand the potentially complex ways democratic backsliding and LGBTI acceptance relate. Additionally, there may be distinguishing factors that make one country unique from another or one year different from another.

To further examine these relationships, a generalized Kernel Regularized Least Squares (gKRLS) model was fit.\textsuperscript{52} KRLS takes from machine learning approaches for regression and classification, which relaxes many of the assumptions in traditional Ordinary Least Squares (OLS) regression (e.g., additivity and linearity).\textsuperscript{53} This is beneficial because it allows for a more complex understanding of


social phenomena that may be nonlinear, mutually reinforcing, or produce results that vary from one context to another due to heterogeneity in the world. In other words, the KRLS approach helps us understand relationships where a simple regression or linear approach might actually mask a great deal of complexity and nuance. The gKRLS approach extends and optimizes the KRLS approach, which allows for linear structural variables such as fixed effects.\textsuperscript{54}

A gKRLS model was fit to predict GAI scores with democratic and socio-economic indicators, with the inclusion of state and year fixed effects. The model suggests that the democratic and socio-economic indicators statistically significantly relate to GAI scores ($F[88.4,90] = 40.95, p < .001$), and the model has an adjusted R-squared of 0.89.

Since these models are flexible, figures are provided to characterize the results. Scholars summarize gKRLS models by examining the partial derivative, that is, what is the expected change in the outcome variable (LGBTI acceptance) given a one-unit change in the explanatory variable (liberal democracy). In gKRLS, this expected change in the outcome can vary along each value of an explanatory variable.

Figure 4 plots of the partial derivatives of the Liberal Democracy Index on GAI scores along the observed values of the Liberal Democracy Index for Brazil, Ghana, Indonesia, and Poland. In Brazil, we observe that the effect of the Liberal Democracy Index on the GAI becomes more strongly positive as Brazil has higher scores on the Liberal Democracy Index.\textsuperscript{55} Therefore, the effect of slightly strengthening democracy in that context may relate to a substantial increase in LGBTI acceptance. Similarly in Ghana, increases in the Liberal Democracy Index tends to relate to improved acceptance of LGBTI people, but this effect is greater at higher scores of the Liberal Democracy Index.

\textsuperscript{54} Qing Chang and Max Goplerud, (2023). Generalized kernel regularized least squares

\textsuperscript{55} As a note, these partial derivatives evaluate the one-unit change the Liberal Democracy Index (e.g., 0 to 1) and its relationship to scores on the LGBTI GAI. Thus, effects may appear quite large, but this is because they are expected min-to-max effects at particular points on the distribution.
Figure 4. Pointwise partial derivatives of the effect of the Liberal Democracy Index along Liberal Democracy Index Scores

Note: Axes differ across the plots.

Figure 4 also reveals substantial heterogenous effects for Indonesia and Poland. In those contexts, there are partial derivatives that are negative or zero, and there are quite varied effects particularly at higher scores of the Liberal Democracy Index. These findings may appear at first counterintuitive—increasing the Liberal Democracy Index may at times have a negative association with LGBTI acceptance.

TRENDS IN LIBERAL DEMOCRACY AND LGBTI ACCEPTANCE OVER TIME

To further clarify these findings, Figure 5 plots trends in the Liberal Democracy Index over time, along with the marginal effects of changes in liberal democracy on GAI scores. This allows us to see how the changes in a country’s score on the Liberal Democracy Index relates to the strength of the effect that such a change has on LGBTI acceptance. Put differently, Figure 5 helps us examine the “stickiness” of democratic institutions and social acceptance of LGBTI people. In cases where we observe a negative marginal effect, it suggests that a country becoming more democratic is associated with lower LGBTI acceptance. This suggests that (1) democratic stagnation or some backsliding might weaken the positive association between liberal democracy and LGBTI acceptance, or (2) democratic institutions have backslid or stagnated to a degree that the estimated effect of increasing democracy turns negative on the GAI. If liberal democratic institutions have stalled or backslid, attempts to strengthen them may be met with immediate backlash toward minorities (the negative effect); conversely, if
there is a consistent upward trend, we do not necessarily observe a backlash but rather the expected positive association with the GAI.

As can be seen in the case of Brazil, early increases in the Liberal Democracy Index were positively related to LGBTI acceptance; however, this relationship remained close to zero. The persistence of democratic institutions at about 0.75 increased the effect of the Liberal Democracy Index on LGBTI acceptance, which peaked in 2010. However, as Brazil faced democratic backsliding, we also observe a weakening and possibly negative relationship between the Liberal Democracy scores and LGBTI acceptance such that a decline in acceptance may have preceded democratic erosion. In the context of democratic backsliding, attempts to reverse the backslide (for example, by improving minority rights) may result in societal backlashes against those minorities.

The case of Ghana suggests that there was almost no relationship between the Liberal Democracy Index and the GAI between 1980 and 1990. Just as Ghana experienced a sharp increase in its Liberal Democracy Index score, so too did the relationship between LGBTI acceptance and the Liberal Democracy Index get stronger. However, the strength of the relationship between the Liberal Democracy Index and the GAI weakened from 2000 to 2020. This attenuated relationship occurred as Ghana experienced a slight democratic backslide, which suggests that increased LGBTI stigma may have preceded institutional shifts in Liberal Democracy Index scores, weakening the strength of the relationship.

Figure 5 is also revealing in how it clarifies what was seen in Figure 4 regarding Indonesia and Poland. When Indonesia persistently had quite low scores on the Liberal Democracy Index, there was a negative association with that index and LGBTI acceptance. Over time, from 1980 to the mid-1990s, the relationship between the Liberal Democracy Index and the GAI attenuated, which suggests that societal changes within Indonesia may have improved LGBTI acceptance even as the authoritarian regime kept democratic institutions weak. When Indonesia had a rise in the Liberal Democracy Index, there was again a stronger negative association with the GAI. As discussed in the case studies below, this may reflect the impact of new democratic freedoms, particularly those related to association and religious belief, on the growing influence of Islamist and other conservative factions that held strong antipathies toward LGBTI people. However, upon living in a more democratic society, the time-series suggests that the negative association between democracy and LGBTI acceptance weakens. Thus, in Indonesia it appears that there are long periods of regime types with punctuations in democratization, and each regime type attenuates in its association with LGBTI acceptance.
The case of Poland reveals some more fascinating patterns. In the 1990s, there was practically no relationship between the Liberal Democracy Index and LGBTI acceptance. The 2000s did not see much change in levels of democracy, but those democratic indicators became increasingly negatively associated with LGBTI acceptance. In other words, when Poland experienced a democratic decline, its association with LGBTI acceptance was strongly negative. This may suggest that negative changes in LGBTI acceptance predated Polish democratic backsliding and may be a factor in influencing it. It further suggests that, similar to Brazil, in a period of democratic decline, attempts to reverse such trends may relate to lowered acceptance of minorities (i.e., backlash). However, in the long run, as in the case of Brazil 1990-2010, fostering liberal democracy corresponds to a society becoming more accepting of minorities.

