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**Human Rights INGOs, LGBT INGOs,
& LGBT Policy Diffusion, 1991-2015**

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by

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Abstract

Human Rights INGOs, LGBT INGOs, & LGBT Policy Diffusion, 1991-2015

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Since the late 1990s, there has been a growing body of literature researching the cross-national diffusion of policies that specifically affect lesbian, gay, bisexual, and transgender (LGBT) communities. Studies using a world society perspective consider how state ties to newly emergent global norms regarding the treatment of LGBT communities are a driver of this process. A shortcoming of these studies, however, is that they do not adequately consider which type of ties to global norms are meaningful to policy adoption. Considering the ever-increasing notion that LGBT rights are human rights, this study contrasts the role of human rights INGOs and LGBT INGOs on LGBT policy diffusion between 1991 and 2015. Furthermore, while previous studies assume a global norm exists, focus on a narrow band of policies, or restrict analyses to key geographic areas, this study develops a new measure of global LGBT norms and offers a comprehensive LGBT Policy Index for a global sample of 154 states. Through pooled cross-sectional time-series with fixed effects, the results demonstrate that human rights INGOs are not adequate vehicles for pressuring state adoption of LGBT policies. Instead, targeted advocacy efforts, embodied through LGBT INGOs, are required in order for policy adoption to transpire.

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Chapter 1: Introduction

The lesbian, gay, bisexual, and transgender (LGBT) movement is often heralded as a successful, modern movement due to the rapidity of accomplishments gained (Kollman and Waites 2009). In addition to changing cultural perceptions on sexual orientation and gender identity (Loftus 2001), the movement has demonstrated particular acumen for influencing public policy. When the movement gained mainstream prominence after the 1969 Stonewall Riots in the United States, only 63 nation-states allowed for same-sex sexual relations between consenting adults (Asal, Sommer, and Harwood 2013). Since then there has been a significant number of reforms adopted in all corners of the globe, in nations as diverse as Mozambique, Nepal, Slovakia and East Timor (Carroll and Itaborahy 2015). By 2015, 118 countries allowed for same-sex sexual relations, while just 75 criminalized this activity (Carroll and Itaborahy 2015). In 2000, The Netherlands became the first state to allow for same-sex marriages; since then, 18 additional states have implemented full marriage rights with several more offering civil unions (Kollman 2007; Paternotte 2015). Progress has not been linear, however, as notable exceptions, counter-movements, and targeted violence have risen as a result (Ungar 2000). Regressive policy adoptions include the “anti-homosexuality” law in Uganda (Tamale 2009), “anti-propaganda laws” first adopted by Russia in 2013 (Persson 2015), and several “religious freedom” bills across the United States which legalize discrimination against LGBT individuals (Blinder and Robertson 2015). In 2015, eight United Nation (UN) states have laws calling for the death penalty for anyone caught performing same-sex acts (Carroll and Itaborahy 2015). Despite some setbacks, there is a need to explain the processes behind the increasing adoption rate of LGBT-related policies in recent decades.

Since the 1990s, there has been a convergence in discourses between the transnational LGBT movement and transnational human rights regimes (Kollman 2009). For example, activists increasingly use terms like “LGBT human rights” as a means to leverage existing human rights treaties, such as the International Covenant on Economic, Social, and Cultural Rights, to articulate for the protections of LGBT

populations (O’Flaherty and Fischer 2008). Moreover, broad-based, human rights organizations, like Amnesty International, increasingly adopt LGBT priorities within the scope of their work (Mertus 2007). Drawing upon neo-institutional perspectives on norm diffusion (Meyer, Boli, Thomas, and Francisco 1997), the explanation behind LGBT policy adoptions could be attributed to state embeddedness within a global context increasingly agreeing that “gay rights are human rights, and human rights are gay rights,” (Clinton 2011). In this perspective, to explain state adoption of LGBT policies, one should examine how states are tied to transnational human rights institutions.

Some studies question the relationship between the LGBT movement and human rights institutions (Hagland 1997), suggesting that alternative explanations are necessary. For instance, Ayoub (2015), when looking at LGBT policy adoption in European states, found that the number of LGBT organizations themselves had a significant association with policy outcomes. When looking at other social movements as examples, such as the international women’s movement, research has demonstrated the necessary work of specific women’s organizations in order for feminist legislation to be enacted (Htun and Weldon 2015), despite the generally agreed upon idea that women’s rights are human rights. Therefore, a question remains: is the expansion of state recognition for LGBT individuals the result of organizing done by transnational human rights groups, generally, or, rather, the strategic work of LGBT international non-governmental organizations (INGOs) in particular?

In order to answer the above question, this study utilizes cross-sectional time-series with fixed effects to assess the global processes influencing LGBT policy adoption in 153 states between 1991 and 2015. To do so, I construct an LGBT Policy Index that constitutes a wide variety of policies, as outlined in the International Lesbian, Gay, Bisexual, Trans and Intersex Association’s (ILGA) *State Sponsored Homophobia Report*. This index is an improvement over prior research on LGBT policy adoption because such studies have been narrow in policy scope (Frank and McEneaney 1999; Frank et al. 2010; Asal et al. 2013; Kollman 2007) or limited to regional measures (Ayoub 2015; Fernandez and Lutter 2013). To

predict where a state may lie on the LGBT Policy Index, I look at measures of state connectedness to human rights INGOs (HRIGHTINGOs) and LGBT INGOs (LGBTINGOs). Contrasting the role of HRIGHTINGOs with LGBTINGOs will help clarify if broad-based, human rights organizations are effective advocates for initiatives put forth by sexual minorities or, instead, whether there is a need for a targeted movement.

