

RESEARCH THAT MATTERS

---

# DEMOCRATIC BACKSLIDING AND LGBTI ACCEPTANCE

SEPTEMBER 2023

---

Andrew R. Flores  
Miguel Fuentes Carreño  
Ari Shaw

## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	2
INTRODUCTION.....	3
PUBLIC ATTITUDES, DEMOCRACY, AND SOCIAL ACCEPTANCE OF LGBTI PEOPLE .....	4
DEMOCRATIC BACKSLIDING AND CHALLENGES FOR LGBTI ACCEPTANCE .....	6
ESTABLISHING LINKS BETWEEN THE LGBTI GLOBAL ACCEPTANCE INDEX AND DEMOCRATIC INDICATORS.....	9
THE RELATIONSHIP AMONG LGBTI ACCEPTANCE, DEMOCRATIC INDICATORS, AND SOCIO-ECONOMIC INDICATORS .....	10
TRENDS IN LIBERAL DEMOCRACY AND LGBTI ACCEPTANCE OVER TIME .....	14
COUNTRY CASE STUDIES .....	17
INDONESIA .....	17
BRAZIL .....	21
POLAND .....	25
GHANA .....	29
CONCLUSION .....	35
AUTHORS .....	36
ACKNOWLEDGEMENTS.....	36
SUGGESTED CITATION .....	36
APPENDIX I.....	37
APPENDIX II.....	46
APPENDIX III .....	47

## 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.<sup>1</sup> 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.

---

<sup>1</sup> Freedom House, “Freedom in the World 2023” (Washington, D.C.: Freedom House, 2023), [https://freedomhouse.org/sites/default/files/2023-03/FIW\\_World\\_2023\\_DigitalPDF.pdf](https://freedomhouse.org/sites/default/files/2023-03/FIW_World_2023_DigitalPDF.pdf).

## 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,<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> Moreover, civil society faces increasingly hostile environments, as journalists and human rights defenders are targeted amidst the further closing of civic space.<sup>5</sup>

The global decline in democracy has had implications for the rights of lesbian, gay, bisexual, and intersex (LGBTI) people.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> From 2008 to 2017, at least \$1 billion was distributed

<sup>2</sup> Anna Lührmann and Staffan I. Lindberg, “A Third Wave of Autocratization Is Here: What Is New about It?,” *Democratization* 26, no. 7 (October 3, 2019): 1095–1113, <https://doi.org/10.1080/13510347.2019.1582029>.

<sup>3</sup> Lührmann and Lindberg.

<sup>4</sup> Freedom House, “Freedom in the World 2023.”

<sup>5</sup> “Tactics of Repression,” Civicus Monitor, accessed July 18, 2023, <https://monitor.civicus.org/globalfindings/TacticsOfRepression/>.

<sup>6</sup> We use the acronym LGBTI to refer to people with diverse sexual orientations, gender identities, gender expressions, and sex characteristics due to its common usage within global civil society and international organizations. However, we recognize that it is not exhaustive of all identities that may be included within this population. In some sections, we use the term LGBT where specific research or the political discourse within a country have centered on LGBT people and rights.

<sup>7</sup> Roman Kuhar and David Paternotte, eds., *Anti-Gender Campaigns in Europe: Mobilizing against Equality* (London; New York: Rowman & Littlefield International, Ltd, 2017); Lorena Sosa, “Beyond Gender Equality? Anti-Gender Campaigns and the Erosion of Human Rights and Democracy,” *Netherlands Quarterly of Human Rights* 39, no. 1 (March 1, 2021): 3–10, <https://doi.org/10.1177/0924051921996697>.

<sup>8</sup> Javier Corrales and Jacob Kiryk, “Homophobic Populism,” in *Oxford Research Encyclopedia of Politics* (Oxford University Press, 2022), <https://doi.org/10.1093/acrefore/9780190228637.013.2080>.

<sup>9</sup> See, e.g., GATE, “The Impact of Anti-Gender Opposition: Global and Regional Reports,” March 23, 2023, [https://gate.ngo/wp-content/uploads/2023/03/Global-report-on-the-impact-of-AG-opposition-on-TGD-and-LGBTQI-movements\\_GATE.pdf](https://gate.ngo/wp-content/uploads/2023/03/Global-report-on-the-impact-of-AG-opposition-on-TGD-and-LGBTQI-movements_GATE.pdf); María Angélica Peñas Defago, José Manuel Morán Faúndes, and Juan Marco Vaggione, “Religious Conservatism on the Global Stage: Threats and Challenges for LGBTI Rights,” (Global Philanthropy Project, November 2018), <https://globalphilanthropyproject.org/2018/11/04/religious-conservatism-on-the-global-stage-threats-and-challenges-for-lgbti-rights/>; Kristopher Velasco, “Transnational Backlash and the Deinstitutionalization of Liberal Norms: LGBT+ Rights in a Contested World,” *American Journal of Sociology* 128, no. 5 (March 1, 2023): 1381–1429, <https://doi.org/10.1215/00141801-2023-001>.

by U.S.-based organizations to support anti-gender mobilization around the world.<sup>10</sup> 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.<sup>11</sup> The stigma faced by LGBTI people has been linked to violence and discrimination<sup>12</sup> and decreases in economic growth and productivity.<sup>13</sup> Conversely, acceptance of LGBTI people reflects the extent to which LGBTI people are seen in ways that are positive and inclusive.<sup>14</sup> Social acceptance of LGBTI people is associated with a greater likelihood that LGBTI rights are included in a country’s laws

---

[org/10.1086/724724](https://doi.org/10.1086/724724).

<sup>10</sup> Global Philanthropy Project, “Meet the Moment: A Call for Progressive Philanthropic Response to the Anti-Gender Movement, (Oakland, CA: Global Philanthropy Project, 2020), <https://globalphilanthropyproject.org/wp-content/uploads/2021/02/Meet-the-Moment-2020-English.pdf>.

<sup>11</sup> Gregory M. Herek, “Sexual Stigma and Sexual Prejudice in the United States: A Conceptual Framework,” in *Contemporary Perspectives on Lesbian, Gay, and Bisexual Identities*, D. A. Hope (ed.), 54, p. 65-111 (New York, NY: Springer, 2009); Judit Takács, *Social Exclusion of Young Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Europe* (Brussels, BE and Amsterdam, NL: ILGA-EUROPE and IGLYO, 2006)

<sup>12</sup> Gregory M. Herek, “Confronting Sexual Stigma and Prejudice: Theory and Practice;” Gregory M. Herek, “Sexual Stigma and Sexual Prejudice in the United States.” 17 *The World Bank Group, Discrimination against Sexual Minorities in Education and Housing: Evidence from Two Field Experiments in Serbia* (Washington, DC: The World Bank Group, 2017)

<sup>13</sup> M.V. Lee Badgett, Sheila Nezhad, Kees Waaldijk, and Yana van der Meulen Rodgers, “The Relationship between LGBT Inclusion and Economic Development: An Analysis of Emerging Economies,” (Los Angeles, CA: The Williams Institute, 2014); *The World Bank Group, “Life on the Margins: Survey Results of the Experiences of LGBTI People in Southeastern Europe,”* (Washington, DC: The World Bank Group, 2018).

<sup>14</sup> Andrew R. Flores, “Social Acceptance of LGBTI People in 175 Countries and Locations: 1981 to 2020” (Los Angeles: The Williams Institute, November 2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Global-Acceptance-Index-LGBTI-Nov-2021.pdf>.

and policies.<sup>15</sup>

On average, the global acceptance of LGBTI people has increased since 1980.<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup>

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.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup> 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.<sup>23</sup>

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

---

<sup>15</sup> Andrew Flores and Andrew Park, “Examining the Relationship Between Social Acceptance of LGBT People and Legal Inclusion of Sexual Minorities” (Los Angeles: The Williams Institute, March 2018), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Acceptance-Legal-Inclusion-Mar-2018.pdf>.

<sup>16</sup> Flores, “Social Acceptance of LGBTI People in 175 Countries and Locations: 1981 to 2020.”

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.; See also, Jacob Poushter and Nicholas Kent, “The Global Divide on Homosexuality Persists,” *Pew Research Center’s Global Attitudes Project* (blog), June 25, 2020, <https://www.pewresearch.org/global/2020/06/25/global-divide-on-homosexuality-persists/>.

<sup>19</sup> Omar G. Encarnación, “Gay Rights: Why Democracy Matters,” *Journal of Democracy* 25, no. 3 (2014): 90–104.

<sup>20</sup> T.F. Rhoden, “The Liberal in Liberal Democracy,” *Democratization* 22, no. 3 (April 16, 2015): 560–78, <https://doi.org/10.1080/13510347.2013.851672>.

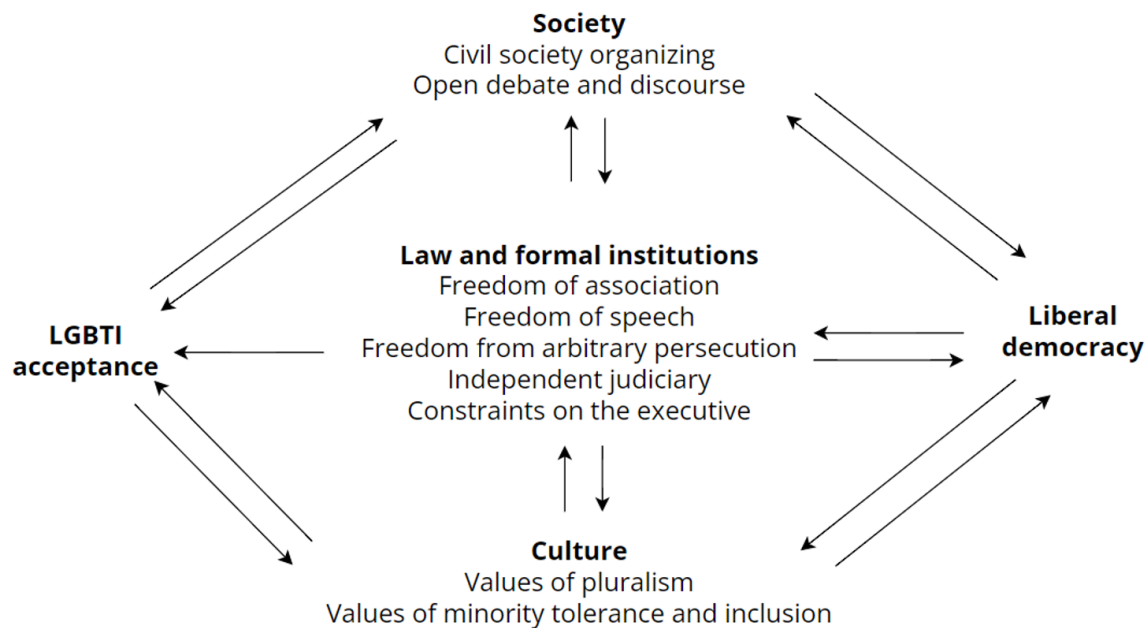
<sup>21</sup> Amy Adamczyk, *Cross-National Public Opinion about Homosexuality: Examining Attitudes Across the Globe* (Univ of California Press, 2017).

<sup>22</sup> Encarnación, “Gay Rights.”; Ronald Holzacker, “State-Sponsored Homophobia and the Denial of the Right of Assembly in Central and Eastern Europe: The ‘Boomerang’ and the ‘Ricochet’ between European Organizations and Civil Society to Uphold Human Rights,” *Law & Policy* 35, no. 1–2 (2013): 1–28.

<sup>23</sup> Encarnación, “Gay Rights.”

democratic responsibilities as members of the EU community.”<sup>24</sup> 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.<sup>25</sup>

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.”<sup>26</sup> 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.<sup>27</sup> Vertical safeguards correspond to formal electoral

<sup>24</sup> Phillip M. Ayoub, “Cooperative Transnationalism in Contemporary Europe: Europeanization and Political Opportunities for LGBT Mobilization in the European Union,” *European Political Science Review* 5, no. 02 (2013): 280–81.

<sup>25</sup> 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.

<sup>26</sup> Nancy Bermeo, “On Democratic Backsliding,” *Journal of Democracy* 27, no. 1 (2016): 5, <https://doi.org/10.1353/jod.2016.0012>.

<sup>27</sup> Natasha Wunsch and Philippe Blanchard, “Patterns of Democratic Backsliding in Third-Wave Democracies: A Sequence Analysis Perspective,” *Democratization* 30, no. 2 (February 17, 2023): 1–24, <https://doi.org/10.1080/13510347.2022.21>

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.<sup>28</sup> 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.<sup>29</sup> Contemporary democratic backsliding now resembles a more gradual or incremental weakening of norms, rules, and institutions by elected officials.<sup>30</sup> 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.<sup>31</sup>

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.<sup>32</sup> 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.<sup>33</sup> Similarly, “ethnopolitist” parties in Eastern Europe, elected by majorities of voters, have harnessed anti-immigrant sentiment to galvanize broader opposition to neoliberal economic policies.<sup>34</sup> 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

---

30260.

<sup>28</sup> Ibid.

<sup>29</sup> Bermeo, “On Democratic Backsliding.”

<sup>30</sup> Stephan Haggard and Robert Kaufman, “The Anatomy of Democratic Backsliding,” *Journal of Democracy* 32, no. 4 (2021): 27–41, <https://doi.org/10.1353/jod.2021.0050>.

<sup>31</sup> David Waldner and Ellen Lust, “Unwelcome Change: Coming to Terms with Democratic Backsliding,” *Annual Review of Political Science* 21, no. 1 (2018): 93–113.

<sup>32</sup> Ashutosh Varshney, “How India’s Ruling Party Erodes Democracy,” *Journal of Democracy* 33, no. 4 (October 2022): 104–18, <https://doi.org/10.1353/jod.2022.0050>.

<sup>33</sup> For more on distinctions between procedural and substantive definitions of democracy, see David Collier and Steven Levitsky, “Democracy with Adjectives: Conceptual Innovation in Comparative Research,” *World Politics* 49, no. 3 (April 1997): 430–51, <https://doi.org/10.1353/wp.1997.0009>.