These analyses establish clear links between democracy indicators and LGBTI acceptance. They also reveal the complexity of these associations. At times, LGBTI acceptance appears to pre-date institutional change; at other times, LGBTI acceptance appears to follow institutional change. The use of gKRLS reveals such complexity, with the limitation that there may not be a singular or linear theory that explains whether a decline in LGBTI acceptance is a causal antecedent to democratic decline, or that one way democracies decline is by denigrating LGBTI people. Establishing an empirical association, however complex, is a first step in further unpacking these complex processes.
COUNTRY CASE STUDIES

To complement the quantitative analysis above, we present four case studies to further examine the relationship between democratic backsliding and LGBTI acceptance. We selected four countries—Indonesia, Brazil, Poland, and Ghana—that all experienced backslides around the same time after extended periods of democratization. In all cases we observe the weakening of vertical, horizontal, and/or diagonal safeguards of democracy in conjunction with overt anti-LGBTI rhetoric and policymaking. In some cases, democratic forces have been able to contain illiberal tendencies, while others remain more tenuous, all with implications for the acceptance of LGBTI people within society.\textsuperscript{56}

INDONESIA

The process of democratization in Indonesia enabled both acceptance and stigmatization of LGBT people. Against the backdrop of an underlying negative relationship between liberal democracy and LGBTI acceptance through nearly all of Indonesia’s process of democratization, efforts to promote minority inclusion (for example, by establishing university sexual minority support groups) came with a widespread backlash against LGBT people.

Democratization began in 1998 during the Reformasi—a period of reform after the forced resignation of Suharto, the long-serving leader of Indonesia’s military regime. Throughout the administrations of Suharto’s successors, democratic reforms ushered in constitutional amendments that, among other things, created a stronger parliament, established an independent Constitutional Court, and led to the adoption of a slate of protections grounded in the Universal Declaration of Human Rights.\textsuperscript{57} Between 2001 and 2004, a process of decentralizing government authority led to freer local elections and the direct election of government officials by citizens.\textsuperscript{58}

This democratic opening allowed civil society organizations committed to a range of human rights issues—from labor to women to LGBT people—to enter public debates more visibly. In particular, the rise of democracy, including freedoms of association and expression, enabled lesbian and gay activism to publicly lay claims to greater social inclusion and acceptance.\textsuperscript{59} This was especially apparent in 2006, when Indonesia hosted a global convening of experts on the application of international human rights law to sexual orientation and gender identity.\textsuperscript{60} The resulting Yogyakarta Principles offered an important advocacy tool to LGBT activists both within Indonesia and globally.

\textsuperscript{56} We use language of LGBTI sub-groups (e.g., LGBT or LGB) that are applicable within each case.


\textsuperscript{60} Ibid. 158.
and it seemed to signal that LGBT activism was more broadly helping to shape the democratic trajectory of Indonesia. At the same time, new political freedoms saw the rise of Islamist groups and religious-based opposition to the LGBT community. In 2010, for example, the Islamic Defenders Front (Front Pembela Islam, FPI) disrupted a gay and lesbian book launch and violently forced the cancellation of the annual conference of the International Lesbian and Gay Association (ILGA) Asia.

Despite years of democratic progress, the 2014 presidential victory of Joko Widodo brought an aggressive dismantling of checks and balances, curtailing freedoms of association and expression, and strengthening the grip of the executive over parliament. These developments came in conjunction with an escalation in anti-LGBT rhetoric. Indeed, 2016 is seen by many observers as a turning point against LGBT rights after the optimism of the Reformasi period. In January of that year, the University of Indonesia rejected an official request by students to establish a Support Group and Resource Center on Sexuality Studies. In response to media coverage of the decision, the Minister for Technology, Research, and Higher Education proposed to ban LGBT student organizations on Indonesian university campuses, stating that LGBT people “[corrupt] the morals of the nation.” The university endorsed his comments, which led to a cascade of anti-LGBT remarks from other government officials and public figures, including the former Minister of Defense. The following month, the Indonesian Psychiatric Association released a statement that categorized homosexuality and bisexuality as “psychiatric problems” and being transgender as a “mental disorder,” all curable through “proper treatment.”

Crackdowns on the media posed additional barriers for LGBT people. A 2016 reform to the Electronic Information and Transactions Law reversed campaign commitments to a progressive human rights agenda that promised freer journalism. Although the law lowered prison sentences from six to four years for online defamation, prosecutions became more frequent, and the law was invoked to block websites that the government considered offensive or “too radical,” including those with LGBT-related content. The Ministry of Communication and Information ordered internet service providers to

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61 On Yogyakarta principles, see https://yogyakartaprinicples.org/.
65 Ibid.
66 Ibid.
block social networking applications used by the LGBT community, claiming that they promoted “sexual deviance,” and the national broadcasting commission (KPI) banned TV and radio programs that portray “effeminate men” and “LGBT behaviors.” Furthermore, in 2018, Google bowed to government pressure and removed up to 80 mobile applications that had LGBT-related content from its online store in Indonesia.

The escalation in anti-LGBT rhetoric by the Widodo government was amplified by conservative religious groups and militant Islamist organizations, setting off a widespread “moral panic” that had substantial effects on the health and well-being of LGBT people in Indonesia. Police raided private LGBT gatherings, including public health centers, that impeded lifesaving HIV outreach to vulnerable communities. The government pressured the United Nations Development Programme in Indonesia to terminate financial support for LGBT-related programming.