Chapter 2: Defining LGBT Policies of Interest

For this study, I define an LGBT policy as a law that is adopted, either through judicial ruling, executive decree, legislative approval, or some other means, at the national-level with specific implications for those of diverse sexual orientations and gender identities. Although the adoption of policy does not necessitate an effective implementation of that policy, it does give insights into state preferences and can lay the groundwork for eventual impact on the lived experience (Htun and Weldon 2012). Indeed, most policies under consideration aim to promote recognition and equality, given the reality of the regulation of non-heteronormative identities, targeted, discriminatory policies are within the scope of this project as well. The types of policies relevant to this diverse community are far ranging and all may not easily fall under the umbrella of “LGBT-related policies.” For example, policies that are implemented to broadly address mental health outcomes (Mays and Cochran 2001), school bullying (Birkett, Espelage and Koenig 2009), or homelessness (Abramovich 2012) have particularly important ramifications for LGBT communities. However, to be included within the definition of “LGBT-related policies” there must be specific intentionality to target of some aspect of this community. Further, many types of policies are context specific – since LGBT communities are not a global, monolithic whole (Richardson 2000; De la Dehesa 2010). For example, LGBT communities in one country may focus on asylum and refugee status (Fullerton 1993), while others focus on access to parental rights (Polikof 2000) or disability services (Schaaf 2011).

Previous research has shown that there are key types of LGBT-related policies that have been applied across a range of states (Frank and McEneaney 1999; Waaldijk and Bonini-Baraldi 2006; Kollman 2007; Fernandez and Lutter 2013). These policies – ones that have been implemented across multiple contexts, states, and cultures – are the policies most likely to be subject to transnational

forces¹. For example, Frank, Camp, and Boutcher (2010) looked at the diffusion of same-sex act regulations, while Kollman (2007) looked at the globalization of same-sex union proposals across Europe.

To illustrate the expansion of such LGBT policies over time, adoption rates of a few selected policies are presented within Figure 1.

As demonstrated, there is a growing percentage of states adopting the more common LGBT-related policies. Additionally, it is important to note the timing of such policy increases. Same-sex acts, for instance, have been the subject of several diffusion studies to date (Frank and McEneaney 1999; Frank et al. 2010; Asal et al. 2013), in part, because its cross-national adoption rates preceded other important policies. Since the early 1990s, there are increase adoptions of new policies as the

¹ By excluding policies unique to each state context, I recognize that this index underreports the true status of nationalized LGBT policies within each state.

international LGBT movement grows and diversifies its policy priorities. Taken as a whole, a coherent policy agenda begins to emerge for transnational advocates.

Chapter 3: Why LGBT Policies Diffuse Across States

Global Norm Development & Pressure

Within an ever globalized world, sociologists and international relations scholars increasingly look to how global forces shape state behavior. One such approach, guided by world society theory, has been to examine how isomorphism, or the structural conformity and similarity throughout the world system, is reflective of a consensus achieved by states, transnational actors, and international organizations on state behavior (Boli and Thomas 1997; Meyer et. al 1997; Frank, Hironaka and Schofer 2000). States, in an effort to be viewed as “modern”, comply with emergent expectations, either due to agreement or because the cost of resistance becomes too burdensome². Using this theoretical frame, researchers have been able to explain the diffusion of a range of policies, such as: gender quotas (Hughes et al. 2006, 2015), state response to domestic violence (Htun and Weldon 2012), and environmental regulations (Longhofer et al. 2016).

Since the late 1990s, researchers have started to investigate how this broader global context specifically impacts LGBT policies. For instance, when looking at the decriminalization of same-sex acts, or sodomy laws, Frank and McEneaney (1999) argued that “a basic shift in world models of society...prompted a world-level redefinition of sex and, in turn, global transformations in its criminal regulation,” (p. 870). Their findings demonstrate that the degree to which a state was connected to this shifting global discourse was reflected in how it regulated sexual acts. Stemming from this critical shift in the reconceptualization of sex itself, other researchers have looked to see how ties to the transnational space influenced a broader range of LGBT policies, such as same-sex unions (Kollman 2007) and multiple policies in European Union states (Ayoub 2015). Each of these studies

² Some research has criticized the underlying power assumption within this theory (Beckfield 2003), arguing instead that global norms are not achieved through consensus, but instead are pushed through by powerful, Western entities (Rahman 2014).

demonstrate that domestic policy debates surrounding the regulation of sexual orientation and gender identity rights increasingly have global-level influence shaping them.

In his 2015 article on the globalization of same-sex marriage (SSM) debates, David Paternotte summarizes the argument for why researchers must pay attention to processes that supersede the bounded state:

“The explanatory power of structural causes, such as demographic changes relating to marriage, the couple, the family and intimacy, a decline of homophobia, secularization, and the influence of social movements, has become less persuasive by the diffusion of SSM as a militant claim and a policy model across the globe. This argument is fundamentally about space and time: the increasing geographic diversity of countries where SSM has entered the domestic discourse, combined with the accelerating pace of its diffusion and its predominance as the only valid device to achieve legal equality for same-sex couples, has profoundly changed the type of contexts in which such debates can emerge....The aim of this piece...highlights the ways domestic debates on the legal recognition of same-sex couples are influenced by the global politics of SSM,” (p. 654).

Although these articles have generally framed the global context as having a positive influence on the expansion of state recognition for sexual minorities, there are important nuances to recognize. In their 2013 edited volume, *Global Homophobia: States, Movements, and the Politics of Oppression*, Meredith L. Weiss and Michael J. Bosia highlight how some political leaders preemptively harden opposition to LGBT rights as a response to global discourse, even when this discourse does not reflect domestic organizations’ policy priorities, such as in Uganda (Englander 2011) and Russia (Wilkinson 2014). The hardening of political homophobia is funded and fueled, in part, by Western evangelicals (Oliver 2013), who expand their opposition to states outside of the West – understanding that they are losing the fight within their respective home countries. Similarly, Long (2005) argues that the growing

attention placed on LGBT rights has resulted in “backlash” against LGBT communities, particularly in non-Western countries, such as Nigeria, Iran, and Eastern Europe. Despite this, however, progress is not limited to just states within the democratic West (Drucker 2000; Ottoson 2006).