<sup>34</sup> Milada Anna Vachudova, “Ethnopolitism and Democratic Backsliding in Central Europe,” *East European Politics* 36, no. 3 (July 2, 2020): 318–40, <https://doi.org/10.1080/21599165.2020.1787163>.



sole “true” leader of the nation.<sup>35</sup>

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.<sup>36</sup> 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.<sup>37</sup> Anti-LGBTI stigma persists, and threats of violence and backlash remain real.<sup>38</sup> 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.<sup>39</sup> 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.

---

<sup>35</sup> Ibid.

<sup>36</sup> Lynette J. Chua, “Pragmatic Resistance, Law, and Social Movements in Authoritarian States: The Case of Gay Collective Action in Singapore,” *Law & Society Review* 46, no. 4 (2012): 713–48, <https://doi.org/10.1111/j.1540-5893.2012.00515.x>; Emma Paszat, “Organizing under Pressure: Authoritarianism, Respectability Politics, and Lgbt Advocacy in Rwanda,” *Social Movement Studies* 0, no. 0 (May 3, 2022): 1–16, <https://doi.org/10.1080/14742837.2022.2072287>; Timothy Hildebrandt, *Social Organizations and the Authoritarian State in China* (Cambridge University Press, 2013).

<sup>37</sup> Tara McKay and Nicole Angotti, “Ready Rhetorics: Political Homophobia and Activist Discourses in Malawi, Nigeria, and Uganda,” *Qualitative Sociology* 39, no. 4 (December 2016): 397–420, <https://doi.org/10.1007/s11133-016-9342-7>.

<sup>38</sup> Chua, “Pragmatic Resistance, Law, and Social Movements in Authoritarian States.”

<sup>39</sup> Samer Anabtawi, “Snatching Legal Victory: LGBTQ Rights Activism and Contestation in the Arab World,” *Arab Law Quarterly* 36, no. 4–5 (July 11, 2022): 383–421, <https://doi.org/10.1163/15730255-bja10112>.

## 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.<sup>40</sup> 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.<sup>41</sup> 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),<sup>42</sup> a country's economic performance,<sup>43</sup> 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,<sup>44</sup> Freedom House,<sup>45</sup> and the World Values Survey.<sup>46</sup> 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.<sup>47</sup> Previous studies have found that countries are more likely to support minority rights as they grow economically.<sup>48</sup> 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

<sup>40</sup> 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/>.

<sup>41</sup> For method, see Devin Caughey and Christopher Warshaw, "Dynamic Estimation of Latent Opinion Using a Hierarchical Group-Level IRT Model," *Political Analysis* 23, no. 2 (2015): 197–211, <https://doi.org/10.1093/pan/mpu021>.

<sup>42</sup> Flores, "Social Acceptance of LGBTI People in 175 Countries and Locations."

<sup>43</sup> M. V. Lee Badgett, Andrew Park, and Andrew Flores, "Links between Economic Development and New Measures of LGBT Inclusion," (Los Angeles, CA: The Williams Institute, 2018), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Global-Economy-and-LGBT-Inclusion-Mar-2018.pdf>.

<sup>44</sup> Michael Coppedge, John Gerring, Carl Henrik Knutsen, Staffan I. Lindberg, Jan Teorell, David Altman, Michael Bernhard, Agnes Cornell, M. Steven Fish, Lisa Gastaldi, Haakon Gjerløw, Adam Glynn, Sandra Grahn, Allen Hicken, Katrin Kinzelbach, Kyle L. Marquardt, Kelly McMann, Valeriya Mechkova, Anja Neundorf, Pamela Paxton, Daniel Pemstein, Oskar Rydén, Johannes von Römer, Brigitte Seim, Rachel Sigman, Svend-Erik Skaaning, Jeffrey Staton, Aksel Sundström, Eitan Tzelgov, Luca Uberti, Yi-ting Wang, Tore Wig, and Daniel Ziblatt. 2023. "V-Dem Codebook v13" Varieties of Democracy (V-Dem) Project.

<sup>45</sup> *Freedom in the World* (2023), distributed by Freedom House, <https://freedomhouse.org/report/freedom-world#Data>.

<sup>46</sup> Inglehart, R., C. Haerpfer, A. Moreno, C. Welzel, K. Kizilova, J. Diez-Medrano, M. Lagos, P. Norris, E. Ponarin & B. Puranen (eds.). 2022. *World Values Survey: All Rounds - Country-Pooled Datafile*. Madrid, Spain & Vienna, Austria: JD Systems Institute & WWSA Secretariat. Dataset Version 3.0.0. doi:10.14281/18241.17.

<sup>47</sup> *World Development Indicators* (2023), distributed by the World Bank, <https://databank.worldbank.org/reports.aspx?source=2&series=NY.GDP.PCAP.CD&country=>.

<sup>48</sup> M.V. Lee Badgett, Kees Waaldijk, and Yana Van Der Meulen Rodgers, "The Relationship between LGBT Inclusion and Economic Development: Macro-Level Evidence," *World Development* 120 (August 2019): 1–14, <https://doi.org/10.1016/j.worlddev.2019.03.011>; Ronald F. Inglehart, "Changing Values among Western Publics from 1970 to 2006," *West European Politics* 31, no. 1–2 (January 2008): 130–46, <https://doi.org/10.1080/01402380701834747>.

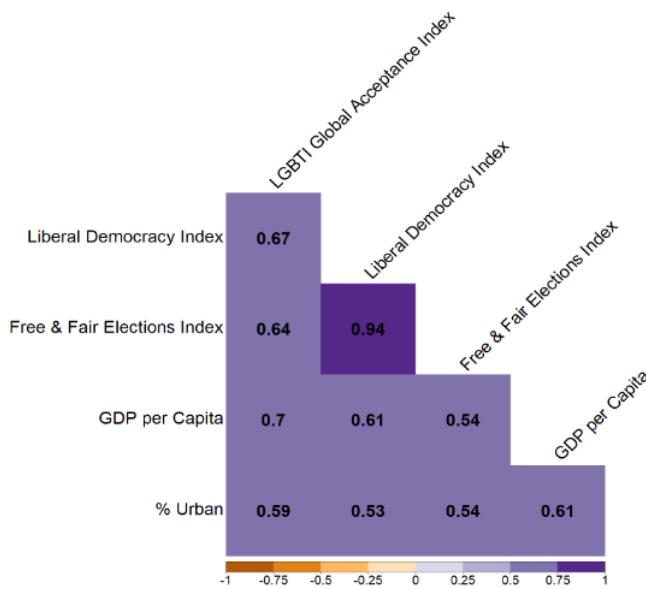
LASSO model was first performed to identify the variables that best relate to the GAI. Afterward, relationships among these selected variables were examined.

## 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.<sup>49</sup> 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.<sup>50</sup>

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  $p < .05$ .

<sup>49</sup> See Appendix 3 for details of indicators.

<sup>50</sup> 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.<sup>51</sup>

---

<sup>51</sup> 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.

Figure 3. The relationship between the Liberal Democracy Index, GDP per capita, and the LGBT Global Acceptance Index, 2001-2020



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.<sup>52</sup> 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).<sup>53</sup> This is beneficial because it allows for a more complex understanding of

<sup>52</sup> Qing Chang and Max Goplerud, (2023). Generalized kernel regularized least squares. Working paper. Available at: <https://arxiv.org/pdf/2209.14355.pdf>.

<sup>53</sup> Jens Hainmueller and Chad Hazlett, "Kernel Regularized Least Squares: Reducing Misspecification Bias with a Flexible and Interpretable Machine Learning Approach," *Political Analysis* 22, no. 2 (2014): 143–68, <https://doi.org/10.1093/pan/mpt019>.

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.<sup>54</sup>

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.

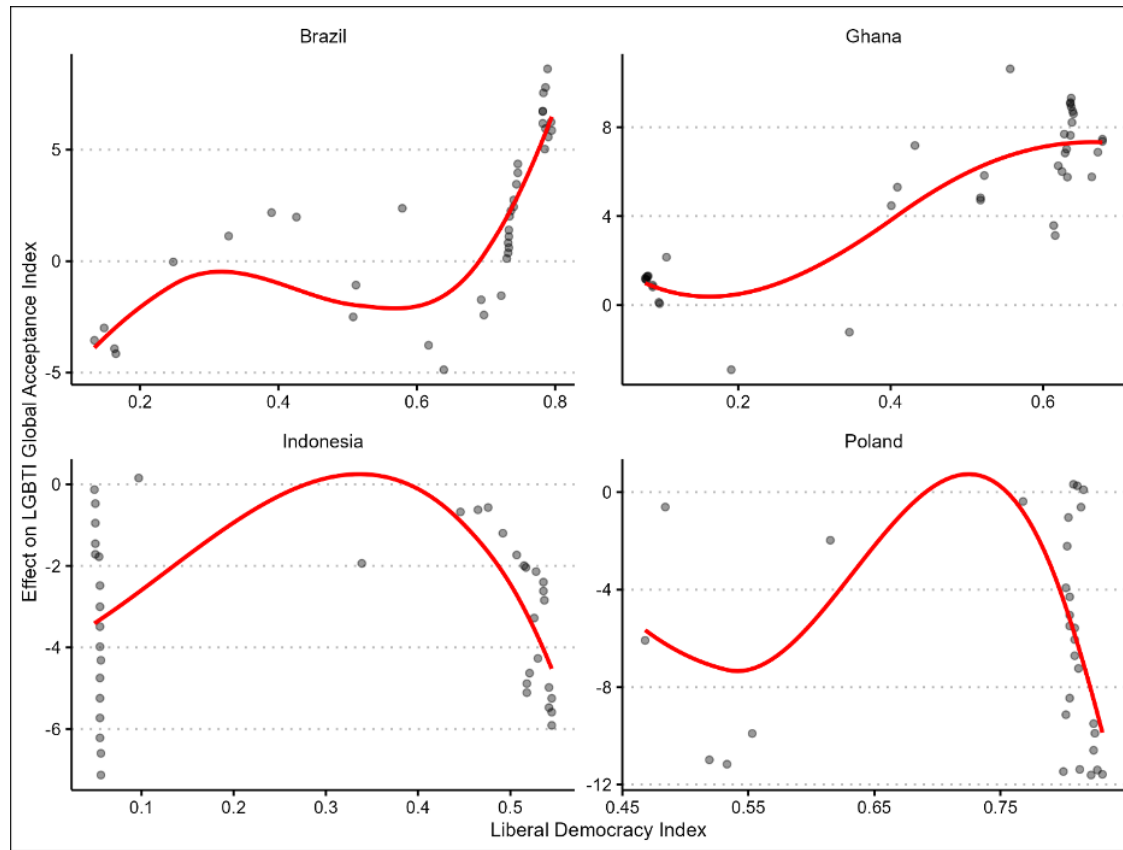
Figure 4 plots of the partial derivatives of the Liberal Democracy Index on GAI scores along the observed values of the Liberal Democracy Index for Brazil, Ghana, Indonesia, and Poland. In Brazil, we observe that the effect of the Liberal Democracy Index on the GAI becomes more strongly positive as Brazil has higher scores on the Liberal Democracy Index.<sup>55</sup> 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.

---

<sup>54</sup> Qing Chang and Max Goplerud, (2023). Generalized kernel regularized least squares

<sup>55</sup> 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 be 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 heterogeneous 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.

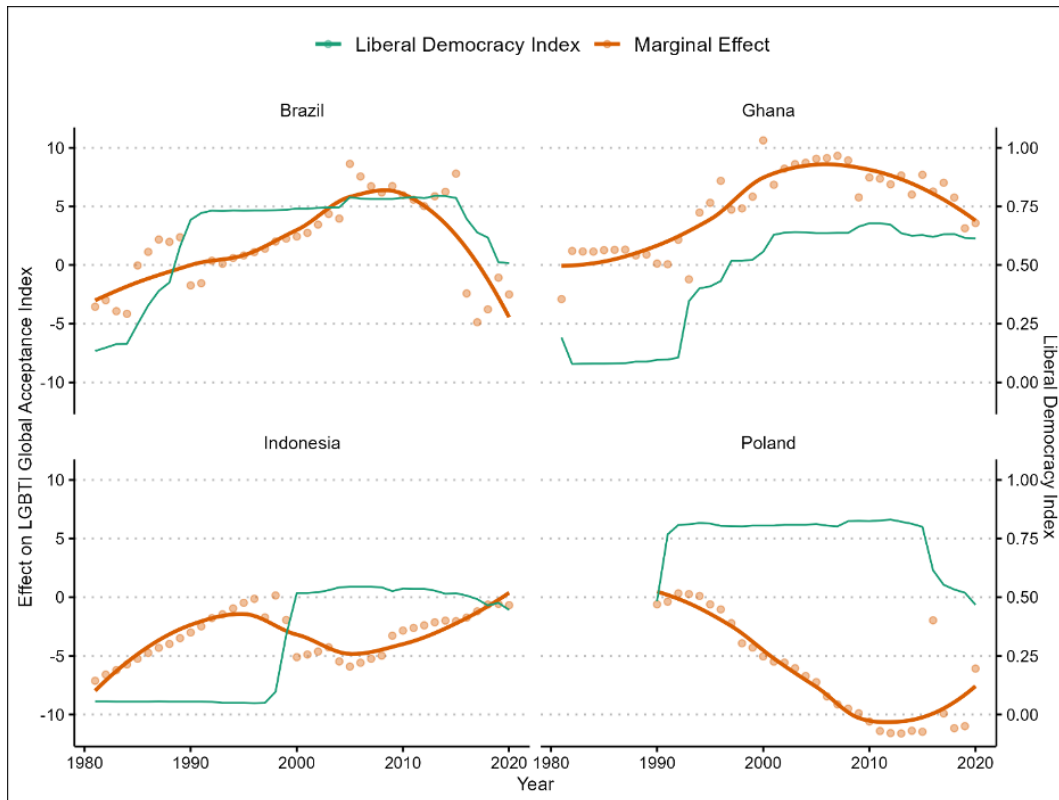
As can be seen in the case of Brazil, early increases in the Liberal Democracy Index were positively related to LGBTI acceptance; however, this relationship remained close to zero. The persistence of democratic institutions at about 0.75 increased the effect of the Liberal Democracy Index on LGBTI acceptance, 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.