In 2018, Pariaman, a city on Sumatra Island, passed a regulation that banned “acts that are considered LGBT.” The deputy mayor of Pariaman described the bill as a response to “an anxiety about Indonesia’s LGBT community.” Depok, a city near the capital Jakarta, drafted a similar bill in December of that year. Just months before the 2019 general elections, protests against the LGBT community took place in cities and at universities across the country. The so-called “LGBT emergency” was weaponized by politicians to drive voters to the polls. In Sumatra, the mayor of Padang city led a march to reject LGBT people. This public demonstration sparked a state-sponsored campaign against LGBT people, with reports of transgender women detained and shaved in the Aceh region (where sharia-based law is allowed), arrests of women suspected of “being lesbians” in Sumatra, and a man...

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71 Power, Warburton, and ISEAS-Yusof Ishak Institute, Democracy in Indonesia, 260.


75 Firmansyah Sarbini and Muh. Wildan Teddy Bintang P. Has, "Depok and Its Effort to Criminalise the LGBT Community," Australian Journal of Human Rights 25, no. 3 (September 2, 2019): 521


accused of running online groups for same-sex couples in Bandung. In 2020, the police of Jakarta raided a gay party and detained 56 participants, arresting nine as organizers under the pretext of anti-pornography laws.

Widodo was re-elected in 2019 and continued expanding executive authority. His regime passed a bill for a new food estate program that was placed under control of the military. He also approved an “omnibus law” on labor and investment, which curtailed workers’ rights (salaries, severances, and unionizing) and environmental protections. Finally, he weakened the Corruption Eradication Commission (CEC) and its capacity to run independent investigations. Through these efforts, he approved a bill to create a new board to supervise the CEC that would report directly to the president, overseeing the duties and authorities of the CEC and establishing a new code of ethics that the CEC had to follow. The reform also imposed new tests for candidates applying for civil service jobs, with new questions on candidates’ views on homosexuality, physical punishment, their sex lives, and their views on various minorities.

During this time, a weakened judiciary offered limited protection against the further stigmatization of LGBT people. In 2016, the Love Family Alliance, a conservative Muslim group, asked the Constitutional Court to interpret Article 292 of the criminal code to criminalize consensual same-sex relations among adults. This was an attempt to expand the existing interpretation of the article which criminalized obscene acts against children. In a 5-4 vote, the Court ruled that it did not have the authority to resolve the case, finding instead that it was the prerogative of the legislative branch to create a new legal norm around criminal matters. In an unusual turn, the four dissenting opinions that would have voted to criminalize same-sex relations were included in the final judgment. Their claims that homosexual activities contravened the religious values of the 1945 constitution were ultimately taken up by the Parliament, which began drafting a bill to criminalize extramarital sexual relationships.

86 Ibid.
particularly focusing on same-sex relations. Despite protests and delays, the law was approved in December 2022, prompting a global outcry.87

Democratic reforms in Indonesia were associated with increased societal acceptance of LGBT people. New freedoms of expression and assembly enabled LGBT organizations to more visibly mobilize within domestic and transnational civil society. At the same time, though, conservative religious groups that had previously been suppressed under the military dictatorship capitalized on the same new freedoms and political power to mobilize opposition to LGBT people through political, legal, and media institutions. As Indonesia experienced a decline in democracy, with particular backsliding on freedoms of association and media independence, LGBT people found fewer pathways and more barriers to opposing anti-LGBT mobilization in government, in the courts, and in society more broadly.

**BRAZIL**

Jair Bolsonaro's presidential victory in 2019 became the most visible sign of democratic backsliding in Brazil, where he campaigned with rhetoric promoting violence, attacking minorities, and supporting the military. However, the decline in liberal democracy can be traced at least to the politics preceding the 2016 impeachment of then-president Dilma Rousseff. In this case, a weakening and possibly negative relationship between liberal democracy and LGBTI acceptance suggests that a decline in LGBTI acceptance may have preceded democratic backsliding.

From 2003 to 2016, the Worker's Party governed the country under presidents Luís (Lula) Inácio Da Silva and Dilma Rousseff. Both administrations achieved a wide spectrum of civil, political, social, and economic rights for LGBT Brazilians. However, by 2013, a year before Dilma's re-election, Rousseff faced public discontent from the left about enduring socio-economic inequality and failed commitments to a leftist agenda. On the other hand, middle class and elite voters simultaneously attacked her because they were unhappy with the perceived “radicalism” of her government and widespread corruption.88 Judicial investigations into bribery scandals at Petrobras, the state oil company, ensnared Rousseff and eventually led to her impeachment.89

Rousseff's loss of popularity during the 2013 protests resulted in a loss of seats during the 2014 legislative election. Vice president Michel Temer's center-right party gained the most seats in the Senate, the second-most seats in the Chamber of Deputies, and the most governorships across the country.90 The Congress became the most conservative since Brazil's return to democratic rule in 1985 and directly targeted Rousseff's presidency. In response, Rousseff attempted to pivot her political

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Democratic Backsliding and LGBTI Acceptance

agenda, but she was met with a new wave of protests in 2015 that captured the anger from the right-wing and educated classes.\(^91\)

Although the Supreme Court had been seen as independent during Lula and Dilma’s terms, even ruling on a number of key LGBT rights cases such as the recognition of civil unions and later same-sex marriage, a burgeoning conservative bloc within the judiciary supported the broader right-wing political agenda.\(^92\) This faction led investigations to build the case against Dilma and supported then-president of the Congress (and member of Temer’s party) Eduardo Cosentino da Cunha in his efforts to begin the impeachment process.\(^93\) The investigation became notable for its procedural irregularities and the intervention of the Supreme Court to facilitate a path toward impeachment, causing many to question the independence of both the judiciary and the legislature.\(^94\) Moreover, media coverage and political outcry claimed that Vice President Temer had led a campaign against Rousseff while holding secret meetings with the military to ensure their active political participation following the impeachment.\(^95\) This faction would later form the Evangelist National Front, supporting Cunha’s bills opposing LGBT rights and comprehensive sexual education, and voting as a bloc to impeach Rousseff.\(^96\)