This body of research leads to my first hypothesis:

Hypothesis 1: The growth in global pressure surrounding LGBT rights will result in more progressive state LGBT policies.

Domestic Ties to Transnational Advocacy: Are LGBT Rights Human Rights?

Although the global context operates outside the bounded state and broadly impacts all actors (Paxton, Hughes, and Green 2006), ties to transnational advocacy are state-centric, thus varying the degree to which states may be subject to this outside pressure (Beckfield 2003). In order to properly assess how state connections to transnational advocacy ties may influence LGBT rights, however, one must first understand the means through which the transnational LGBT movement has been presented on the world stage.

While giving a speech in Cairo, Egypt for International Human Rights Day, Secretary of State Hillary Clinton stated the following:

“Like being a woman, like being a racial, religious, tribal, or ethnic minority, being LGBT does not make you less human. And that is why gay rights are human rights, and human rights are gay rights,” (2011).

This quotation is illustrative of two concepts important to understanding the diffusion of LGBT rights: 1) it reflects the global pressure, as previously discussed, of accepting LGBT rights as an expectation of modern state behavior; and 2) it epitomizes the rhetorical effort since the 1990s of connecting the transnational LGBT rights movement to existing human rights arguments.

When Western, gay liberation movements were brought to mainstream attention after the 1969 Stonewall Riots in New York City, the movement did not use a human rights frame to discuss its priorities (Valocchi 1999). Instead, the emphasis was on collectivist liberation from multiple forms of oppression (Waites 2005). Similarly, activists during this time in Latin American countries were also advocating for a radical agenda of queer liberation (Encarnacion 2011).

Over the course of the 1990s and above, there became a discourse convergence between the LGBT movement and transnational human rights regimes, however (Mertus 2007; Kollman and Waites 2009). Valocchi (1999) traces how radical movements shifted and splintered, eventually leading to the emergence of a “minority group model.” Such an approach was desired as some activists sought categorization in order to utilize identity politics as a means of leveraging state action on behalf of the community. Categorizing sexual identities within a minority frame planted the seeds for LGBT activists to begin using human rights language to advance their agenda. Simultaneously, with the establishment of the International Lesbian and Gay Association (ILGA) in 1978, transnational LGBT networks began to form and conduct professionalized political lobbying efforts (Kollman and Waites 2009); having a human rights discourse helped facilitate this level of organizing to international bodies.

In 1991, Amnesty International decided to include sexual orientation within the scope of their “prisoners of conscience” letter writing campaigns (Paternotte and Trambly 2016). This was the first notable case of a broad human rights organization picking up the mantle of LGBT causes. Following this, other human rights organizations, such as Human Rights Watch, joined as well in what Mertus (2007) refers to as the “assimilationist period” of the LGBT movement. Along with the establishment of more international LGBT NGOs, such as the International Gay and Lesbian Human Rights Commission (now known as OutRight International), a growing transnational advocacy network started to exert pressure on international institutions, namely the United Nations, with the characterization of LGBT rights as human rights.

Although sexual orientation and gender identity are not explicitly protected within their own UN treaty, similar to the Conventions on the Elimination of all forms of Discrimination Against Women (CEDAW), there has been significant progress made by activists within the UN system. Elizabeth Baisley's 2016 article, "Reaching the Tipping Point? Emerging International Human Rights Norms Pertaining to Sexual Orientation and Gender Identity," outlines this history of LGBT advocacy. She identifies how LGBT advocacy has strategically targeted the UN through: human rights treaties, covenants, resolutions, and other important rulings and statements. For example, in 1999, the UN body overseeing CEDAW stated in a review that "lesbianism be reconceptualized as a sexual orientation and that penalties for its practice be abolished" (U.N. 1999). Furthermore, in the 2000-2006 review process, the governing body of the International Covenant on Civil and Political Rights criticized 13 states for their discrimination on the basis of sexual orientation as it applies to: same-sex sexual relations, prohibition of employment discrimination, unequal age of consent for sexual activity, and lack of explicit mentions of sexual orientation in anti-discrimination programs (O'Flaherty and Fischer 2008).

A dedicated decision to place emphasis on expanding current international human rights law to cover sexual orientation and gender identity came in 2006 through the creation of the Yogyakarta Principles. These 29 principles were established by legal scholars, academics, activists, and NGO leaders in Yogyakarta, Indonesia and outlined how members of LGBT communities were already protected within existing human rights obligations (O'Flaherty and Fischer 2008). Much research has demonstrated how the human rights framing of these principles have not just influenced UN advocacy, but also how domestic organizations articulate for LGBT rights within their respective home countries (Kollman and Waites 2009).

Given the concerted effort encouraged by transnational LGBT activists to incorporate topics of sexual orientation and gender identity into human rights frameworks, one type of transnational

advocacy tie that could influence state adoption of LGBT policies are those to human rights international non-governmental organizations (INGOs).

Throughout world society literature, INGOs are often used to determine state embeddedness to the international system (Meyer 2000; Strang and Meyer 1993). This is because “INGOs create, carry, and embody the world culture in the world polity, diffusing policy scripts to states,” (Beckfield 2003, p. 402). To evaluate this, Frank and McEneaney (1999) found that states with greater INGO ties were more likely to adopt the decriminalization of same-sex acts. Similarly, Hughes, Krook, and Paxton (2015) found that domestic ties to women’s INGOs played an important role in adopting parliamentary gender quotas. The diffusion of a variety of progressive social policies can be linked to this theoretical approach (Florini 2000; Frank et al. 2000; Longhofer et al. 2016).

Therefore, given the history of human rights INGOs, such as Amnesty International and Human Rights Watch, to actively incorporate LGBT causes within the scope of their work and the growing consensus around “gay rights are human rights, and human rights are gay rights,” (Clinton 2011), I hypothesize that:

Hypothesis 2: Country-level ties to human rights transnational advocacy networks via human rights INGOs will result in more progressive state LGBT policies.