Figure 5. Pointwise partial derivatives of the effect of the Liberal Democracy Index and trends in the Liberal Democracy Index, 1981-2020



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.<sup>56</sup>

### 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.<sup>57</sup> Between 2001 and 2004, a process of decentralizing government authority led to freer local elections and the direct election of government officials by citizens.<sup>58</sup>

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.<sup>59</sup> 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.<sup>60</sup> The resulting Yogyakarta Principles offered an important advocacy tool to LGBT activists both within Indonesia and globally,

<sup>56</sup> We use language of LGBTI sub-groups (e.g., LGBT or LGB) that are applicable within each case.

<sup>57</sup> David M. Bourchier, “Two Decades of Ideological Contestation in Indonesia: From Democratic Cosmopolitanism to Religious Nationalism,” *Journal of Contemporary Asia* 49, no. 5 (2019): 719, <https://doi.org/10.1080/00472336.2019.1590620>; Ferdiansyah Thajib, “Discordant Emotions: The Affective Dynamics of Anti-LGBT Campaigns in Indonesia,” *Indonesia and the Malay World* 50, no. 146 (January 2, 2022): 13, <https://doi.org/10.1080/13639811.2022.2005312>.

<sup>58</sup> Sylvia Yazid and Aknolt K. Pakpahan, “Democratization in Indonesia: Strong State and Vibrant Civil Society,” *Asian Affairs: An American Review* 47, no. 2 (April 2, 2020): 71–96, <https://doi.org/10.1080/00927678.2019.1701284>; Rachael Diprose, Dave McRae, and Vedi R. Hadiz, “Two Decades of Reformasi in Indonesia: Its Illiberal Turn,” *Journal of Contemporary Asia* 49, no. 5 (October 20, 2019): 691–712, <https://doi.org/10.1080/00472336.2019.1637922>.

<sup>59</sup> Sharyn Davies and Hendri Wijaya, “The Unfulfilled Promise of Democracy: Lesbian and Gay Activism in Indonesia,” in *Activists in Transition: Progressive Politics in Democratic Indonesia*, ed. Thushara Dibley and Michele Ford (Ithaca, NY: Cornell University Press, 2019), 153–70.

<sup>60</sup> *Ibid.* 158.

and it seemed to signal that LGBT activism was more broadly helping to shape the democratic trajectory of Indonesia.<sup>61</sup> 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.<sup>62</sup>

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.<sup>63</sup> 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.<sup>64</sup> 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.”<sup>65</sup> 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.<sup>66</sup> 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.”<sup>67</sup>

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.<sup>68</sup> The Ministry of Communication and Information ordered internet service providers to

<sup>61</sup> On Yogyakarta principles, see <https://yogyakartaprinciples.org/>.

<sup>62</sup> ILGA Asia, “ILGA-Asia on the Cancellation of the Surabaya Conference,” *Fridae*, April 7, 2010, <http://www.fridae.asia/gay-news/2010/04/07/9809.ilga-asia-on-the-cancellation-of-the-surabaya-conference>; ILGA Asia, “History,” ILGA Asia, 2017, <https://www.ilgaasia.org/history>.

<sup>63</sup> Diego García Rodríguez and Ben Murtagh, “Situating Anti-LGBT Moral Panics in Indonesia,” *Indonesia and the Malay World* 50, no. 146 (January 2, 2022): 1–9, <https://doi.org/10.1080/13639811.2022.2038871>.

<sup>64</sup> Rodríguez and Murtagh, 3; Rinaldi Ridwan and Joyce Wu, “‘Being Young and LGBT, What Could Be Worse?’ Analysis of Youth LGBT Activism in Indonesia: Challenges and Ways Forward,” *Gender & Development* 26, no. 1 (January 2, 2018): 127, <https://doi.org/10.1080/13552074.2018.1429103>.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> Liza Yosephine, “Indonesian Psychiatrists Label LGBT as Mental Disorders,” *The Jakarta Post*, February 24, 2016, <https://www.thejakartapost.com/news/2016/02/24/indonesian-psychiatrists-label-lgbt-mental-disorders.html>.

<sup>68</sup> ICJR, “Response to the Revision of Information and Electronic Transaction Law (ITE Law): Five Crucial Issues in the ITE Law That Threaten Freedom of Expression in Indonesia,” *ICJR* (blog), October 28, 2016, <https://icjr.or.id/response-to-the-revision-of-information-and-electronic-transaction-law-ite-law-five-crucial-issues-in-the-ite-law-that-threaten-freedom-of-expression-in-indonesia/>; Constance Johnson, “Indonesia: Revision of Electronic Information and Transactions Law Considered,” web page, Library of Congress, February 11, 2016, <https://www.loc.gov/item/global-legal-monitor/2016-02-11/indonesia-revision-of-electronic-information-and-transactions-law-considered/>.

block social networking applications used by the LGBT community, claiming that they promoted “sexual deviance,”<sup>69</sup> and the national broadcasting commission (KPI) banned TV and radio programs that portray “effeminate men” and “LGBT behaviors.”<sup>70</sup> 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.<sup>71</sup>

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.<sup>72</sup> Police raided private LGBT gatherings, including public health centers, that impeded lifesaving HIV outreach to vulnerable communities.<sup>73</sup> The government pressured the United Nations Development Programme in Indonesia to terminate financial support for LGBT-related programming.<sup>74</sup>

In 2018, Pariaman, a city on Sumatra Island, passed a regulation that banned “acts that are considered LGBT.”<sup>75</sup> The deputy mayor of Pariaman described the bill as a response to “an anxiety about Indonesia’s LGBT community.”<sup>76</sup> 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),<sup>77</sup> arrests of women suspected of “being lesbians” in Sumatra, and a man

<sup>69</sup> Thomas Power, Eve Warburton, and ISEAS-Yusof Ishak Institute, eds., *Democracy in Indonesia: From Stagnation to Regression?*, Indonesia Update Series (Indonesia Update Conference, Singapore: ISEAS Yusof Ishak Institute, 2020), 260. See also Hendri Yulius, “The End of Gay Social Networking Apps in Indonesia?,” *Indonesia at Melbourne*, accessed July 25, 2023, <https://indonesiaatmelbourne.unimelb.edu.au/the-end-of-gay-social-networking-apps-in-indonesia/>.

<sup>70</sup> Kyle Knight, “Dispatches: Indonesia Censors LGBT Radio and TV,” *Human Rights Watch* (blog), February 16, 2016, <https://www.hrw.org/news/2016/02/16/dispatches-indonesia-censors-lgbt-radio-and-tv>.

<sup>71</sup> Power, Warburton, and ISEAS-Yusof Ishak Institute, *Democracy in Indonesia*, 260.

<sup>72</sup> Kyle Knight, “These Political Games Ruin Our Lives” (New York: Human Rights Watch, August 10, 2016), <https://www.hrw.org/report/2016/08/11/these-political-games-ruin-our-lives/indonesias-lgbt-community-under-threat>.

<sup>73</sup> Kyle Knight, “Scared in Public and Now No Privacy” (New York: Human Rights Watch, July 1, 2018), <https://www.hrw.org/report/2018/07/02/scared-public-and-now-no-privacy/human-rights-and-public-health-impacts>.

<sup>74</sup> Haeril Halim, Hans Nicholas Jong, and Nurul Fitri Ramadhani, “Govt Demands UNDP Remove Funding for LGBT Programs,” *The Jakarta Post* (blog), February 16, 2016, <https://www.thejakartapost.com/news/2016/02/16/govt-demands-undp-remove-funding-lgbt-programs.html>.

<sup>75</sup> 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

<sup>76</sup> 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, <https://doi.org/10.1080/1323238X.2019.1708084>.

<sup>77</sup> Andreas Harsono, “Indonesian Police Harass Transgender Women,” *Human Rights Watch* (blog), November 8, 2018, <https://www.hrw.org/news/2018/11/08/indonesian-police-harass-transgender-women>. Adi Renaldi, “It Keeps Getting Worse for Indonesia’s LGBTQ Community,” *Vice* (blog), November 30, 2018, <https://www.vice.com/en/article/yw7be5/homophobia-increases-as-indonesia-election-nears-lgbt>.

accused of running online groups for same-sex couples in Bandung.<sup>78</sup> 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.<sup>79</sup>

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.<sup>80</sup> He also approved an “omnibus law” on labor and investment, which curtailed workers’ rights (salaries, severances, and unionizing) and environmental protections.<sup>81</sup> Finally, he weakened the Corruption Eradication Commission (CEC) and its capacity to run independent investigations.<sup>82</sup> 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.<sup>83</sup> 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.<sup>84</sup>

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.<sup>85</sup> 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.<sup>86</sup> 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,

<sup>78</sup> Kyle Knight, “Fresh Wave of Anti-LGBT+ Moral Panic Hits Indonesia,” *Human Rights Watch* (blog), November 6, 2018, <https://www.hrw.org/news/2018/11/06/fresh-wave-anti-lgbt-moral-panic-hits-indonesia>.

<sup>79</sup> Edna Tarigan, “Indonesia Police Detain Dozens in Raid on Jakarta Gay Party,” AP NEWS, September 2, 2020, <https://apnews.com/article/dfba6e4999712f451b3b2656fd566a6b>.

<sup>80</sup> Prabowo Subianto, “Indonesia Says Military Will Develop Millions of Hectares for National Agriculture Push,” ASEAN Today, October 29, 2020, <https://www.aseantoday.com/2020/10/indonesia-says-military-will-develop-millions-of-hectares-for-national-agriculture-push/>.

<sup>81</sup> Ananda Teresia and Gayatri Suroyo, “Indonesia Issues Emergency Regulation to Replace Jobs Law,” *Reuters*, December 30, 2022, sec. Asia Pacific, <https://www.reuters.com/world/asia-pacific/indonesia-issues-emergency-regulation-replace-controversial-job-creation-law-2022-12-30/>.

<sup>82</sup> Sana Jaffrey, “Protests Against Joko Widodo Rock Indonesia,” Carnegie Endowment for International Peace, September 30, 2019, <https://carnegieendowment.org/2019/09/30/protests-against-joko-widodo-rock-indonesia-pub-79989>.

<sup>83</sup> Taufiqurrohman Syahuri, Gazalba Saleh, and Mayang Abrilianti, “The Role of the Corruption Eradication Commission Supervisory Board within the Indonesian Constitutional Structure,” *Cogent Social Sciences* 8, no. 1 (December 31, 2022): 2, <https://doi.org/10.1080/23311886.2022.2035913>.

<sup>84</sup> The Economist, “Indonesia’s President Promised Reform. Yet It Is He Who Has Changed,” *The Economist*, August 19, 2021, <https://www.economist.com/asia/2021/08/19/indonesias-president-promised-reform-yet-it-is-he-who-has-changed>.

<sup>85</sup> Abdurrachman Satrio, “LGBT Rights and the Constitutional Court,” in *Constitutional Democracy in Indonesia*, by Melissa Crouch (New York: Oxford University Press, 2022), 261–75.

<sup>86</sup> *Ibid.*

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

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.<sup>88</sup> Judicial investigations into bribery scandals at Petrobras, the state oil company, ensnared Rousseff and eventually led to her impeachment.<sup>89</sup>

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.<sup>90</sup> 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

<sup>87</sup> France 24, "Indonesian Parliament Approves Legislation Banning Sex Outside Marriage," France 24, December 6, 2022, <https://www.france24.com/en/asia-pacific/20221206-indonesian-parliament-approves-legislation-banning-sex-outside-marriage>; Ben Westcott, "Fear and Horror among Indonesia's LGBT Community as Gay Sex Ban Looms," CNN, February 25, 2018, <https://www.cnn.com/2018/02/25/asia/indonesia-lgbt-criminal-code-intl/index.html>.

<sup>88</sup> Tom Daly, "Populism, Public Law, and Democratic Decay in Brazil: Understanding the Rise of Jair Bolsonaro," SSRN Scholarly Paper (Rochester, NY, March 11, 2019), 9, <https://doi.org/10.2139/ssrn.3350098>

<sup>89</sup> Tom Daly, "Populism, Public Law, and Democratic Decay in Brazil: Understanding the Rise of Jair Bolsonaro," SSRN Scholarly Paper (Rochester, NY, March 11, 2019), <https://doi.org/10.2139/ssrn.3350098>.

<sup>90</sup> Michelle Fernández, Ernani Carvalho, and Enivaldo Rocha, "Las Elecciones de 2014 En Brasil: Un Análisis Coyuntural Del Rendimiento de Los Partidos a Nivel Subnacional," *Revista de Estudios Brasileños* 2, no. 2 (March 17, 2015): 132, <https://doi.org/10.14201/reb201522132141>.

agenda, but she was met with a new wave of protests in 2015 that captured the anger from the right-wing and educated classes.<sup>91</sup>

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.<sup>92</sup> 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.<sup>93</sup> 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.<sup>94</sup> 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.<sup>95</sup> 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.<sup>96</sup>

As a member of congress, Bolsonaro embraced anti-LGBT rhetoric and openly stated that he was proudly homophobic.<sup>97</sup> He claimed that the left wanted to destroy the traditional family and bring "gay kits" and "gender ideologies" into schools.<sup>98</sup> 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.<sup>99</sup> He appointed two pastors as cabinet

<sup>91</sup> Daly, "Populism, Public Law, and Democratic Decay in Brazil."

<sup>92</sup> Mayra Goulart, André Luiz Coelho, and Roser Vilagrassa, "El Papel de Los Tribunales Supremos y La Nueva Derecha," *Revista CIDOB d'Afers Internacionals*, no. 126 (2020): 245–47.