As a member of congress, Bolsonaro embraced anti-LGBT rhetoric and openly stated that he was proudly homophobic.\(^97\) He claimed that the left wanted to destroy the traditional family and bring “gay kits” and “gender ideologies” into schools.\(^98\) As president, he expanded the executive’s power against marginalized communities and used executive decrees to oppose LGBT rights. First, he dismantled the bureaucracy, extended and professionalized under Dilma, in favor of “super-ministries” that centralized portfolios and power into his closest allies.\(^99\) He appointed two pastors as cabinet

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\(^91\) Daly, “Populism, Public Law, and Democratic Decay in Brazil.”
\(^94\) Daly, “Populism, Public Law, and Democratic Decay in Brazil,” 10.
\(^95\) Anthony Boadle and Lisandra Paraguassu, “Rousseff Promete Que Peleará Tras Dura Derrota En El Congreso Brasileño,” *Reuters*, April 19, 2016, sec. Noticias Principales, [https://www.reuters.com/article/politica-brasil-rousseff-idESKCN0XG0GB](https://www.reuters.com/article/politica-brasil-rousseff-idESKCN0XG0GB); Daly, “Populism, Public Law, and Democratic Decay in Brazil.”
\(^98\) The so-called “gay kit” referred to a set of pedagogical materials that former Minister of Education Fernando Haddad proposed in 2011 to fight against homophobia in schools. Dilma Rousseff negotiated with evangelical leaders and agreed not to include it in the National Education Plan (2014-2024), but Bolsonaro and other conservative politicians instrumentalized it against leftist candidates to rally popular discontent. See Eduardo Meinberg de Albuquerque Maranhão Filho, Fernanda Marina Feitosa Coelho, and Tainah Biela Dias, “Fake news acima de tudo, fake news acima de todos’: Bolsonaro e o ‘kit gay’, ‘ideologia de gênero’ e fim da ‘família tradicional,’” *Correlatio* 17, no. 2 (2018): 65–90, [https://doi.org/10.15603/1677-2644/correlatio.v17n2p65-90](https://doi.org/10.15603/1677-2644/correlatio.v17n2p65-90).
members (Milton Ribeiro as Minister of Education and Damares Alves as Minister of Family, Human Rights, and Women), and another as a Supreme Court justice (André Mendonça). Second, Bolsonaro continued expanding the active political participation of the military in the government: the number of active-duty military officers working in the executive increased by 40% from 2016 to 2020, despite a reduction in the number of ministries.  

The arrival of conservative cabinet members also meant an enlarged state-sponsored campaign to discriminate against LGBT people. From 2019, Damares Alves led two efforts through her ministry that directly impacted protections against LGBT people. The first eliminated LGBT people as one of the recognized minorities that would be protected within the ministry of Family, Women, and Human Rights. The second created the National Family Observatory, where the family was redefined in terms of conservative values, and all materials were replaced with the government's new notion of a “traditional” family (i.e. heterosexual and married). Moreover, in 2021 Alves changed the operation of the country's Dial 100 line used to report human rights violations. Among the things people could report was hearing someone talking about or promoting “sexual orientation and gender ideology.”

Similarly, Milton Ribeiro took Bolsonaro's anti-leftist ideological war into the educational system and threatened to revise textbooks that made references to feminism, homosexuality, and violence against women. A year later, in September 2020, he stated in a public interview that homosexuals came from “dysfunctional families.” Although Ribeiro was unsuccessful in attempting to revise textbooks, his and Bolsonaro’s comments opposing “gender ideology” and “indoctrination through early sexualization” emboldened local authorities to implement their own bans on related materials and activities. For example, in June 2021, city councilors in Divinópolis approved a law banning public funding for LGBT events that supposedly promoted the sexualization of children and adolescents, either directly or indirectly.  

Executive enlargement under Bolsonaro did not weaken the judiciary or the legislature enough to guarantee his rule by fiat. In June 2019, the Supreme Court of Brazil ruled that homophobia was a hate crime in line with racism, around the same time that the Senate was working on a draft bill that criminalized discrimination based on sexual orientation and/or gender identity with up to five years in

Bolsonaro’s Attorney General contested the Court’s ruling and argued that the judiciary had overstepped in taking up a matter best left to the legislature.\textsuperscript{108}

Bolsonaro also tried to restrict freedoms of association and expression. Shortly after taking office, he used an executive order to temporarily mandate that the office of the Government Secretary oversee the activities of international and local organizations, which he employed to attack human rights and environmental rights activism.\textsuperscript{109} However, activists lobbied Congress to prevent it from becoming a permanent measure.\textsuperscript{110} Likewise, he attempted to suspend funding for screenplays and films with LGBT themes.\textsuperscript{111} The order was blocked by the 11th Federal Court of Rio de Janeiro, which found the move to be discriminatory.\textsuperscript{112}

Brazil’s democratic transition was positively associated with stronger acceptance of LGBT people. Democratic institutions like a robust civil society and an independent Supreme Court helped generate important legal victories for LGBT rights. As discussed in the previous section, data show that the relationship between Brazil’s democracy and LGBT acceptance began to weaken after about 2010 and was negative by the time Bolsonaro ran for president. To the extent Bolsonaro weaponized anti-LGBT rhetoric in a populist electoral strategy, his campaign may have been reflecting and capitalizing on this weakened association between democracy and LGBT acceptance, and evidencing the more fundamental democratic backslide taking place. The strength and independence of Brazilian courts has appeared to offer a bulwark against further democratic backslide. In June 2023, the electoral court in Brazil found that Bolsonaro had violated election laws by making baseless claims of election fraud in advance of the previous election. The court blocked him from seeking public office again until 2030.\textsuperscript{113}


Figure 6. Trends in GAI Score and Liberal Democracy Index, 1981-2020

POLAND

The gradual weakening of democratic norms and institutions in Poland stems from the 2015 ascendance of the Law and Justice Party (PiS). Democratic backsliding under PiS is unsettling, in part, because the party originally participated as the democratic opposition to Polish post-communist governments. PiS also competed, lost, and remained in the opposition between 2008 and 2015, when the Civic Platform (PO) won two terms of parliamentary elections. However, rapid social change and rising inequality undermined PO’s popularity. By the 2015 election, PiS was bolstered by conservative media and far-right civil society groups (Gazeta Polska clubs). At the same time, Poland saw a rise in hate speech and violence against LGBT individuals and organizations, feminists, and ethnic and religious minorities, along with a rejection of so-called “gender ideology.”