The Need for Targeted Social Movements

There are criticisms to both the strategic decision to discuss LGBT issues within a human rights frame and the idea that human rights organizations are adequate institutions for advocating on behalf of members of LGBT communities.

When the transnational LGBT movement first began to move in a human rights direction, Paul EeNam Park Hagland (1997) critiqued such a strategy on multiple grounds. The three most relevant to this study are: 1) the decoupling that exists between human rights obligations and state

action; 2) the universalizing of sexual minority identities to fit within a Western mold; and 3) the slowness of human rights organizations to fully commit to LGBT initiatives.

Hagland's first concern with an international human rights approach was that "the fundamental weakness of human rights law, is so generally accepted" (p. 358) that by sticking with this strategy LGBT activists will have no enforcement mechanism to hold states accountable. So despite the success within the UN system previously described (Baisley 2016; O'Flaherty and Fischer 2008) there are no mechanisms to coerce states into adopting LGBT policy reforms. And Wade Cole has produced a body of work outlining the decoupling that takes place between human rights obligations and state practices (2013a; 2013b; 2005; 2012). Hafner-Burton and Tsutsui (2005) refer to this as the "paradox of empty promises" (p. 1373). Stating:

"There is no systematic evidence to suggest that ratification of human rights treaties in the UN system itself improves human rights practices, but the growing legitimacy of human rights ideas in international society...provides much leverage for nongovernmental actors to pressure rights-violating governments to change their behavior," (p. 1401).

The second two critiques are important for understanding the type of transnational advocacy ties that are necessary to hold states accountable to the global pressure of expanding state recognition based on sexual orientation and gender identity. Hagland highlights that due to the universal nature of human rights, there will be challenges to incorporating such a culturally relative subject, sexuality, into a totalizing discourse. On page 371, Hagland asks:

"If there is no universal pattern of sex and gender identities, then how is a universally applicable guarantee of rights possible? In other words, if LGBT means something different in different cultures and different time periods, how is it possible to establish a fixed relationship between rights and the beneficiaries of those rights, even if international human rights treaties.... are revised to include sexual orientation and (trans)gender identity?"

This critique poses the question: are human rights INGOs flexible enough vehicles to advocate for LGBT communities around the world? Given their very nature, human rights organizations are necessarily universal in their application of rights for various populations. Especially since “the words ‘gay,’ ‘lesbian,’ and ‘bisexual’ are predominantly Western terms which may not adequately or accurately define individuals,” (Hagland 1997, p. 371) human rights organizations may not have a deep enough knowledge of sexuality to localize terminology and conceptualizations.

Following this, human rights organizations may have another limitation: the disconnect between human rights and domestic societies in general. For instance, Petchesky (2000) highlights how human rights institutions discuss a right to “privacy” in lieu of discussing sexuality, but the conceptualization of “privacy” is not a culturally, universal idea. Others, such as Puar (2007) have unearthed how Western governments threaten other states in the name of “human rights.” In doing so, “concepts of ‘rights’ have sometimes been advanced in local contexts where poor individuals lack the education, language or resources to claim and operationalize them, contributing to feelings of disempowerment” (Kollman and Waites 2009, p. 7). In continuing Hagland’s second critique, the questionable relationship human rights organizations have with some local communities further problematizes the question of how these institutions can prevent from totalizing LGBT identities.

Thirdly, a question remains about how serious human rights organizations take LGBT priorities. Although Amnesty International began considering sexual orientation within its “prisoners of conscience” campaigns in 1991, this took place after 15 years of lobbying efforts from ILGA (Hagland 1997). Other international LGBT scholars also demonstrate that the relationship between human rights institutions and LGBT issues is far from perfect (Picq and Thiel 2015).

To illuminate this point, consider the high-profile case of the ‘Queen Boat’ raid in Egypt. In 2001, Egyptian authorities raided a gay hangout space, known as ‘Queen Boat’ (Pratt 2007). Although some human rights organizations came to the defense of these men, who were being prosecuted for

their homosexuality, “a significant number of [national] organizations rejected not only the idea of the right to express diverse sexual orientations but also refused to represent the Queen Boat defendants on that grounds that homosexuality is not part of Egyptian culture,” (Pratt 2007, p. 142). Cases such as these demonstrate that although at the global level, “gay rights are human rights, and human rights are gay rights,” (Clinton 2011), there is significant variability in how individual organizations adhere to this commitment; some may even reject the notion outright. This suggests that perhaps an alternative type of transnational advocacy tie is necessary to hold states accountable to the global norm of expanding policies for members of LGBT communities.

Rather than looking at domestic ties to broad human rights INGOs, such as Amnesty International and Human Rights Watch, instead the focus should be placed on LGBT INGOs (LINGOs) in particular.

To date, there has been little research on how domestic ties to LINGOs influence the diffusion of LGBT policies cross-nationally. Studies that do investigate the relationship between the global context and LGBT policy adoption have generally relied on other indicators to determine the embeddedness of a state in the world polity (Frank and McEneaney 1999; Frank et al. 2010; Hildebrandt 2015). One analysis of only European Union states (Ayoub 2015) did find that domestic LGBT organizations that had an affiliation with two prominent LINGOs (ILGA and the International Lesbian, Gay, Bisexual, Transgender, Queer youth and Student Organization) significantly impacted LGBT policy adoption across states. Given a general lack of research within the transnational LGBT literature, I draw upon a similar argument developed within the work of international women’s movements to provide support for why targeted LINGOs may serve as better organizations to “embody the world culture” (Beckfield 2003) surrounding sexual orientation and gender identity.