<sup>93</sup> Mayra Goulart, André Luiz Coelho, and Roser Vilagrassa, "El Papel de Los Tribunales Supremos y La Nueva Derecha," *Revista CIDOB d'Afers Internacionals*, no. 126 (2020): 245–47

<sup>94</sup> Daly, "Populism, Public Law, and Democratic Decay in Brazil," 10.

<sup>95</sup> 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>; Daly, "Populism, Public Law, and Democratic Decay in Brazil."

<sup>96</sup> Gustavo Gomes da Costa Santos and Bruno Leonardo Ribeiro de Melo, "The Opposition to LGBT Rights in the Brazilian National Congress (1986-2018): Actors, Dynamics of Action and Recent Developments," *Sociologies in Dialogue* 4, no. 1 (June 2018): 90.

<sup>97</sup> Tom Phillips, "Brazil's Fearful LGBT Community Prepares for a 'Proud Homophobe,'" *The Guardian*, October 27, 2018, sec. World news, <https://www.theguardian.com/world/2018/oct/27/dispatch-sao-paulo-jair-bolsonaro-victory-lgbt-community-fear>.

<sup>98</sup> 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>.

<sup>99</sup> Corrales and Kiryk, "Homophobic Populism," 17–18.

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.<sup>100</sup>

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.<sup>101</sup> 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).<sup>102</sup> 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."<sup>103</sup>

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.<sup>104</sup> A year later, in September 2020, he stated in a public interview that homosexuals came from "dysfunctional families."<sup>105</sup> 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.<sup>106</sup>

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

<sup>100</sup> Karabekir Akkoyunlu and José Antonio Lima, "Brazil's Stealth Military Intervention," *Journal of Politics in Latin America* 14, no. 1 (April 2022): 45, <https://doi.org/10.1177/1866802X211039860>.

<sup>101</sup> France24, "Bolsonaro arremete contra indígenas y LGBTI en primer día de gobierno," France 24, January 3, 2019, <https://www.france24.com/es/20190103-bolsonaro-indigenas-lgbti-primer-dia>.

<sup>102</sup> Isabela Kalil, "Políticas Antiderechos En Brasil: Neoliberalismo y Neoconservadurismo En El Gobierno de Bolsonaro," *Derechos En Riesgo En América Latina* 11 (2020): 43–45.

<sup>103</sup> Bruno Alfano, "Disque 100: Manual Criado Por Ministério de Damares Prevê Denúncias 'Por Ideologia de Gênero,'" *O Globo*, December 7, 2021, <https://oglobo.globo.com/brasil/direitos-humanos/disque-100-manual-criado-por-ministerio-de-dameres-preve-denuncias-por-ideologia-de-genero-25305729>.

<sup>104</sup> Diane Jeantet, "Brazil Education Overhaul Aims at Ousting 'Marxist Ideology,'" *AP NEWS*, June 4, 2021, <https://apnews.com/article/rio-de-janeiro-education-brazil-feminism-international-news-0fb07d84d14c4d948f7028907c60f23f>.

<sup>105</sup> Lucas Berti, "Brazil's Education Minister to Face Charges for Homophobia," *The Brazilian Report*, February 1, 2022, <https://brazilian.report/liveblog/2022/02/01/education-minister-homophobia/>.

<sup>106</sup> Cristian González Cabrera, "I Became Scared, This Was Their Goal," *Human Rights Watch*, May 12, 2022, 2, <https://www.hrw.org/report/2022/05/12/i-became-scared-was-their-goal/efforts-ban-gender-and-sexuality-education-brazil>.



prison.<sup>107</sup> 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.<sup>108</sup>

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.<sup>109</sup> However, activists lobbied Congress to prevent it from becoming a permanent measure.<sup>110</sup> Likewise, he attempted to suspend funding for screenplays and films with LGBT themes.<sup>111</sup> The order was blocked by the 11th Federal Court of Rio de Janeiro, which found the move to be discriminatory.<sup>112</sup>

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.<sup>113</sup>

---

<sup>107</sup> Rafael Barifouse, "STF aprova a criminalização da homofobia," *BBC News Brasil*, February 12, 2019, <https://www.bbc.com/portuguese/brasil-47206924>; Marcelo Silva de Sousa, "Brasil: la homofobia será considerada delito como racismo," *AP NEWS*, May 24, 2019, <https://apnews.com/article/35d1d51ca27e4546a388344858ddda02>.

<sup>108</sup> Rafael Moraes Moura, "O novo round no Supremo sobre a criminalização da homofobia," *VEJA*, March 24, 2022, <https://veja.abril.com.br/politica/o-novo-round-no-supremo-sobre-a-criminalizacao-da-homofobia/>.

<sup>109</sup> Gabriel Stargardter, "Bolsonaro Presidential Decree Grants Sweeping Powers over NGOs in Brazil," *Reuters*, January 2, 2019, <https://www.reuters.com/article/us-brazil-politics-ngos-idUSKCN1OW1P8>.

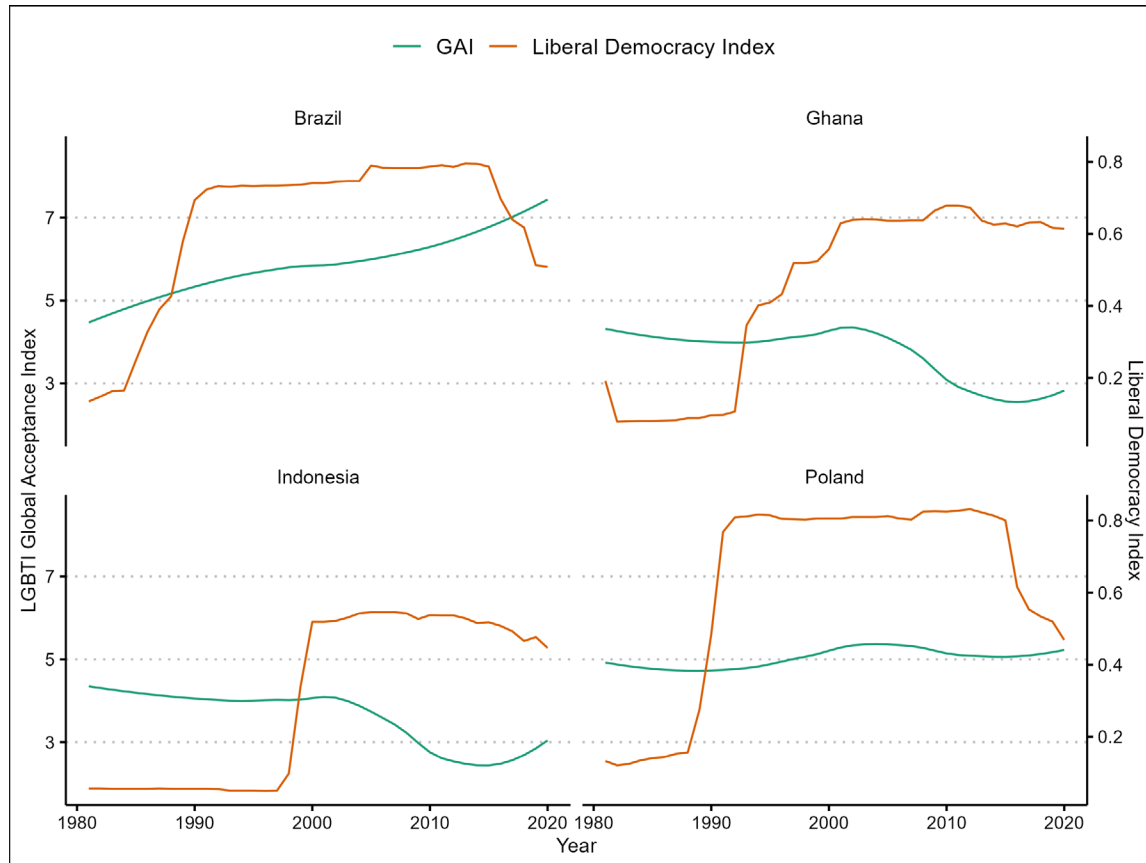
<sup>110</sup> Tainara Nagot, "One Thousand Days of the Bolsonaro Government: Ten Occasions Civil Society Prevented Setbacks," *Conectas* (blog), September 29, 2021, <https://www.conectas.org/en/noticias/one-thousand-days-of-the-bolsonaro-government-ten-occasions-civil-society-prevented-setbacks/>.

<sup>111</sup> Fabio Teixeira, "Brazil's Bolsonaro Suspends Funding for LGBT+ Screenplays," *Reuters*, August 21, 2019, <https://www.reuters.com/article/us-brazil-lgbt-bolsonaro-idUSKCN1VB2GR>.

<sup>112</sup> Exame, "Governo perde recurso, e Justiça mantém edital para produções LGBT," *Exame*, October 11, 2019, <https://exame.com/brasil/governo-perde-recurso-e-justica-mantem-edital-para-producoes-lgbt/>; Jan Nilkas and Alessandro Giannini, "Justiça Manda Ancine Retomar Edital de TV Com Séries LGBTs," *Extra*, July 10, 2019, <https://extra.globo.com/noticias/brasil/justica-manda-ancine-retomar-edital-de-tv-com-series-lgbts-24002571.html>.

<sup>113</sup> Jack Nicas, "Brazil Bars Bolsonaro From Office for Election-Fraud Claims," *The New York Times*, June 30, 2023, sec. *World*, <https://www.nytimes.com/2023/06/30/world/americas/bolsonaro-brazil-banned-office.html>.

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."<sup>114</sup>

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.<sup>115</sup> PiS employed rhetoric that rejected compliance with the European Union's policies, particularly on migration.<sup>116</sup> A

<sup>114</sup> Michael Bernhard, "Democratic Backsliding in Poland and Hungary," *Slavic Review* 80, no. 3 (ed 2021): 585–607, <https://doi.org/10.1017/slr.2021.145>.

<sup>115</sup> Stanley Bill and Ben Stanley, "Whose Poland Is It to Be? PiS and the Struggle between Monism and Pluralism," *East European Politics* 36, no. 3 (July 2, 2020): 381–82, <https://doi.org/10.1080/21599165.2020.1787161>.

<sup>116</sup> Jo Harper, "PiS Picks LGBT Battleground In Poland," *Forbes*, March 24, 2019, <https://www.forbes.com/sites/>

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.<sup>117</sup>

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.<sup>118</sup> 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.<sup>119</sup> 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.<sup>120</sup> 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.<sup>121</sup> 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.<sup>122</sup>

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.<sup>123</sup> 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.<sup>124</sup>

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, Rafal Trzaskowski, signed a non-binding declaration calling for the implementation of services and policies

---

[joharper/2019/03/24/pis-picks-lgbt-battleground-in-poland/](https://joharper.com/2019/03/24/pis-picks-lgbt-battleground-in-poland/).

<sup>117</sup> Maciek Bieńkowski Aleksandra Świdorska, “Postawy wobec imigrantów i uchodźców: Panel Badań Społecznych CBU,” Centrum Badań nad Uprezedzeniami, [http://cbu.psychologia.pl/wp-content/uploads/sites/410/2021/02/RaportCBU\\_Bien%CC%81kowski\\_v.10.08.2017.pdf](http://cbu.psychologia.pl/wp-content/uploads/sites/410/2021/02/RaportCBU_Bien%CC%81kowski_v.10.08.2017.pdf).

<sup>118</sup> Wiktor Szary and Justyna Pawlak, “Tussle over Judges Turns into Constitutional Crisis in Poland,” *Reuters*, December 3, 2015, <https://www.reuters.com/article/poland-constitution-idUSL8N13R2LD20151203>.

<sup>119</sup> Christian Davies, “Hostile Takeover: How Law and Justice Captured Poland’s Courts” (Freedom House, 2018), <https://freedomhouse.org/report/analytical-brief/2018/hostile-takeover-how-law-and-justice-captured-polands-courts>.

<sup>120</sup> *Ibid.*

<sup>121</sup> *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.

<sup>122</sup> “Finał w Sprawie Drukarza z Łodzi. Sąd Najwyższy Nie Uwzględnił Apelacji KPH,” *Kampania Przeciw Homofobii (blog)*, December 8, 2020, <https://kph.org.pl/final-w-sprawie-drukarza-z-lodzi-sad-najwyzszy-nie-uwzlednil-apelacji-kph/>.

<sup>123</sup> Euractiv, “Polish President Signs Controversial Media Law,” Euractiv, January 8, 2016, <https://www.euractiv.com/section/central-europe/news/polish-president-signs-controversial-media-law/>.

<sup>124</sup> <https://wyborcza.pl/7,173236,26670485,strategic-media-takeover-how-ornen-s-purchase-of-polska-press.html>

in support of LGBT people.<sup>125</sup> This provoked a backlash and led to the establishment of so-called “LGBT ideology free zones” across the country.<sup>126</sup> By 2022, nearly 100 local government units had created such “zones” and passed local resolutions “against LGBT ideology” or discriminatory “Family Rights Charters.”<sup>127</sup> Violence directed at LGBT people ensued, with attacks on pride marches in at least two cities.<sup>128</sup> LGBT organizations also reported a rise in hate crimes.<sup>129</sup> Meanwhile, state-run companies funded media that distributed “LGBT-free” stickers and incited fear of so-called “LGBT ideology.”<sup>130</sup> 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.<sup>131</sup>

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.<sup>132</sup> 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.<sup>133</sup>

Recourse for LGBT people through human rights institutions within Poland was hamstrung by the ousting of Poland’s Human Rights Ombudsman.<sup>134</sup> 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

<sup>125</sup> LGBT+ Declaration: Warsaw Urban Policy for LGBT+ Communities (pol. Warszawska polityka miejska na rzecz społeczności LGBT+), <https://warszawa19115.pl/-/prezydent-stolicy-podpisal-deklaracje-lgbt->

<sup>126</sup> Marc Santora and Joanna Berendt, “Anti-Gay Brutality in a Polish Town Blamed on Poisonous Propaganda,” *The New York Times*, July 27, 2019, sec. World, <https://www.nytimes.com/2019/07/27/world/europe/gay-pride-march-poland-violence.html>; Adam Ploszka, “From Human Rights to Human Wrongs. How Local Government Can Negatively Influence the Situation of an Individual. The Case of Polish LGBT Ideology-Free Zones\*,” *The International Journal of Human Rights* 27, no. 2 (February 7, 2023): 362–63, <https://doi.org/10.1080/13642987.2022.2121708>

<sup>127</sup> Reuters, “Polish ‘LGBT-Free’ Town Gets State Financing after EU Funds Cut,” *Reuters*, August 18, 2020, <https://www.reuters.com/article/us-poland-eu-lgbt-idUSKCN25E1QP>

<sup>128</sup> Marc Santora and Joanna Berendt, “Anti-Gay Brutality in a Polish Town Blamed on Poisonous Propaganda,” *The New York Times*, July 27, 2019, <https://www.nytimes.com/2019/07/27/world/europe/gay-pride-march-poland-violence.html>.