In 2015, PiS rose to victory on a nationalist wave against “technocratic liberalism” and post-communist reforms that had privileged economic liberalization, expansion of individual freedoms, and multiculturalism. Former government officials were cast as servants of the economic elites in league with foreign interests that threatened “the nation” with its multiculturalist agenda. PiS employed rhetoric that rejected compliance with the European Union’s policies, particularly on migration.

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study by the Centre for Research on Prejudice at the University of Warsaw found, between 2015 and 2016, not only a decline in general social acceptance toward migrants but also a rise in support for the use of violence and exclusionary measures against them.\(^{117}\)

The PiS victory brought immediate attacks on institutions that had checked executive power. For one, President Andrzej Duda refused to swear in five judges who had been previously appointed to the Constitutional Tribunal by the opposition party; instead, PiS appointed five new judges of its own.\(^ {118}\) The Constitutional Tribunal ultimately ruled that only two of the appointments were constitutional, but the government refused to publish the ruling and prevented it from taking effect.\(^ {119}\) PiS followed this controversy by passing the “Repair Act” that imposed new requirements on the functioning of the court and effectively gave veto power to the conservative judges appointed by the government.\(^ {120}\) In 2018, a new series of reforms by PiS introduced the “extraordinary appeal” mechanism by which every previous court ruling could be challenged and reheard by Supreme Court judges appointed by PiS.\(^ {121}\) This mechanism has been employed several times by Minister of Justice and former Prosecutor General Zbigniew Ziobro, among others, to interfere with LGBT-related court cases, erecting a new barrier to strategic litigation efforts by LGBT activists in Poland.\(^ {122}\)

PiS also moved to restrict freedom of the press by consolidating control over the media within the executive. In 2016, the government passed a law empowering the treasury minister to appoint and remove public radio and television executives, stripping this power from the independent National Broadcasting Council.\(^ {123}\) Additionally, in 2021, the state-owned energy company, PKN Orlen, purchased Polska Press to become the sole owner of 20 regional daily newspapers, 120 local weeklies, and 500 online news portals that gained access to 17.4 million online readers.\(^ {124}\)

The weaponization of anti-LGBT rhetoric and policies escalated in 2019 and became a central feature of the PiS campaign for the 2019 and 2020 elections. In February 2019, the mayor of Warsaw, Rafał Trzaskowski, signed a non-binding declaration calling for the implementation of services and policies

\(\text{joharper/2019/03/24/pis-picks-lgbt-battleground-in-poland/}.\)


\(^{120}\) Ibid.

\(^{121}\) Ibid. The Extraordinary Appeal (in Polish “skarga nadzwyczajna”) can be made in every final and validly ended case. It must be based on allegations that the judgment violates constitutional rules, freedoms, or human rights; is based on an incorrect legal interpretation; or is contrary to evidence presented. The extraordinary complaint can be made by the Ombudsman, the Ombudsman for the Rights of the Child, and the General Prosecutor within five years of the final judgement or, if there was cassation in the Supreme Court, until one year after the Supreme Court judgment.


in support of LGBT people. This provoked a backlash and led to the establishment of so-called “LGBT ideology free zones” across the country. By 2022, nearly 100 local government units had created such “zones” and passed local resolutions “against LGBT ideology” or discriminatory “Family Rights Charters.” Violence directed at LGBT people ensued, with attacks on pride marches in at least two cities. LGBT organizations also reported a rise in hate crimes. Meanwhile, state-run companies funded media that distributed “LGBT-free” stickers and incited fear of so-called “LGBT ideology.” TVP, a state television station, broadcast stories in prime time, just before the parliamentary election, about the “rainbow invasion” and the “rainbow plague of homosexuality,” sowing misinformation about the “agenda of the LGBT movement” supposedly working to subvert traditional families.

In 2019, this open demonization and dehumanization of LGBT people led PiS to election to both the European Parliament and the national parliament in Poland, and later carried Duda to a narrow victory over Trzaskowski in the 2020 presidential election. It has also had a profound impact on the LGBT community in Poland. A 2021 study of Polish LGBTQIA people found that more than half of survey respondents reported severe symptoms of depression and suicidal thoughts.

Recourse for LGBT people through human rights institutions within Poland was hamstrung by the ousting of Poland’s Human Rights Ombudsman. Consequently, activists sought international condemnation of “LGBT ideology free zones” by regional and transnational actors. The European Union initiated an infringement procedure against the Polish government and has defunded local...
governments that implemented anti-LGBT policies. Yet while some jurisdictions have rolled back these policies as a result, others have been propped up by the national government with funds to cover the financial shortfall due to EU penalties. PiS lawmakers have also pointed to the EU defunding decision as further evidence of attacks on sovereignty, reinforcing the narrative that LGBT rights reflect an outside imposition on national values and identity.

Resistance from opposition parties, civil society, and LGBT activists in Poland has had some moderating effect on anti-LGBT policymaking. In 2016, the Committee in Defense of Democracy, a Polish non-governmental organization advocating for democratic rule of law and human rights, led street protests in defense of the Constitutional Tribunal, against the politicization of state media, and in favor of civil service independence. Polish women protested restrictions on safe abortion access, and LGBT people protested hate speech, the lack of recognition of LGBT rights, and the “Stop LGBT” bill that would ban pride marches. As protests escalated to counter the growing anti-LGBT sentiment taking hold, LGBT activists even clashed with police in Warsaw after a prominent transgender activist was arrested, along with 48 other people, for the apparent charge of insulting police and damaging a police car.

In 2019, an informal alliance of opposition parties won a majority of seats in the Senat (upper chamber of the Polish legislature), providing a check on PiS efforts to further undermine democratic institutions through the legislature. This development, in conjunction with international pressure and ongoing challenges from civil society, has seemingly stemmed the further stigmatization of LGBT people. For example, a 2022 proposal from education minister Przemysław Czarnek would have empowered government-controlled education boards to oversee school directors and to ban resources, curriculum, and student events that were seen as promoting the “LGBT lobby and gender ideologies.” While the bill was approved in the Sejm (lower chamber), President Duda vetoed the bill, noting that “a large part of our society will be calmed by this [decision].” Also in 2022, Czarnek

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143 Brody Levesque, “Anti-LGBTQ+ Law Targeting Schools Vetoed by Polish President,” Los Angeles Blade: LGBTQ News,
was forced to apologize for earlier remarks he had made saying that LGBT people were “not equal to normal people.”