When world society scholars have looked into the adoption of feminist policies, they have generally looked at state ties to transnational women’s networks as an explanatory factor (Htun and

Weldon 2012). Hughes, Krook, and Paxton (2015) argue that rather than looking at state ties to INGOs, broadly, to understand the adoption of gender quotas, researchers should pay attention to ties to women's INGOs (WINGOs). This is because since "women's political rights are generally more controversial...outcomes require specific attention to women's organizations," (p. 359). The findings from this study, and other gender scholars (Berkovitch 1999; True and Mintrom 2001; Bush 2011; Paxton et al. 2006), highlight that domestic-ties to WINGOs, specifically, are a better indicator for the degree to which a state is susceptible to global pressures surrounding the treatment of women.

Taken in whole, the literature on the international women's movement illustrates that despite the idea of "women's rights are human rights, and human rights are women's rights," (Clinton 1995), there is a need for a targeted movement. The adoption of feminist policies has been contingent on the world of feminist organizations holding states accountable to global pressures. Considering that the international LGBT movement is in an even more nascent stage at being developed into human rights definitions, LINGOs may be even more critical to understanding the diffusion of LGBT policies since the early 1990s. Therefore, I propose an alternative hypothesis:

Hypothesis 3: Country-level ties to LGBT-specific transnational advocacy networks via LGBT INGOs will result in more progressive state LGBT policies.

Global Pressure – Transnational Advocacy Interactions

Previous scholarship into norm diffusion has identified an important interaction that takes place between domestic factors and global pressures. Keck and Sikkink (1998, p.12–13) refer to one such process as *boomerang effects*. This takes place when a domestic movement appeals to global forces to pressure state action. This allows for both a top-down and bottom-up "squeeze" on the state (Schofer and Longhofer 2011, p. 77–8). This perspective suggests that the growth in domestic ties to

transnational networks will have a positive interaction effect with the growth of global pressures as it relates to improving a state's position on the LGBT Policy Index.

Recent studies have suggested a more complicated association between these two forces, however. Hughes et al. (2015) reasoned that when it came to adopting gender quotas, there was, in fact, a negative interaction between the growth of domestic transnational advocacy ties and global pressure. The authors suggest this “recoiling” effect (Hughes et al. 2015, p. 359) may be the result of two processes at play: 1) the growth of women's organizations signifies an increase in diversity of agendas and “divisions in priorities” (p. 368); or 2) “increased perceptions of threat felt by male elites” (p. 368) creates countermovement against feminist outcomes. Alternatively, domestic organizations may actively resist global scripts in favor of local priorities (Hertel 2006). Given how complex, diverse, and contextually-defined sexuality is, this could very well be the case in the LGBT arena as well. Therefore:

Hypothesis 4a: As global pressure pertaining to LGBT norms increases, there will be a positive interaction with country-ties to HR/LGBT INGOs as it relates to state adoption of LGBT policies.

Hypothesis 4b: As global pressure pertaining to LGBT norms increases, there will be a negative interaction with country-ties to HR/LGBT INGOs as it relates to state adoption of LGBT policies.

National Characteristics

While world society and transnational theories emphasize global pressures, it is necessary to recognize the uniqueness of each state as it relates to policy adoptions. The variations in political, religious, economic, and cultural standards can greatly determine the openness of a state to adhere to a global norm (Frank et al. 2000; Volden, Ting, and Carpenter 2008).

An important national character is the level of democratization, highlighted by the substantial body of evidence relating democratic practices to how well a state respects human rights (Hafner-Burton and Tsutsui 2007). Higher levels of democracy coincide with legislative protections for minorities (Inglehart and Norris 2003), while authoritative regimes are continuously the greatest abusers of human rights doctrines (Hafner-Burton and Tsutsui 2007). A more democratic state, therefore, should enable more LGBT policy adoptions.

Seeing that this is an analysis of policy adoption, it is important to bear in mind *who* has access to these decision-making processes. The portion of female members of national legislatures could be an important factor in the advancement of LGBT initiatives, given the interweaving complexities of gender and sexuality (Robinson and Spivey 2007; Seidman 2009). Additionally, growth in the proportion of female parliamentarians tends to be coupled with an increase in the proposals regarding social welfare and minority concerns (Melander 2005; Paxton et al. 2007; Thomas 1991; Vega and Firestone 1995).

Another common indicator of human rights practices within each state is population density (Mitchell and McCormick 1988; Henderson 1993; Poe and Tate 1994; Keith 1999; Melander 2005). This may be due to the fact that increases in population density could cause competition for resources or “the threat (real or perceived) that large populations pose to entrenched regimes” (Cole 2012, p. 1148-1149).

State “porousness” is also another indicator of the degree to which outside ideas can influence domestic policy approaches. There are specifically two aspects of “porousness” relevant to this particular context: social and economic. In investigating LGBT policies throughout Europe, Ayoub (2015) found that social globalization, as indicated by information flows across states, had a significant association with policy adoption. Additionally, other studies looking into human rights found that the degree to which trade comprises a state’s overall GDP significantly influences human rights practices (Hafner-Burton 2005, 2013).

The last national characteristic that could affect this process is international development. Improvements to economic states of the state should increase LGBT policy adoption because economic growth is associated with greater political inclusion and levels of democracy (Doorenspleet 2004; Huntington 1991; Przeworski and Limongi 1997; Ramirez, Soysal, and Shanahan 1997). Additionally, economic development has proven to enhance conditions for women (Inglehart and Norris 2003) and other minorities (Gurr 2000).

Chapter 4: Data and Methods

This analysis investigates LGBT policies adopted between 1991 and 2015, in three-year intervals, in order to compare how human rights and LGBT transnational advocacy networks influence state policy. Following cross-national research conventions, I include 153 UN recognized states with a population of at least 500,000. The early 1990s serves as the starting point in this analysis because gatekeeper human rights INGOs (HRINGOs) like Amnesty International (Mertus 2007) began to first recognize LGBT issues at this time. In addition, the international LGBT movement grew its global presence, demonstrated by both growth in LINGOs and UN statements pertaining to sexual orientation and gender identity. And LGBT policy adoption expanded across numerous states in diverse regions around the globe. The 1990s effectively marks the beginning of the transnational institutionalization of the LGBT movement (Kollman and Waites 2009). States that do not have UN recognition in 1991 enter the analysis once this status has been reached.