<sup>129</sup> Rachel Savage, “Hate Crime, Violence Feared in Polish ‘LGBT-Free Zones,’” *Reuters*, February 10, 2021, <https://www.reuters.com/article/us-poland-lgbt-europe-trfn-idUSKBN2AA20S>.

<sup>130</sup> Anna Koper, “Polish State Firms Pouring Ad Cash into Media That Attack Gay Rights, Research Data Shows,” *Reuters*, August 5, 2019, <https://www.reuters.com/article/us-poland-media-idUSKCN1UV1OL>.

<sup>131</sup> Marc Santora and Joanna Berendt, “Poland’s State Media Is Government’s Biggest Booster Before Election,” *The New York Times*, October 11, 2019, <https://www.nytimes.com/2019/10/11/world/europe/poland-election-state-television-tvp.html>.

<sup>132</sup> Anne Applebaum, “Poland’s Rulers Made Up a ‘Rainbow Plague,’” *The Atlantic*, July 14, 2020, <https://www.theatlantic.com/ideas/archive/2020/07/polands-rulers-manufactured-a-rainbow-plague/614113/>.

<sup>133</sup> Kampania Przeciw Homofobii and Lambda Warszawa, “Sytuacja Społeczna Osób LGBTA w Polsce 2019-2020” (Centre for Research on Prejudice, University of Warsaw, 2021), [https://kph.org.pl/wp-content/uploads/2021/12/Raport\\_Duzy\\_Digital-1.pdf](https://kph.org.pl/wp-content/uploads/2021/12/Raport_Duzy_Digital-1.pdf).

<sup>134</sup> <https://www.politico.eu/article/poland-court-rule-law-democracy-kaczynski-pis-adam-bodnar-ombudsman/>

governments that implemented anti-LGBT policies.<sup>135</sup> Yet while some jurisdictions have rolled back these policies as a result,<sup>136</sup> others have been propped up by the national government with funds to cover the financial shortfall due to EU penalties.<sup>137</sup> 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.<sup>138</sup>

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.<sup>139</sup> 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.<sup>140</sup>

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.<sup>141</sup> 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.”<sup>142</sup> 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].”<sup>143</sup> Also in 2022, Czarnek

<sup>135</sup> Monika Pronczuk, “Polish Towns That Declared Themselves ‘L.G.B.T. Free’ Are Denied E.U. Funds,” *The New York Times*, July 30, 2020, <https://www.nytimes.com/2020/07/30/world/europe/LGBT-free-poland-EU-funds.html>.

<sup>136</sup> Daniel Tilles, “Polish Town Replaces Anti-LGBT Resolution with Anti-Discrimination Declaration amid EU Funding Threat,” *Notes From Poland* (blog), January 7, 2023, <https://notesfrompoland.com/2023/01/07/polish-town-replaces-anti-lgbt-resolution-with-anti-discrimination-declaration-amid-eu-funding-threat/>.

<sup>137</sup> Reuters, “Polish ‘LGBT-Free’ Town Gets State Financing after EU Funds Cut,” *Reuters*, August 18, 2020, <https://www.reuters.com/article/us-poland-eu-lgbt-idUSKCN25E1QP>.

<sup>138</sup> Jan Cienski, “Poland’s Top Court Hobbles Human Rights Advocate,” *Politico*, April 15, 2021, <https://www.politico.eu/article/poland-court-rule-law-democracy-kaczynski-pis-adam-bodnar-ombudsman/>.

<sup>139</sup> Tom Stevens, “Poles Protest over PiS ‘Breaking Constitution,’” *The Guardian*, February 26, 2016, sec. World news, <https://www.theguardian.com/world/2016/feb/26/poland-views-current-mood-constitution-challenges>.

<sup>140</sup> France24. 2020. “‘You Will Not Lock All of Us up!’: Protesters in Poland Denounce Arrests of LGBT Activists.” France 24. August 9, 2020. <https://www.france24.com/en/20200809-you-will-not-lock-all-of-us-up-protesters-in-poland-denounce-arrests-of-lgbt-activists>.

<sup>141</sup> Mary Stegmaier and Kamil Marcinkiewicz, “Poland’s Parliament Is Now Divided. What Does This Mean for the Ruling Law and Justice Party?,” *Washington Post*, October 18, 2019, <https://www.washingtonpost.com/politics/2019/10/18/polands-parliament-is-now-divided-what-does-this-mean-ruling-law-justice-party/>.

<sup>142</sup> Olivier Bault, “New Polish Law to Protect Pupils from LGBT Indoctrination,” *Visegrad Post* (blog), February 19, 2022, <https://visegradpost.com/en/2022/02/19/new-polish-law-to-protect-pupils-from-lgbt-indoctrination/>.

<sup>143</sup> 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.”<sup>144</sup>

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.<sup>145</sup> 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.<sup>146</sup> 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.<sup>147</sup> This, in turn, has impeded a number of

---

*Rights, Politics, Entertainment* (blog), December 20, 2022, <https://www.losangelesblade.com/2022/12/19/anti-lgbtq-law-targeting-schools-vetoed-by-polish-president/>.

<sup>144</sup> Camille Gigs, “Polish Education Minister Forced to Apologize for Homophobic Remarks,” *POLITICO* (blog), September 28, 2022, <https://www.politico.eu/article/right-wing-polish-minister-forced-to-apologize-homophobic-remark/>.

<sup>145</sup> Associated Press, “Polish Stonewall? Protesters Decry Government’s Anti-LGBTQ Attitudes,” *NBC News*, August 10, 2020, <https://www.nbcnews.com/feature/nbc-out/polish-stonewall-protesters-decry-government-s-anti-lgbtq-attitudes-n1236273>.

<sup>146</sup> Felix Kumah-Abiwu and Samuel Darkwa, “Elections and Democratic Development in Ghana: A Critical Analysis,” *Journal of Economics and Sustainable Development* 11, no. 2 (January 31, 2020): 4, <https://doi.org/10.7176/JESD/11-2-01>.

<sup>147</sup> Franklin Oduro, Lisa-Marie Selvik, and Kendra Dupuy, “Ghana. A Stagnated Democratic Trajectory,” in *Democratic Backsliding in Africa?: Autocratization, Resilience, and Contention*, ed. Leonardo R. Arriola, Lise Rakner, and Nicolas van de Walle, 1st ed. (Oxford University Press: Oxford, 2022), 119–21, <https://doi.org/10.1093/>

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.<sup>148</sup>

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.<sup>149</sup> 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.<sup>150</sup> 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.<sup>151</sup> 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.<sup>152</sup>

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.<sup>153</sup> 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.<sup>154</sup> 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.<sup>155</sup>

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.<sup>156</sup> By-elections in Talensi in 2015 and Ayawaso West Wougon in 2019 saw

---

[oso/9780192867322.001.0001](https://www.ghana.gov.gh/oso/9780192867322.001.0001).

<sup>148</sup> Ibid.

<sup>149</sup> Oduro, Selvik, and Dupuy, "Ghana. A Stagnated Democratic Trajectory," 129–30.

<sup>150</sup> GhanaWeb, "NCCE Director Condemns The Rise Of Sodomy Among Youth," GhanaWeb, November 10, 1997, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/NCCE-Director-Condemns-The-Rise-Of-Sodomy-Among-Youth-2971>.

<sup>151</sup> GhanaWeb, "CHRAJ Won't Advocate Gay Rights - Short," GhanaWeb, December 17, 2003, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/CHRAJ-Won-t-Advocate-Gay-Rights-Short-48420>.

<sup>152</sup> Oduro, Selvik, and Dupuy, "Ghana. A Stagnated Democratic Trajectory," 130.

<sup>153</sup> Oduro, Selvik, and Dupuy, 125–27.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> 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.<sup>157</sup> Although President Akufo-Addo signed a 2019 law criminalizing political vigilante groups, they persist as political actors and sources of fomenting insecurity.<sup>158</sup>

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.<sup>159</sup> That same year, another group called "Safety Empire" attacked a man they suspected of being gay.<sup>160</sup> 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.<sup>161</sup>

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.<sup>162</sup> 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.<sup>163</sup> 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.<sup>164</sup>

---

*Asian Research Journal of Arts & Social Sciences*, January 11, 2020, 32–46, <https://doi.org/10.9734/arjass/2020/v10i130139>.

<sup>157</sup> Oduro, Selvik, and Dupuy, "Ghana. A Stagnated Democratic Trajectory," 116; Ijon, "Election Security and Violence in Ghana," 38; Rasheed Draman, "Weakening Parliamentary Oversight, Increasing Corruption: Ghana," in *Anti-Corruption Evidence: The Role of Parliaments in Curbing Corruption*, ed. Rick Stapenhurst et al., Studies in Public Choice (Cham: Springer International Publishing, 2020), 53, [https://doi.org/10.1007/978-3-030-14140-0\\_3](https://doi.org/10.1007/978-3-030-14140-0_3).

<sup>158</sup> Justice Richard Kwabena Owusu Kyei and Lidewyde H. Berckmoes, "Political Vigilante Groups in Ghana: Violence or Democracy?," *Africa Spectrum* 55, no. 3 (December 1, 2020): 321–38, <https://doi.org/10.1177/0002039720970957>.

<sup>159</sup> 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](https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1107&context=cj_etds).

<sup>160</sup> Wendy Isaack, "No Choice but to Deny Who I Am," *Human Rights Watch*, January 8, 2018, <https://www.hrw.org/report/2018/01/08/no-choice-deny-who-i-am/violence-and-discrimination-against-lgbt-people-ghana>.

<sup>161</sup> Modern Ghana, "Businessman Brutalized For Being Gay," *Modern Ghana*, March 11, 2020, <https://www.modernghana.com/news/988533/businessman-brutalized-for-being.html>.

<sup>162</sup> Reuters, "Ghana Court Denies Bail for 21 Detained LGBT Activists," *Reuters*, June 8, 2021, <https://www.reuters.com/world/africa/ghana-court-denies-bail-21-detained-lgbt-activists-2021-06-08/>.

<sup>163</sup> Reuters "Ghana Court Denies Bail for 21 Detained LGBT Activists."

<sup>164</sup> Human Rights Watch, "Ghana: LGBT Activists Face Hardships After Detention," *Human Rights Watch* (blog), September 20, 2021, <https://www.hrw.org/news/2021/09/20/ghana-lgbt-activists-face-hardships-after-detention>; Desmond Selse Aggor, "We Did Not Infringe on the Rights of 21 LGBTQI Activists' – State Attorney," *Citinewsroom - Comprehensive News in Ghana* (blog), June 13, 2021, <https://citinewsroom.com/2021/06/we-did-not-infringe-on-the-rights-of-21-lgbtqi-activists-state-attorney/>; Agence France Presse, "Ghana Court Frees 21 Arrested for Attending May LGBTQ+ Event," *The Guardian*, August 5, 2021, sec. World news, <https://www.theguardian.com/world/2021/aug/05/>



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.<sup>165</sup> 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.<sup>166</sup> 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.<sup>167</sup> 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.<sup>168</sup>

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.

---

[ghana-court-frees-21-arrested-for-attending-may-lgbtq-event.](#)

<sup>165</sup> Emmanuel Akinwotu, “Ghanaian LGBTQ+ Centre Closes after Threats and Abuse,” *The Guardian*, February 25, 2021, sec. Global development, <https://www.theguardian.com/global-development/2021/feb/25/lgbtq-ghaians-under-threat-after-backlash-against-new-support-centre>.

<sup>166</sup> Nimi Princewill, “Founder of LGBTQI Center Shut down in Ghana Says He Fears for His Safety,” CNN, February 25, 2021, <https://www.cnn.com/2021/02/25/africa/lgbt-ghana-office-raids-intl/index.html>; *Ghana’s Homophobia Problem* | *The Listening Post* (Accra, Ghana, 2022), <https://www.youtube.com/watch?v=mwehMvElwRs>.

<sup>167</sup> <https://cdn.modernghana.com/files/722202192224-0h830n4ayt-lgbt-bill.pdf>

<sup>168</sup> *Ghana’s Homophobia Problem* | *The Listening Post*.

Table 1. Examples of anti-LGBT efforts and backsliding across democratic safeguards

VERTICAL SAFEGUARDS	HORIZONTAL SAFEGUARDS	DIAGONAL SAFEGUARDS
<b>INDONESIA</b>		
Politicization of LGBT issues during the 2019 general elections, weaponizing the “LGBT emergency” to influence voters.	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.	2016 reform to the Electronic Information and Transactions Law leading to media crackdowns and censorship of websites with LGBT content.
Rise of conservative religious groups and state-sponsored campaigns to demonize LGBT individuals as electoral strategy.	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.	Ministry of Communication and Information ordering blocking of social networking applications used by the LGBT community.
		Attempts to ban LGBT student organizations on campuses, curtailing freedom of association.
		Rise of conservative religious groups and Islamist organizations fueling widespread “moral panic” against LGBT community.
<b>BRAZIL</b>		
Jair Bolsonaro’s 2019 presidential campaign employed rhetoric that promoted violence, attacked minorities, and supported military intervention to suppress political opponents.	Conservative bloc within the judiciary supporting broader right-wing political agenda, leading investigations against Rousseff and facilitating her impeachment.	Bolsonaro’s attempts to restrict freedoms of association and expression through executive orders, targeting human rights and environmental rights activism.
	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.	Bolsonaro’s use of executive order to oversee the activities of international and local organizations to target activism.
		Local authorities implementing bans on LGBT-related materials and events, emboldened by Bolsonaro’s comments on “gender ideology.”
<b>POLAND</b>		
PiS use of anti-LGBT rhetoric and far-right civil society groups to bolster campaigns and promote hate speech and violence against minorities.	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.	PiS consolidation of media control within the executive by appointing and removing public radio and television executives, undermining independent National Broadcasting Council.