Throughout the first two decades of democracy in Poland, the association between the strength of its democracy and LGBT acceptance was weakening. By the time of its precipitous democratic decline, with the advent of PiS political victories, the association was strongly negative. This could indicate that a negative change in LGBT acceptance predated the democratic backslide. More acutely, it suggests that in a period of democratic backsliding, such as the lead up to the 2019 and 2020 elections, an attempt to promote liberal democracy through greater acceptance of minority rights could provoke a backlash. Indeed, actions by the mayor of Warsaw in signing the pro-LGBT declaration appears to have done just that. That said, the backlash also had the effect of increasing the salience of LGBT rights at the national level, thereby bolstering mobilization to resist the anti-LGBT efforts both domestically and transnationally across Europe. This seems to have mitigated at least some of the negative effects of anti-LGBT efforts. Nevertheless, a return to stronger liberal democracy may be needed to advance pro-equality laws and policies to ensure a higher level of protection and acceptance of LGBT people.

GHANA

Since its democratic transition in 1992, Ghana has stood as one of the most enduring electoral democracies in Sub-Saharan Africa. But with corruption scandals, vigilante violence, and restrictions on freedom of association and media independence, Ghana retains the specter of weakening democratic norms and institutions. Moreover, a deeper examination of democracy in Ghana suggests that the escalation of anti-LGBT rhetoric, along with efforts to further criminalize LGBT people and advocacy, may have forewarned democratic backsliding and threatens to further erode the prospects of a stable, inclusive democracy.

The 1992 constitution established a semi-presidential system of government with free elections, a unicameral Parliament, and a Supreme Court. Over time, legislative power has been concentrated within two parties, the National Democratic Congress (NDC) and the New Patriotic Party (NPP), and the president has been elected from the same party as the majority in parliament. Strong party cohesion between the executive and legislature, along with the selection of cabinet ministers from among members of parliament, enables a “winners take all” approach to governance that also renders the legislature highly dependent on the executive. This, in turn, has impeded a number of


reforms that sought to increase legislative power vis-a-vis the executive, loosen state influence over the media, and expand representation, inclusion, and participation of minority groups.\textsuperscript{148}

Indeed, Ghana’s history of democratic rule reflects an intransigence on acceptance and inclusion of LGBT people, as well as institutional inertia around minority rights more broadly. Consensual same-sex activity between adults has been criminalized in Ghana since the adoption of the Criminal Code of 1960, and Ghanaian governments have long used sovereignty claims to resist international pressure for greater acceptance of LGBT people.\textsuperscript{149} In 1997, the Deputy Director for Finance and Administration for the National Commission for Civic Education expressed concern about the emergence of homosexual relationships among youth, blaming foreign tourists for “disturbing” local norms and culture.\textsuperscript{150} In 2003, the Chairman of the Commission for Human Rights and Administrative Justice stated that the Commission would not advocate for gay rights, and he precluded consideration of the issue within the context of human rights protections.\textsuperscript{151} And in 2011, the Director of Public Prosecutions affirmed that persons caught engaging in homosexual activities could be prosecuted. Among other minority groups, women have received some additional representation in the government through the creation of the Ministry of Women and Children in 2001, but affirmative action policies proposed by both parties have stalled. Likewise, a “persons with disability law” took fifteen years to be enacted after its initial proposal in 1992.\textsuperscript{152}

The 2016 election of Nana Akufo-Addo as president was greeted with optimism by some, given his prior work as a human rights lawyer and activist. However, under his administration important democratic reforms have stalled or regressed. A 2019 Right to Information Law took more than a year to operationalize, compounded by parliament’s failure to pass a necessary regulatory framework for the law.\textsuperscript{153} There is some indication that political elites intentionally delayed implementation of the law, which is seen as a critical tool for promoting transparency and accountability in government.\textsuperscript{154} Press freedom also remains restricted: one-third of media companies are either state-owned or owned by shareholders with political affiliations, and journalist associations report increased harassment by police officers and citizen vigilantes.\textsuperscript{155}

Indeed, vigilante groups have become a particular threat in the escalation of political violence. Both political parties have been known to recruit vigilante groups to disturb polling places during elections, dampening voter turnout.\textsuperscript{156} By-elections in Talensi in 2015 and Ayawaso West Wougon in 2019 saw


\textsuperscript{149}Ibid.


\textsuperscript{152}Oduro, Selvik, and Dupuy, “Ghana. A Stagnated Democratic Trajectory,” 130.

\textsuperscript{153}Oduro, Selvik, and Dupuy, 125–27.

\textsuperscript{154}Ibid.

\textsuperscript{155}Ibid.

\textsuperscript{156}Frank Ijon, “Election Security and Violence in Ghana: The Case of Ayawaso West Wougon and Talensi By-Elections,”
vigilante violence that injured both party officials and election officers.\footnote{157} Although President Akufo-Addo signed a 2019 law criminalizing political vigilante groups, they persist as political actors and sources of fomenting insecurity.\footnote{158}

Against this backdrop of Ghana's democratic stagnation, exclusion and stigmatization of LGBT people has intensified. Vigilante groups have directly targeted violence against LGBT people in Ghana. In 2015, the so-called “Gay Killers” announced on the radio that they were going to lynch gay people in Accra.\footnote{159} That same year, another group called “Safety Empire” attacked a man they suspected of being gay.\footnote{160} Despite the new anti-vigilante law, attacks by locally organized groups against LGBT people persist. In 2020, another group attacked a man in a suburb of Accra, accusing him of having relationships with young men in the community. It was the second attack by vigilante groups against this man; he had refused to report both cases fearing that the police would arrest him for being gay.\footnote{161}

In addition to violence, LGBT people reported an intensified crackdown on their freedom of association and further efforts to criminalize LGBT people and organizations. In 2021, twenty-one LGBT people in the city of Ho were detained by police for allegedly advocating for LGBT activities.\footnote{162} They were initially denied bail by one of eight judges the president had appointed to local courts in 2020, and only released on bail after several attempts by lawyers.\footnote{163} The Attorney General ultimately found that there was insufficient evidence to continue with the prosecutions, but he claimed no rights had been violated and that the accused themselves were responsible for any delays in being released.\footnote{164}


\footnote{159} Godfried A Asante, “Reproducing the Ghanaian/African Subject: Ideological Tensions and Queer Subjectivities in Postcolonial Ghana” (Albuquerque, University of New Mexico, 2017), https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1107&context=cj_etds.