Dependent Variable

The LGBT Policy Index, as mentioned, is an improvement to other measures by broadening the scope of LGBT policies under consideration (Frank and McEneaney 1999; Asal et al. 2010; Kollman 2007) and moving beyond regional considerations (Ayoub 2015). I gather data using ILGA's *State Sponsored Homophobia Report* to generate the index. This report outlines LGBT-related policies in states and territories throughout the world. Previous pieces of work have used the data compiled by the report for the basis of their analyses and have recognized the validity of its documentation of state laws (Sandfort and Reddy 2013; Asal et al. 2013). Although the report outlines regional policy adoptions in some states, the index is only comprised of policies that are enforced on the federal level. So even if numerous local jurisdictions have a policy in place, as is the case with the death penalty throughout northern provinces of Nigeria (Carroll and Itaborahy 2015), the country itself does not receive the designated coding.

The policies encompassed within the index are described below, including contextual information regarding the significance of each one and its expansion over the years of interest.

Legality of Same-Sex Acts:³ This policy has been the focus of a significant body of research (Frank and McEneaney 1999; Frank et al. 2010; Asal et al. 2013), seeing that it is a necessary requirement for further progressive policies to be enacted. This measure specifically refers to legislation in which same-sex actions are not criminalized between consenting adults. In some states, this act is made illegal due to specific anti-sodomy laws, as was the case in the United States until 2003 (Carroll and Itaborahy 2015). While in others, these acts are illegal due to penal codes, often inherited from colonial powers (Asal et al. 2013) which outlaw “vices against nature,” such as in Mozambique and Cape Verde (Carroll and Itaborahy 2015).

Policy Coverage: In 1991, 42.26% of UN recognized states had same-sex acts legalized. In 2015, this number bumped up to 60.62%. Conversely, in 1991 52.97% of UN recognized states had same-sex acts illegal, changing to 38.82% in 2015 (Carroll and Itaborahy 2015). These laws are not perfectly binary because some states have no federal policies regarding same-sex acts.

Age of Consent Laws: In some states, the government may relax regulations on same-sex activity, but keep in place differing ages of consent between opposite-sex partners and same-sex partners (Frank et al. 2010; Waites 2003). This serves as another tool to inhibit same-sex acts between consenting adults. For example, Congo’s penal code allows for the age of consent for heterosexual sex to be 13, however, “anyone who has committed an indecent act or an act against

³For most of the countries in the sample, male and female same-sex acts are regulated concurrently. However, there are 16 states within the sample that regulate same-sex acts based on gender differently, each allows for female-female sexual acts but not male-male as of 2015. Nine of these states are located in Africa, see Giddens (1992) and Russett (1989) on a discussion for this difference. Only states that allow same-sex acts for males and females are coded 1.

nature with an individual of the same sex younger than 21 years, will be punished with imprisonment of six months to three years,” (Carroll and Itaborahy 2015).

Policy Coverage: In 1991, 25.59% of states had equal age of consent laws, increasing to 52.33% in 2015 (Carroll and Itaborahy 2015). Meanwhile, in 1991 26.19% of states had unequal age of consent laws on the federal level, dropping to 6.7% in 2015 (Carroll and Itaborahy 2015).

Employment Discrimination Bans: Although this has been subject to state-specific studies (Tilcsik 2011), there is a notable absence of cross-national studies investigating this policy. This is surprising given that in 2015, nearly 30% of states had a version of employment discrimination bans in place. This policy specifically looks into whether or not states ban private employers from discriminating against LGBT individuals (Carroll and Itaborahy 2015). For example, in the United States, where no such policy exists, private employers face no legal penalty for terminating employment solely based on the employee’s gender identity or sexual orientation (Badgett 1996).

Policy Coverage: In 1991, .59% of states had employment discrimination bans, but by 2015, this grew to 32.13% (Carroll and Itaborahy 2015).

Hate Crime/Incitement to Hatred Protections: Hate crime laws designate a crime against someone due to their sexual orientation or gender identity as an aggravating circumstance; while incitement to hatred protections make any act that could provoke a crime against an LGBT individual illegal (Carroll and Itaborahy 2015). Although these laws are similar, both have distinct legal consequences and capture different variations of hate.

Policy Coverage: In 1991, .59% of states had hate crime protections for LGBT individuals, rising to 18.13% in 2015 (Carroll and Itaborahy 2015). Incitement to hatred policies expanded from 1.78% in 1991 to 17.09% in 2015.

Full Marriage/Civil Unions/Partial Union Rights: Marriage equality has been a banner policy initiative sought after by LGBT movements (Kollman 2007). Union laws, however, vary widely in their scope of legal protections. Figure 2 is included to outline the growth of civil unions and marriage equality, while policies that only cover partial aspects of marriage benefits have recently begun to decline. Full marriage equality means that there are no legal differentiations between same-sex couples and opposite-sex couples. Civil unions, also considered as domestic partnerships, civil partnerships, or registered partnerships, tend to offer all or most of the same legal benefits as marriage, but denies marriage itself (Carroll and Itaborahy 2015). Lastly, partial union rights mean that in some states, such as Costa Rica, full marriage equality is not in place, but same-sex couples receive a limited access to certain types of government benefits.

Policy Coverage: Full marriage rights changed from 0% of states in 1991, up to 9.8% in 2015; civil unions/registered partnerships grew from 0% to 6.22%; and partial access to union rights changed from 0% in 1991 to 3.11% in 2015 (Carroll and Itaborahy 2015).

Joint Adoption: Although in a smaller proportion of state's relative to the rest of these policies, same-sex couple's ability to adopt children is a policy of growing importance (Joslin 2005; Merin 2010; Carroll and Itaborahy 2015). This policy allows for same-sex partners to legally adopt a child, with both parents being recognized as such.