VERTICAL SAFEGUARDS	HORIZONTAL SAFEGUARDS	DIAGONAL SAFEGUARDS
	Introduction of “extraordinary appeal” mechanism to challenge previous court rulings, interfering with LGBT-related court cases.	State-owned energy company purchasing media outlets, gaining access to a significant portion of online readers.
		Creation of “LGBT ideology free zones” across the country in, leading to violence and hate crimes against LGBT individuals and organizations.
<b>GHANA</b>		
Vigilante violence during elections dampening voter turnout and injuring election officers.	Stalled affirmative action policies and minority rights reforms.	Restrictions on press freedom, with state-owned or politically affiliated media companies.
Escalation of anti-LGBT rhetoric and vigilante violence targeting LGBT people in Ghana.	Delayed implementation of the Right to Information Law through pressure of political elites.	Intimidation and harassment of journalists by police officers and vigilantes.
		Raid and closure of an LGBT community center in Accra due to threats of violence and demands from government officials and religious groups.
		Escalation of anti-LGBT rhetoric, attacks, and efforts to criminalize LGBT people and advocacy.

## 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.

## AUTHORS

**Andrew R. Flores, Ph.D.**, is an Assistant Professor of Government at American University and a Visiting Scholar at the Williams Institute.

**Miguel Fuentes Carreño, Ph.D.**, is a Research Data Analyst at the Williams Institute.

**Ari Shaw, Ph.D.**, is Senior Fellow and Director of International Programs at the Williams Institute.

## ACKNOWLEDGEMENTS

The authors thank reviewers from USAID, as well as Sid Baral, Williams Institute Badgett Summer Fellow, and Brad Sears, Founding Executive Director at the Williams Institute, for their feedback on this report. We are also grateful to Daniel Canavese, Justyna Nakielska, Alegra Wolter, and Ebenezer Peegah for their thoughtful review of the case studies.

This document was produced as part of the Multi-Donor LGBTI Global Human Rights Initiative (GHRI). The GHRI is a five-year public-private partnership and leverages financial and technical contributions from the United States Agency for International Development (USAID), the Swedish International Development Cooperation Agency (Sida), Global Affairs Canada, the Astraea Lesbian Foundation for Justice, Equality Without Borders, the Williams Institute, and Franklin & Marshall College.

## SUGGESTED CITATION

Flores, A.R., Fuentes Carreño, M., & Shaw, A. (2023). *Democratic Backsliding and LGBTI Acceptance*. Los Angeles, CA: The Williams Institute, UCLA School of Law.

## ABOUT THE WILLIAMS INSTITUTE

The Williams Institute is dedicated to conducting rigorous, independent research on sexual orientation and gender identity law and public policy. A think tank at UCLA Law, the Williams Institute produces high-quality research with real-world relevance and disseminates it to judges, legislators, policymakers, media, and the public. These studies can be accessed at the Williams Institute website.

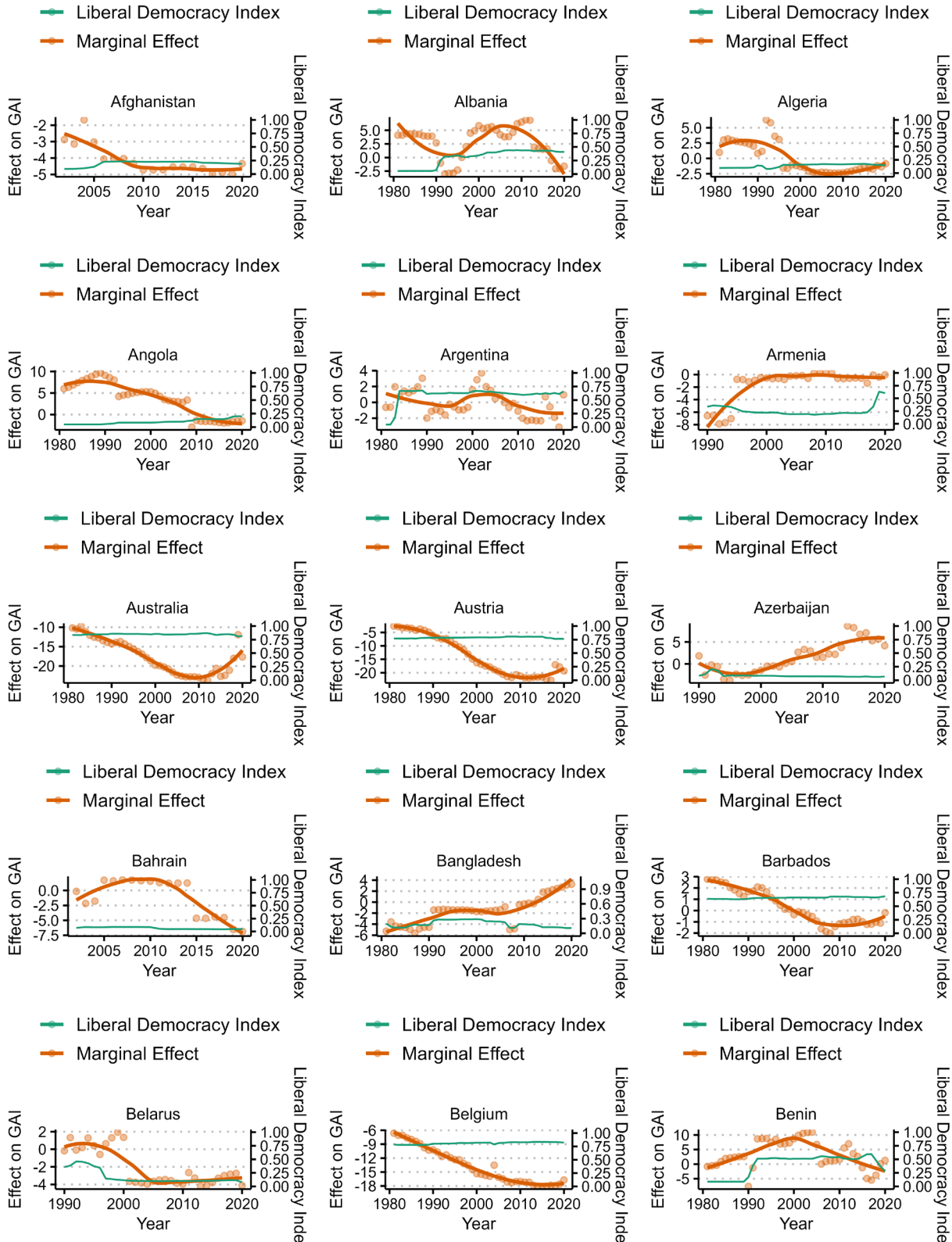
### FOR MORE INFORMATION

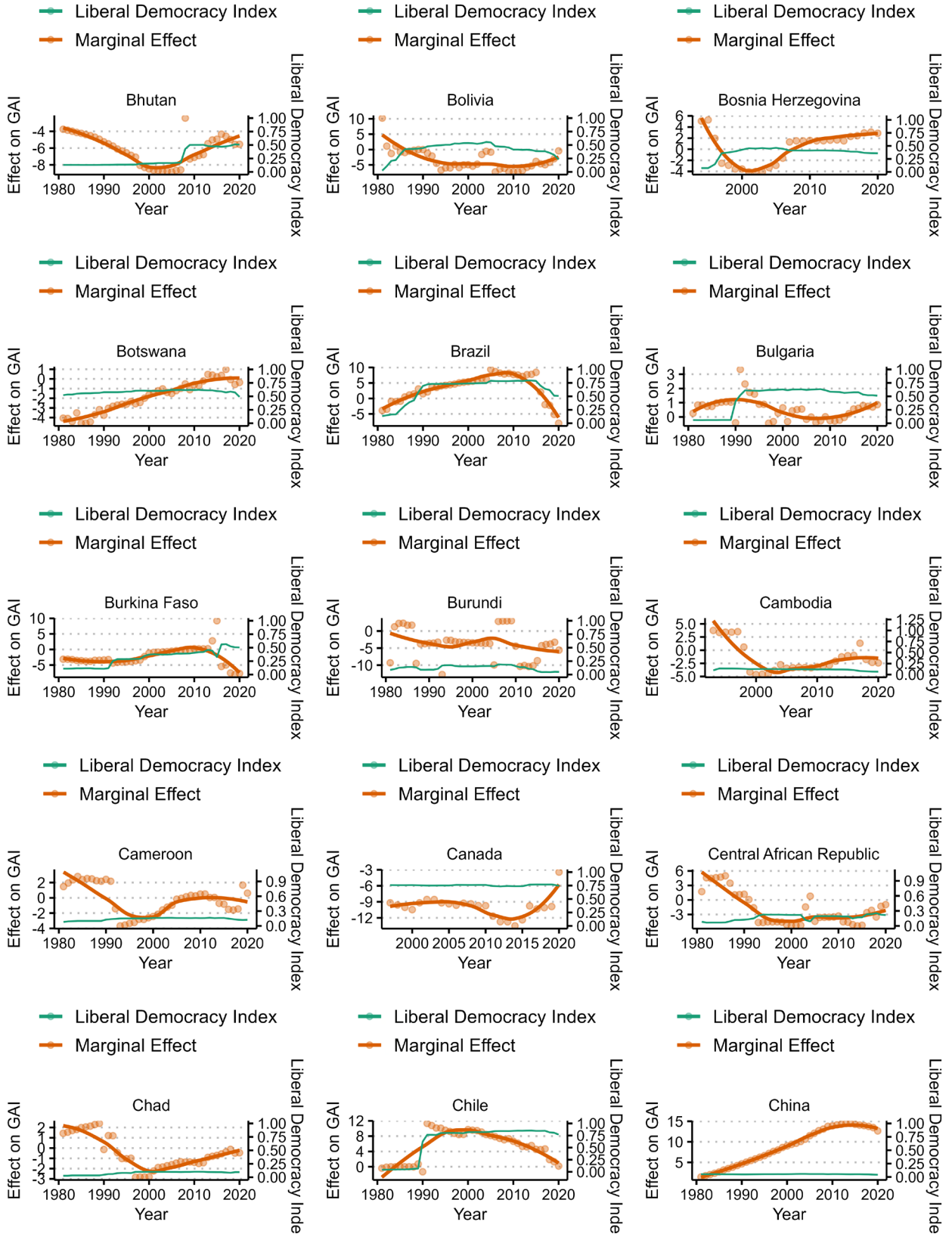
The Williams Institute, UCLA School of Law  
(310) 267-4382  
williamsinstitute@law.ucla.edu  
williamsinstitute.law.ucla.edu