\footnote{163} Reuters “Ghana Court Denies Bail for 21 Detained LGBT Activists.”

That same year, a new LGBT community center in Accra was raided by police and forced to shutter following threats of violence and demands that it close from government officials and religious groups.\(^{165}\) Misinformation in the media reported that police had found two men in the building having sex, and that LGBT organizations were recruiting students with pornography.\(^{166}\) The incident sparked a backlash in Parliament, which introduced a bill—the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill—criminalizing not only LGBT individuals but any form of advocacy or promotion of materials seen as supporting pro-LGBT activities.\(^{167}\) Samuel George, one of the eight members of Parliament who sponsored the bill, called it an explicit response to the “provocation” of the LGBT center that had opened in January.\(^{168}\)

Unlike the other country cases, consensual same-sex conduct has been criminalized in Ghana since before its transition to democracy. This formal exclusion of LGBT people in the law may have institutionalized stigma that restricted the potential for greater LGBT acceptance even as democracy took root. As the previous analysis shows, the relationship between the Liberal Democracy Index and the GAI weakened from 2000 to 2020 and further attenuated as Ghana experienced a slight democratic backslide. Thus, the escalation of violence targeting LGBT people prior to stagnation and backslide under Akufo-Addo suggests that anti-LGBT rhetoric and policymaking may be at least one signal that underlying norms and institutions of Ghana’s democracy were vulnerable.

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\(^{167}\) [https://cdn.modernghana.com/files/722202192224-Oh830n4ayt-lgbt-bill.pdf](https://cdn.modernghana.com/files/722202192224-Oh830n4ayt-lgbt-bill.pdf)

\(^{168}\) Ghana’s Homophobia Problem | The Listening Post.
### Table 1. Examples of anti-LGBT efforts and backsliding across democratic safeguards

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<th>HORIZONTAL SAFEGUARDS</th>
<th>DIAGONAL SAFEGUARDS</th>
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<tbody>
<tr>
<td><strong>INDONESIA</strong></td>
<td></td>
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<tr>
<td>Politicization of LGBT issues during the 2019 general elections, weaponizing the “LGBT emergency” to influence voters.</td>
<td>President Widodo’s expansion of executive authority, weakening checks and balances, and curbing freedoms of association and expression. Legislative attempts to criminalize same-sex relations based on religious values.</td>
<td>2016 reform to the Electronic Information and Transactions Law leading to media crackdowns and censorship of websites with LGBT content.</td>
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<td>Rise of conservative religious groups and state-sponsored campaigns to demonize LGBT individuals as electoral strategy.</td>
<td>Weakened judiciary offering limited protection against stigmatization of LGBT individuals. Constitutional Court’s decision not to interpret Article 292, leaving the criminalization of same-sex relations to the legislative branch.</td>
<td>Ministry of Communication and Information ordering blocking of social networking applications used by the LGBT community.</td>
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<tr>
<td><strong>BRAZIL</strong></td>
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<tr>
<td>Jair Bolsonaro’s 2019 presidential campaign employed rhetoric that promoted violence, attacked minorities, and supported military intervention to suppress political opponents.</td>
<td>Conservative bloc within the judiciary supporting broader right-wing political agenda, leading investigations against Rousseff and facilitating her impeachment.</td>
<td>Bolsonaro’s attempts to restrict freedoms of association and expression through executive orders, targeting human rights and environmental rights activism.</td>
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<td>Bolsonaro’s expansion of executive power by dismantling bureaucracy, centralizing portfolios and power into “super ministries” led by his allies, and appointing military officers as cabinet members.</td>
<td>Bolsonaro’s use of executive order to oversee the activities of international and local organizations to target activism.</td>
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<tr>
<td><strong>POLAND</strong></td>
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<tr>
<td>PiS use of anti-LGBT rhetoric and far-right civil society groups to bolster campaigns and promote hate speech and violence against minorities.</td>
<td>PiS moves to undermine independence of the Constitutional Tribunal by appointing its own judges and passing the “Repair Act” that imposed new requirements and veto power to conservative judges.</td>
<td>PiS consolidation of media control within the executive by appointing and removing public radio and television executives, undermining independent National Broadcasting Council.</td>
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### VERTICAL SAFEGUARDS

- Introduction of “extraordinary appeal” mechanism to challenge previous court rulings, interfering with LGBT-related court cases.

### HORIZONTAL SAFEGUARDS

- State-owned energy company purchasing media outlets, gaining access to a significant portion of online readers.

### DIAGONAL SAFEGUARDS

- Creation of “LGBT ideology free zones” across the country in, leading to violence and hate crimes against LGBT individuals and organizations.

## GHANA

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<thead>
<tr>
<th>Vertical Safeguards</th>
<th>Horizontal Safeguards</th>
<th>Diagonal Safeguards</th>
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<tr>
<td>Vigilante violence during elections dampening voter turnout and injuring election officers.</td>
<td>Stalled affirmative action policies and minority rights reforms.</td>
<td>Restrictions on press freedom, with state-owned or politically affiliated media companies.</td>
</tr>
<tr>
<td>Escalation of anti-LGBT rhetoric and vigilante violence targeting LGBT people in Ghana.</td>
<td>Delayed implementation of the Right to Information Law through pressure of political elites.</td>
<td>Intimidation and harassment of journalists by police officers and vigilantes.</td>
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<td>Raid and closure of an LGBT community center in Accra due to threats of violence and demands from government officials and religious groups.</td>
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<td>Escalation of anti-LGBT rhetoric, attacks, and efforts to criminalize LGBT people and advocacy.</td>
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</table>
CONCLUSION

Against the backdrop of a global decline in democracy, we find a concomitant rise in rhetoric, laws, and policies directly targeting LGBTI people. This report has examined the relationship between democratic backsliding and acceptance of LGBTI people. Using data from the Global Acceptance Index, the V-Dem Liberal Democracy Index, and the World Bank, we find a strong association between the level of democracy and LGBTI acceptance, and that countries with free and fair elections and higher GDP per capita tend to be more accepting of LGBTI people. Additionally, countries with more of their population in urban environments tend to be more accepting of LGBTI people than countries with fewer shares of their population in urban environments.