Policy Coverage: In 1991, no state had joint adoptions between same-sex partners legalized while in 2015, this number grew to 9.84% (Carroll and Itaborahy 2015).

Constitutional Protections Against Discrimination: Fewer countries recognize constitutional bans on discrimination against sexual minorities than most of the other types of policies outlined thus far. Constitutions are considered protective if there is explicit language, such as in South

Africa and Ecuador, or, if judicial cases have set legal precedent for such protections, as occurred in *Egan v. Canada* in Canada (Carroll and Itaborahy 2015). The limited growth in constitutional protections is rooted in the fact that state constitutions are more challenging to reform than state policies (Elkin et al. 2009).

Policy Coverage: In 1991, no state had constitutional protections against discrimination for LGBT individuals. This changed by 2015, with 4.15% of states having such protections in place (Carroll and Itaborahy 2015).

“Anti-Propaganda” Laws: First adopted in Russia in 2013, these policies ban “propaganda for non-traditional sexual relations” (Persson 2015 p. 2). This has effectively been utilized to discriminate against LGBT individuals in the name of saving “public morality, particularly pertaining to children” (Johnson 2015; Carroll and Itaborahy 2015 p. 32). Since Russia’s first passage, three additional countries have implemented similar reforms, with several others considering similar proposals within their national parliaments (Carroll and Itaborahy 2015).

Policy Coverage: In 1991, no state had “anti-propaganda laws,” however, this grew after 2013 when Russia first adopted such policy. In 2015, 2.59% of states had these laws in federal statutes (Carroll and Itaborahy 2015).

Death Penalty: This is the most regressive possible legislation regarding LGBT individuals, which is on the books for eight UN recognized states in 2015: Iran, Mauritania, Saudi Arabia, Sudan, Yemen, Afghanistan, Pakistan, and Qatar (Carroll and Itaborahy 2015). In each of these states, the reason for the death penalty is due to the codification of sharia law. Each state varies, however, with how often this sentencing gets carried out (Carroll and Itaborahy 2015).

Policy Coverage: In 1991, 4.16% of states called for the death penalty for those caught in same-sex acts. This number has held relatively constant, with 4.18% having this policy in 2015 (Carroll and Itaborahy 2015).

To create LGBT Policy Index, I coded each policy as either a +1 or -1, depending on if it was progressive or regressive in nature (See Table 1). I then summed up the total to create a composite score for each country every year.

The LGBT Policy Index is meant to capture the state variation in policy adoption as it relates to LGBT rights; this does not capture either the effectiveness of these policies nor the degree to which they are implemented. Previous research has documented the gap between policy and overall enforcement, especially pertaining to the unique role frontline officials have in subjectively implementing laws (Hafner-Burton and Tsutsui 2005; Riccucci et al. 2004). Additionally, a critique of world society analyses is that these types of studies ignore lived experiences, instead focusing on policy and forces of institutional isomorphism (Meyer 2010). Although this is a strong critique, it does not diminish the relevancy of understanding policy adoption. It is still meaningful to undertake this approach for three distinct reasons (Htun and Weldon 2015): 1) it demonstrates state priorities while mobilizing social movements; 2) “policies cannot be implemented if they are never adopted” (p. 551); and 3: understanding the conditions that drive state policy adoption help uncover relevant avenues to changing state discrimination and expanding the definition of citizenship. By illuminating the processes behind LGBT policy adoption, activists can utilize this information to advance their fight and leverage successful policy adoption to pressure state action on effective implementation. While this process takes arduous time, effort, and emotion work, it outlines a path that ultimately does affect the lived experiences of repressed individuals from state-sanctioned violence.

Independent Variables

To capture *global pressure* as described by *H1*, I will be using a continuous scale comprised of two items: the cumulative total number of concluding observations, general comments, reports, and resolutions published through the United Nations system with explicit reference to sexual orientation and gender identity and the cumulative global total of LINGOs.

Table 1.	
Name of LGBT Policy	Score
Legalization of same-sex acts	+1
Equal age of consent for same-sex partners	+1
Prohibition of employment discrimination	+1
Constitutional prohibition of discrimination	+1
Hate crime protections	+1
Incitement to hatred prohibited	+1
Full marriage rights	+1
Civil unions	+1
Any type of partial union rights	+1
Joint adoption between same-sex partners	+1
Criminalization of same-sex acts	-1
Unequal age of consent for same-sex partners	-1
Death penalty for same-sex acts	-1
Anti-propaganda laws	-1

Data on UN statements pertaining to sexual orientation and gender identity has been gathered by the International Commission of Jurists. Although one concluding observation was made in 1982, there was a 10-year gap until the next statement was documented; since 1992, the United Nations had issue some type of document pertaining to sexual minorities every year.

The global total of LGBT INGOs represents another dimension of global pressure. Previous studies (Paxton, Hughes and Green 2006; Hughes et al. 2015) have used global counts of a particular subset of INGOs to reflect the growing global interest in related topics, such as women's

rights. Using data collected by the *Yearbook of International Organizations* published by the Union of International Associations (UIA), I recorded 33 organizations explicitly focused on LGBT issues in 1991; this number grew to 84 by 2015. To determine if an organization was explicitly focused on the LGBT community, I read through organizations' aims as presented within the *Yearbook*. If the aim described aiding any aspect of the LGBT community, it was included in this analysis. Although some feminist and women's groups had crossover work, these organizations are not considered within the scope of this study.

To create a composite score comprised of these two items, I first standardized each variable to their z-score⁴. Once z-scores were obtained, the two values were summed together⁵. The result of these two measures is a combined variable, which I refer to simply as Global LGBT Pressure, that has a value of -2.48 in 1991 and grows to 3.53 in 2015. (See Figure 2. to see how the Global LGBT Pressure adjusts over the 24-year span of this study.)