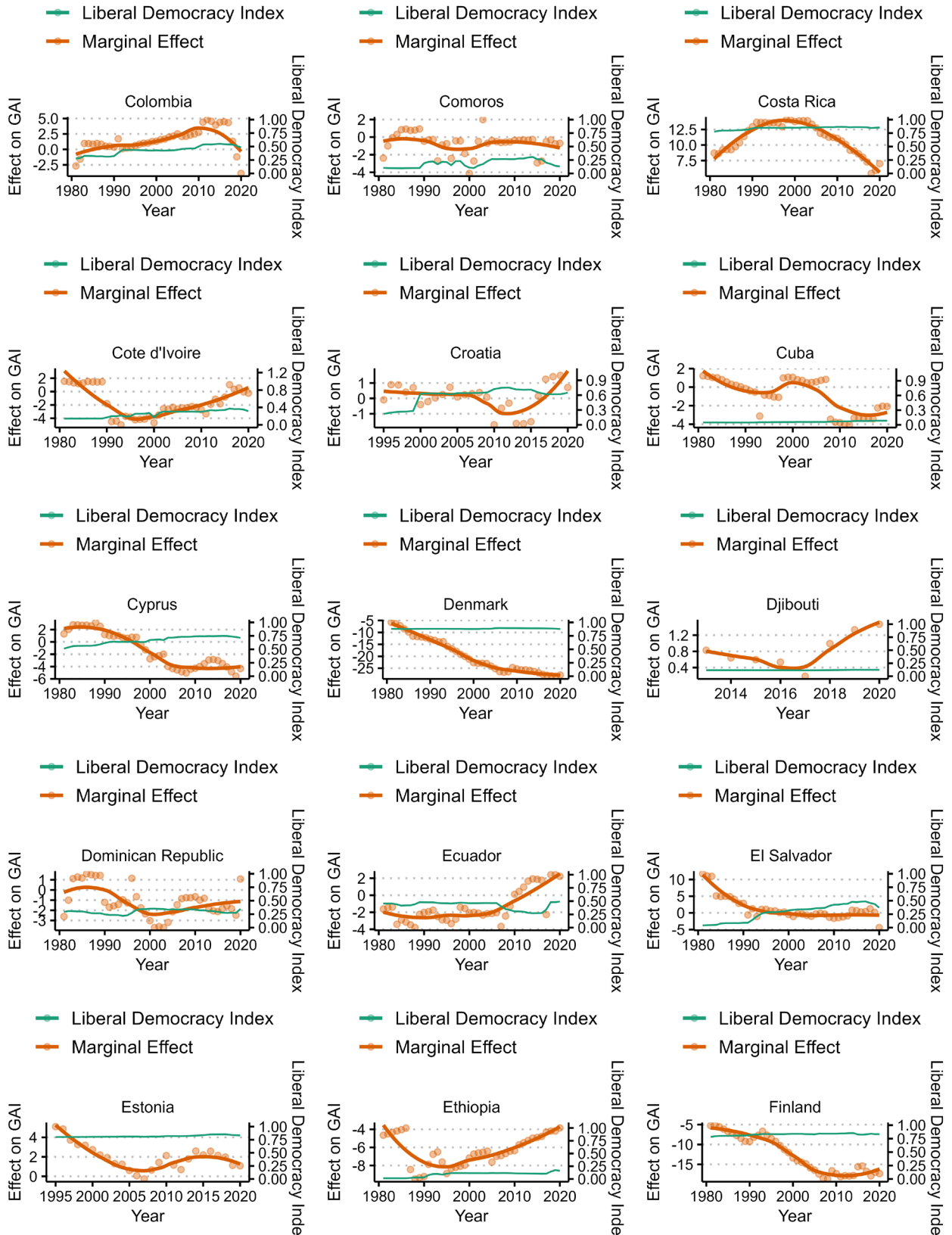


# APPENDIX I

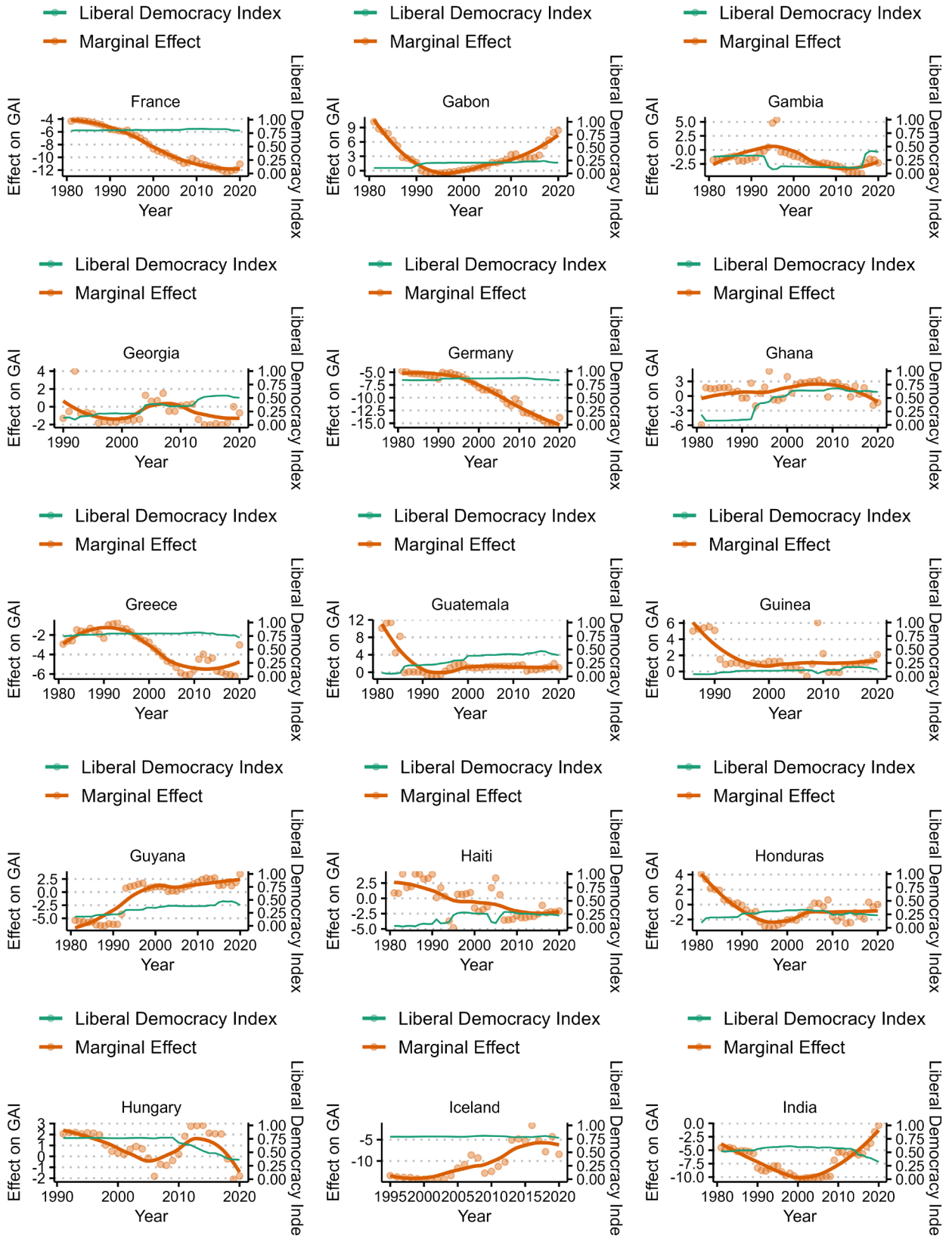
Pointwise partial derivatives of the effect of the Liberal Democracy Index and trends in the Liberal Democracy Index for all countries analyzed, 1981-2020