We also analyzed the relationship between democracy and LGBTI acceptance in four countries (Indonesia, Brazil, Poland, and Ghana) that have experienced democratic backsliding and have evidenced an escalation in state-sanctioned anti-LGBTI activity. While there is variation in the level of acceptance across these countries prior to democratic backsliding, our analysis indicates that a decline in LGBTI acceptance may, under some conditions, be a bellwether of democratic backsliding. What’s more, increased persecution of minority groups, including LGBTI people, is itself evidence of democratic backsliding by indicating the erosion of liberal democratic norms of protecting minority rights.

In some cases, anti-LGBTI stigma may even be a factor contributing to the erosion of democratic norms and institutions. For example, efforts to pass anti-LGBTI laws, especially in countries where LGBTI acceptance is moderate or high, run counter to majority public opinion and could undermine the legitimacy of democratic processes. Likewise, backlash against anti-LGBTI laws can reinforce polarization and a fragmented political environment that may enable the emergence of populist or extremist movements.

Further, the case studies suggest that restrictions on freedoms of association and expression, in particular, may negatively affect LGBTI acceptance. Given that such safeguards are fundamental to the ability of activists to organize and advocate, efforts to constrain these freedoms may impede attempts at greater inclusion as well as efforts to oppose further rollback of rights. Conversely, where a robust civil society is able to mount opposition to illiberal impulses, it could moderate the effects of anti-LGBTI stigma on both LGBTI acceptance and on liberal democracy more broadly.

It is important to note that while we establish a strong association between democracy indicators, socio-economic indicators, and LGBTI acceptance, understanding these relationships can be complex. This analysis does not aim to establish a causal relationship between any of these variables. Future research should further examine the relationship between democracy and LGBTI acceptance, including the conditions under which state-sanctioned attacks on LGBTI people, including violence and stigmatization by both state and non-state actors, are factors that influence democratic backsliding or where democratic backsliding undermines key social and political institutions that diminish acceptance of LGBTI people and their rights. Further research should also analyze anti-LGBTI violence before and after elections.
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APPENDIX I

Pointwise partial derivatives of the effect of the Liberal Democracy Index and trends in the Liberal Democracy Index for all countries analyzed, 1981-2020
Democratic Backsliding and LGBTI Acceptance

Liberal Democracy Index
Marginal Effect

Effect on GAI
Year

Morocco

Liberal Democracy Index
Marginal Effect

Effect on GAI
Year

Mozambique

Liberal Democracy Index
Marginal Effect

Effect on GAI
Year

Myanmar

Namibia

Liberal Democracy Index
Marginal Effect

Effect on GAI
Year

Nepal

Liberal Democracy Index
Marginal Effect

Effect on GAI
Year

New Zealand

Nicaragua

Liberal Democracy Index
Marginal Effect

Effect on GAI
Year

Niger

Liberal Democracy Index
Marginal Effect

Effect on GAI
Year

Nigeria

North Macedonia

Liberal Democracy Index
Marginal Effect

Effect on GAI
Year

Norway

Liberal Democracy Index
Marginal Effect

Effect on GAI
Year

Pakistan

Panama

Liberal Democracy Index
Marginal Effect

Effect on GAI
Year

Paraguay

Liberal Democracy Index
Marginal Effect

Effect on GAI
Year

Peru
APPENDIX II

METHODS

The methodology behind the LGBTI GAI estimates, V-Dem data, and World Bank data are documented elsewhere. The research team combined these data sources to identify what variables may be best used for these analyses. First, variables that severely harmed the time series or severely limited the number of countries that could be included in the analyses were excluded. Second, a LASSO model with the remaining variables was used to determine from this candidate set which variables should be kept for a deeper-level analysis. Afterward, gKRLS was used to examine the associations among these variables. The following code was implemented to fit the gKRLS model.

```r
remotes::install_github("mgoplerud/gKRLS")
library(gKRLS)
library(DoubleML)

gai$country_num <- factor(gai$country)

gai_sub <- gai[complete.cases(gai[, c("v2x_libdem", "v2xel_frefair", "Urbanpopulationoftotalpop", "GDPpercapitaconstant2015US")]),]

fit1 <- gam(gai_med ~ country_num + factor(year) + s(v2x_libdem, v2xel_frefair, Urbanpopulationoftotalpop, GDPpercapitaconstant2015US, bs = "gKRLS"), data = gai_sub)

summary(fit1)

gkrls_ame <- calculate_effects(fit1, variables = c("v2x_libdem", "v2xel_frefair", "Urbanpopulationoftotalpop", "GDPpercapitaconstant2015US"), continuous_type = "derivative", individual = T)

Since gKRLS models offer a substantial amount of ways to interpret complex results, we presented results that most effectively communicated the research findings. We do not present average marginal effects, which could be interpreted similarly to a traditional regression coefficient, because there was clearly a lot of effect heterogeneity. Thus, an average marginal effect of zero could potentially mask substantial effect heterogeneity in our sample. Further, we primarily reported results for the case study countries over others. Appendix 1 reproduces Figure 4 for all countries in the analyses.

For more on the GAI methodology, see Andrew Flores, “Social Acceptance of LGBTI People in 175 Countries and Locations” (Los Angeles: The Williams Institute, November 2021), https://williamsinstitute.law.ucla.edu/publications/global-acceptance-index-lgbt/. For more on V-Dem’s methodology, see https://v-dem.net/about/v-dem-project/. For more on World Bank data used, see https://databank.worldbank.org/reports.aspx?source=2&series=NY.GDP.PCAP.CD&country=
APPENDIX III

Indicators of V-Dem Liberal Democracy Index and Cleans Elections Index

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