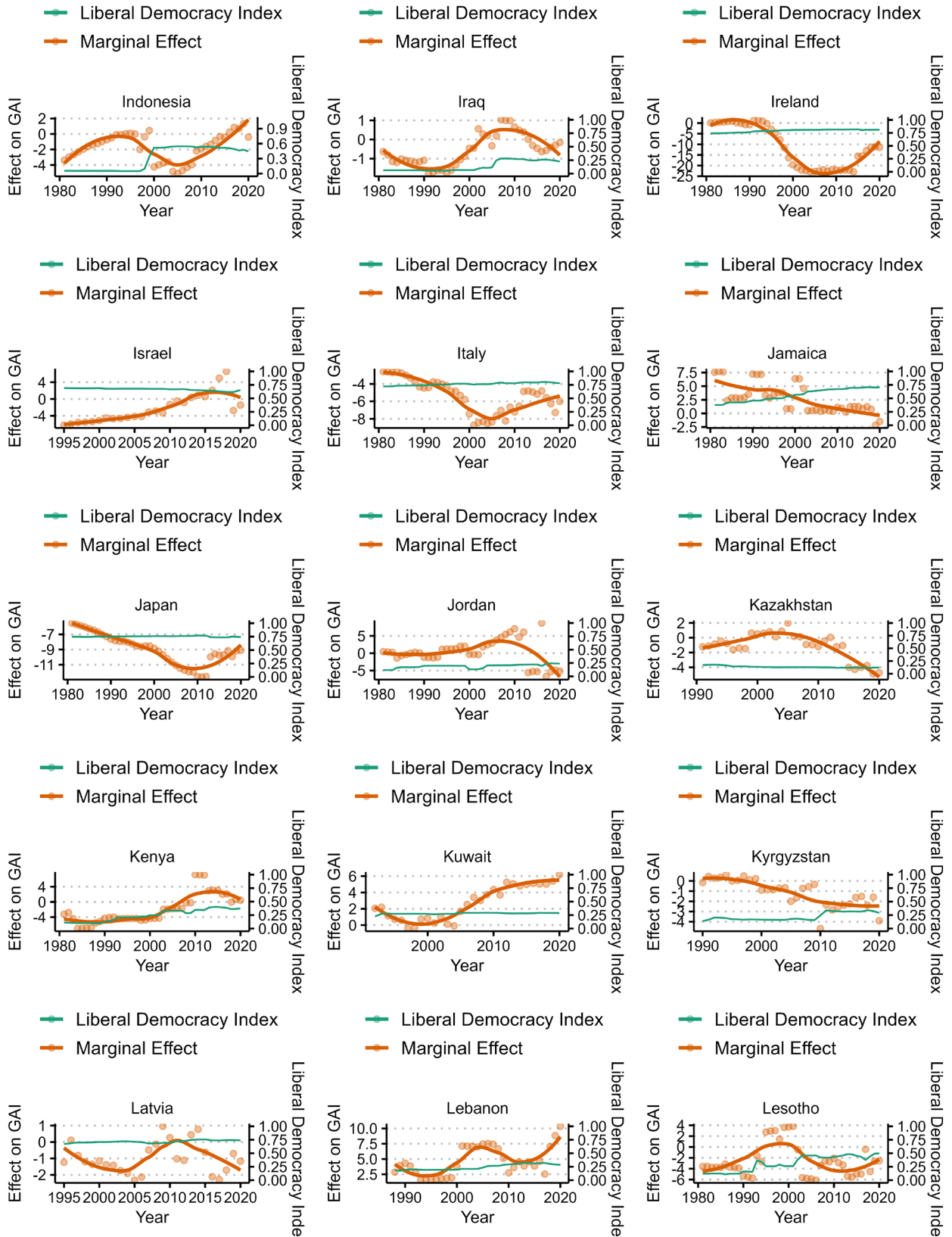


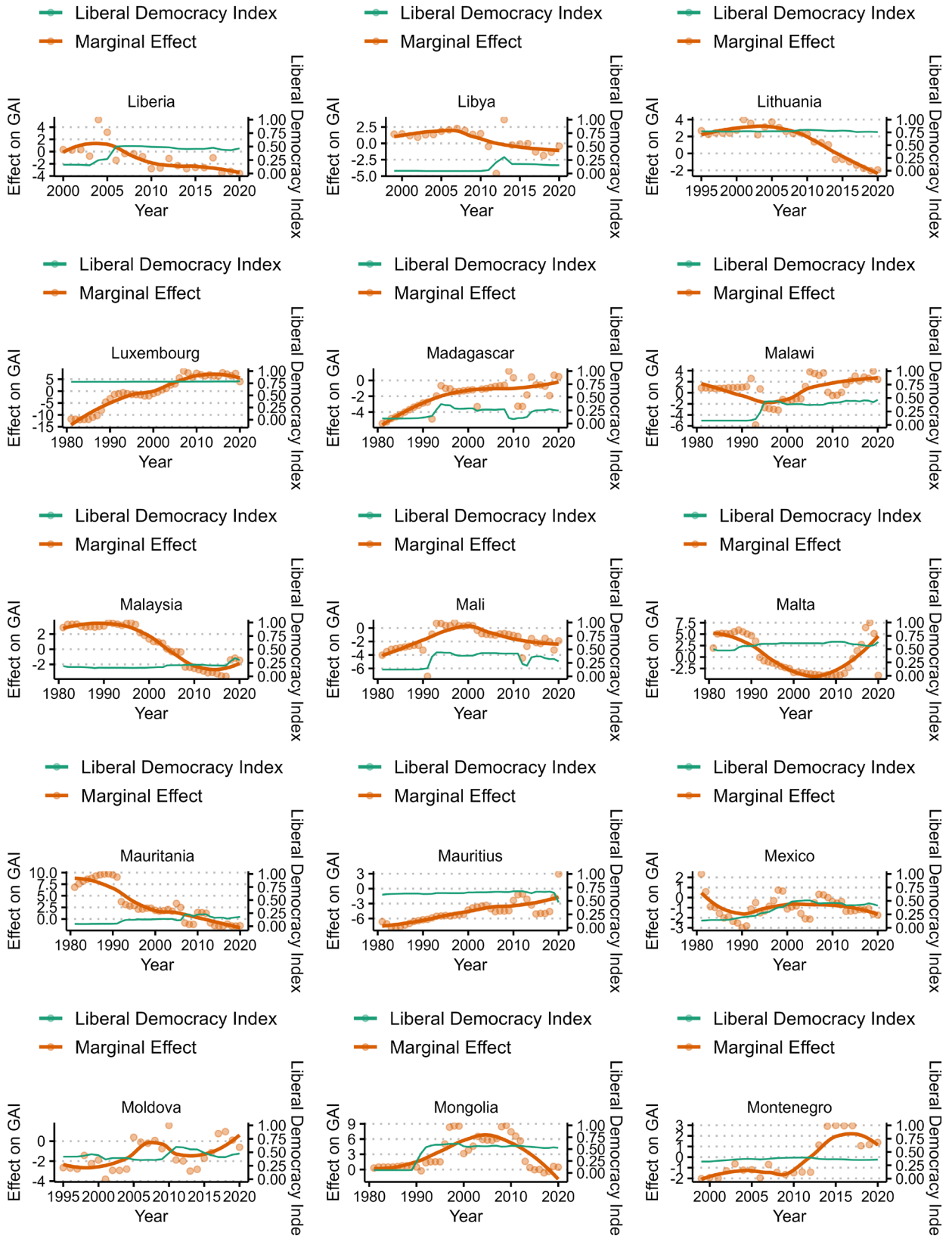


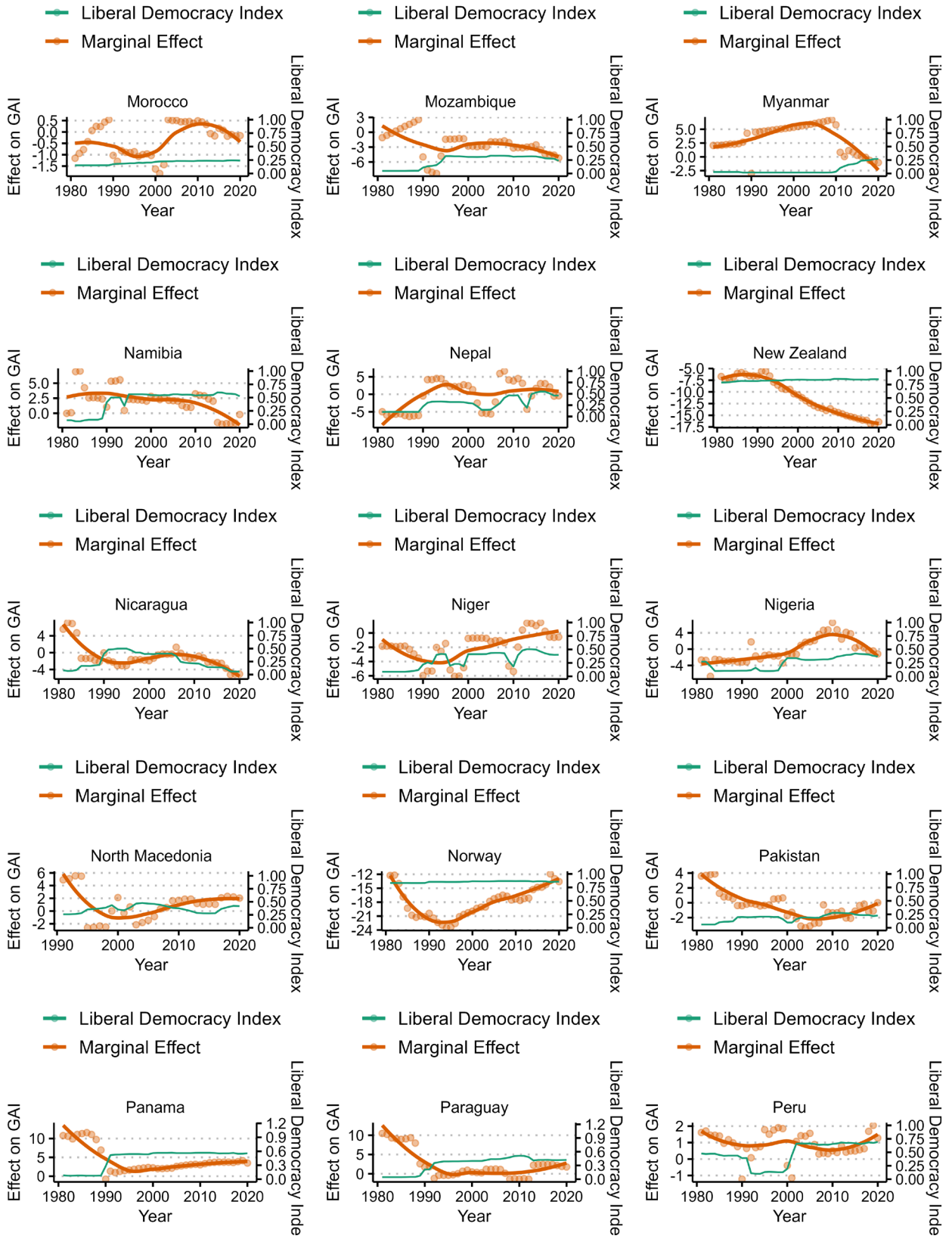


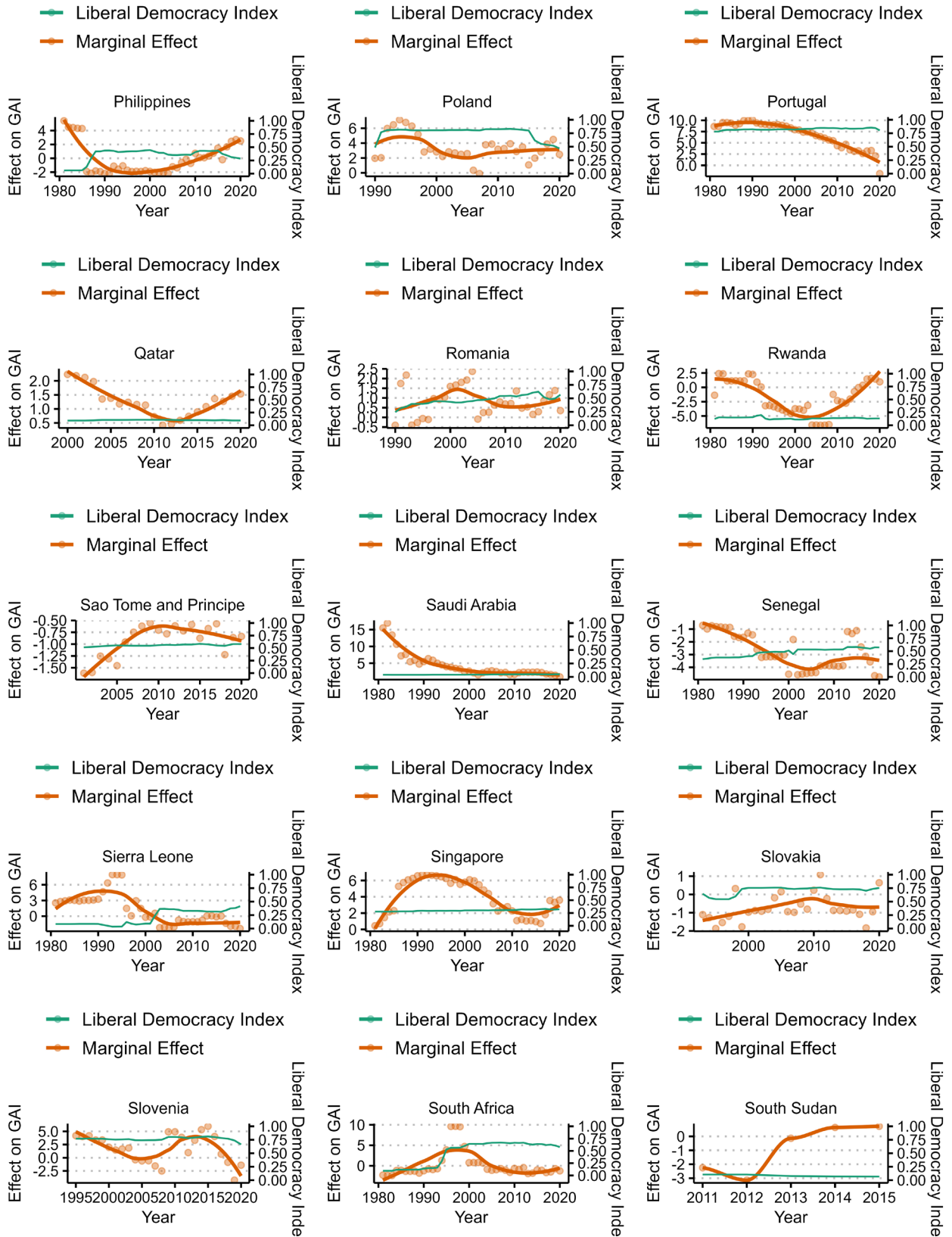


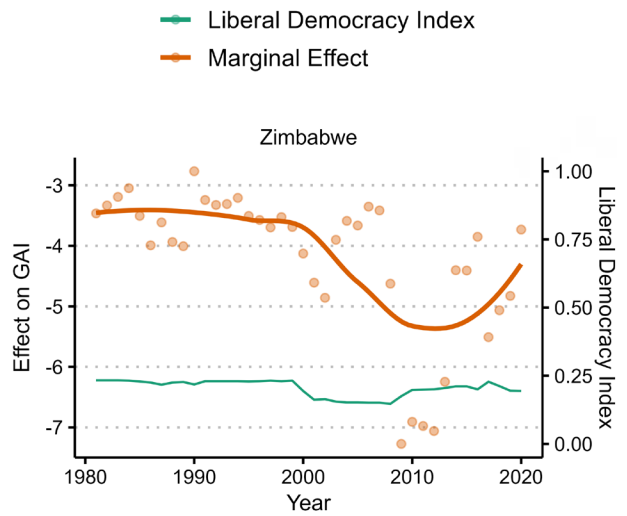
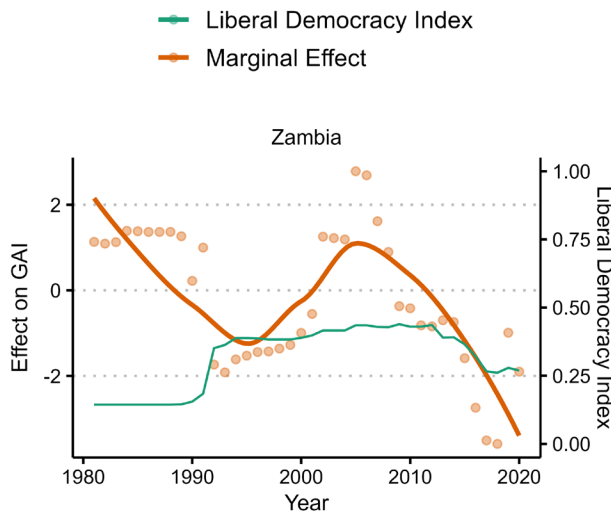
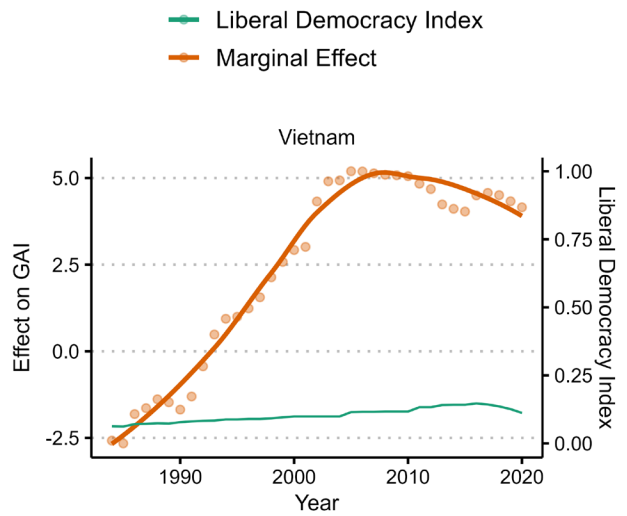
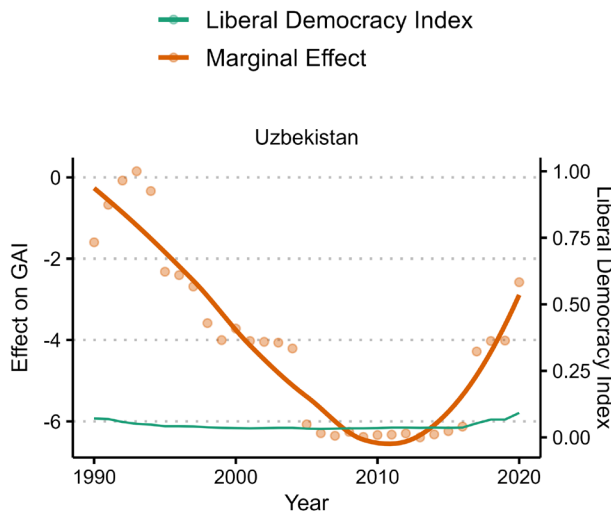
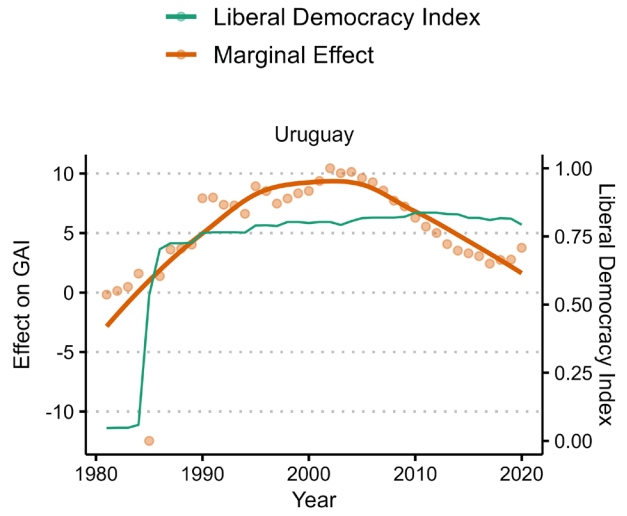
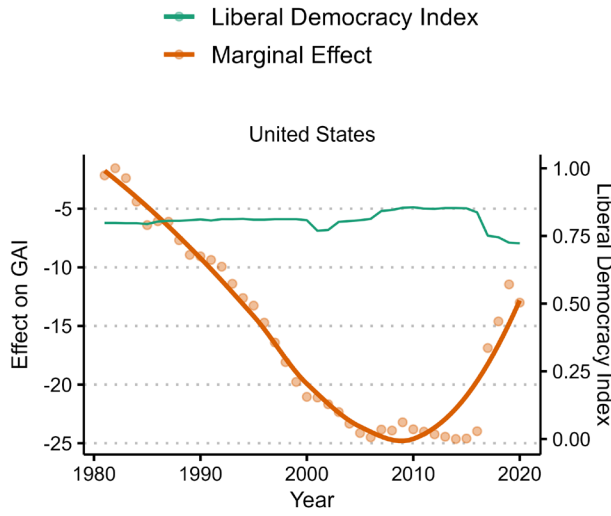












## APPENDIX II

### METHODS

The methodology behind the LGBTI GAI estimates, V-Dem data, and World Bank data are documented elsewhere.<sup>169</sup> 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.

```
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.

<sup>169</sup> 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

MID-LEVEL INDEX NAME	TAG
<b>LIBERAL DEMOCRACY INDEX</b>	
Electoral democracy Index	v2x_polyarchy
Liberal component index	v2x_liberal
Equality before the law and individual liberty index	v2xcl_rol
Rigorous and impartial public administration	v2clrspct
Transparent laws with predictable enforcement	v2cltrnslw
Access to justice for men	v2clacjstm
Access to justice for women	v2clacjstw
Property rights for men	v2clprptym
Property rights for women	v2clprptyw
Freedom from torture	v2cltort
Freedom from political killings	v2clkill
Freedom from forced labor for men	v2clslavem
Freedom from forced labor for women	v2clslavef
Freedom of religion	v2clrelig
Freedom of foreign movement	v2clfmov
Freedom of domestic movement for men	v2cldmovm
Freedom of domestic movement for women	v2cldmovw
Judicial constraints on the executive index	v2x_jucon
Executive respects constitution	v2exrescon
Compliance with judiciary	v2jucomp
Compliance with high court	v2juhccomp
High court independence	v2juhcind
Lower court independence	v2juncind
Legislative constraints on the executive index	v2xlg_legcon
Legislature questions officials in practice	v2lgqstexp
Executive oversight	v2lgotovst
Legislature investigates in practice	v2lginvstp
Legislature opposition parties	v2lgoppart
<b>CLEAN ELECTIONS INDEX</b>	
EMB autonomy	v2elembaut
EMB capacity	v2elembcap
Election voter registry	v2elrgstry
Election vote buying	v2elvotbuy
Election other voting irregularities	v2elirreg
Election government intimidation	v2elintim
Election other electoral violence	v2elpeace
Election free and fair	v2elfrfair