This new measure of the global context, or world society, is a significant improvement from other research investigating the adoption of LGBT policies. Other studies measure the global context as general globalization (Asal et al. 2013), the proportion of states have adopted the policy under consideration (Greenhill 2016), or make an assumed case that global pressure is growing surrounding same-sex and LGBT policies and measure only transnational advocacy ties (Frank and McEneaney 1999; Ayoub 2015; Fernandez and Lutter 2013). Now, academics and researchers have an indicator to explicitly measure the growth in global pressure for LGBT issues.

This measure is used in both sets of models, those with HRINGOs and those with LINGOs, because it is this particular global context that transnational advocacy organizations should be responding to, if they are to respond to the global context at all. This allows for a better comparison

⁴ The UN data was lagged two years. Data within the YIO has a known lag time of around 5-7 years (Hughes et al. 2015) due to the delay in which the organization is able to find new organizations and gather appropriate information. Because of this, YIO data is not further lagged within the models.

⁵ The two standardized items have a Cronbach's Alpha of .934 and Pearson's Correlation of .8771, $p < .001$.

between which type of advocacy networks on are more effective at translating this pressure into state policy adoption. The *global pressure* variable is constant within any given year, since all states are within the same global environment. While this allows for an understanding of trends across time, *global pressure* itself cannot explain LGBT policy variation within each year. However, within-year variation in state ties to this global pressure, through transnational advocacy networks, can shed light on how states are responding to pressure within a given cross-section.

**Figure 2. Growth of LGBT Policy Index and Global Pressure
1991-2015**

Source: ILGA's State Sponsor Homophobia Report, Yearbook of International Organizations, International Commission of Jurists

The two measures of transitional advocacy, HRINGOs and LINGOs, are both collected via the *Yearbook of International Organizations* produced by UIA. Data is collected from volumes published from 1991-2015, in three year intervals. The human rights INGOs of interest are limited to those that have a broad human rights focus. I limit the inclusion to just these types of organizations because these are the ones most likely to include LGBT initiatives within the scope of their work. Moreover, the inclusion of human rights organizations that explicitly did not work on LGBT issues would have inflated country-ties, making any significance of a relationship less likely or misleading.

To determine if an INGO would fall under the classification of “broad-based,” the aim of each organization, as presented within the *Yearbook*, was evaluated. If the aim specifically mentioned working on behalf of a particular group, such as women, children, or refugees, then it was excluded from the analysis. For example, based upon their respective aim statements presented below, the Arab Organization for Human Rights was included within the analysis:

“Call for respect of human rights and fundamental freedoms of all citizens and individuals in accordance with provisions of international human rights instruments,” (*ULA 2015; Arab League for Human Rights*).

While the Francois-Xavier Bagnud Center for Health and Human Rights was excluded from the categorization scheme:

“Catalyze the health of the human rights movement...in specific contexts, including children’s health and rights, and women’s health and rights,” (*ULA 2015; Francois-Xavier Bagnud Center for Health and Human Rights*).

Country-ties to LGBT INGOs were determined in a similar manner. Aims of organizations were evaluated to see if there was a direct focus on some aspect of the LGBT community. Transnational anti-homosexuality organizations, such as Exodus International, are excluded from this analysis since these countermovement organizations theoretically would not aide in the promotion of LGBT-friendly policies. Additionally, the presence of a country-tie means that there is at least one person in the country affiliated with the international organization. For most country-ties, however, the connection is made through a domestic organization having a membership affiliation with the international organization. Table 2 below outlines the descriptive statistics for both sets of INGOs, in addition to Global LGBT Pressure and the LGBT Policy Index. To see correlation matrices, see Appendix II.

Table 2. Descriptive Statistics of Key Variables				
	Mean	Std. Dev.	Min	Max
LGBT Policy Index	0.88	2.21	-2	8
LINGOs	1.81	3.02	0	23
HRINGOs	4.61	3.60	0	44
Global LGBT Pressure	0.00	1.94	-2.49	3.54

State-Level Controls

I assess level of democracy by using the Freedom House rating. These ratings are widely used throughout political research as a measure of democracy within states (Bollen 1993; Norris et al. 2013) and presents a good reflection of the definition of democracy (Bollen and Paxton 2000). Freedom House rates states from 1 to 7, with 1 being the most democratic. For this analysis, I invert the scale so that 7 becomes the most democratic rating.

To measure women in parliament, I use the proportion of women in the lower chamber (or unicameral) of the national parliament. This data is collected from the Varieties of Democracy dataset (Lindberg et al. 2014), which is drawn from multiple sources (Edgel 2014; Paxton, Green, and Hughes 2008; Carmichael et al. 2015). There are some missing data points over the course of the 24-year period. To account for missing time points, the previous year's data is carried over (Hughes et al. 2015).

Following Ayoub (2015), I measure the social porousness of each state using the KOF Index for social globalization (Dreher 2006). Social globalization is comprised of three component parts: 1) data on personal contact, measured by items such as the rates of international tourists, foreign population, and outgoing telephone traffic; 2) data on information flows, measured by amount of internet users, televisions, radios, and newspapers; and 3) data on cultural proximity, measured by per capita counts of McDonalds (Dreher 2006). This item is measured on a 100-point scale, with higher values indicating more porous connections to outside influences.

Economic development is indicated by gross domestic product (GDP) per capita, in constant 2015 USD. This variable is logged to minimize the skewness of the distribution. Trade is calculated as the summed value of goods and services derived from exports/imports as a proportion of the overall country-level GDP. And, lastly, population density is measured as the mid-year population total per square kilometer. Following previous research (Cole 2012), this measure is logged to minimize the positive skew of the distribution. Each of these three indicators were collected from the World Bank (2015).

Methods

To analyze a state's score on the LGBT Policy Index, I use cross-sectional time-series with fixed effects ⁶(Beck and Katz 1995) with 1,304 country-year observations. This technique has been used by others assessing cross-national comparisons and to evaluate changes to state policy (Beckfield 2004; Hafner-Burton and Tsutsui 2005; McVeigh 2001) because it accounts for unmeasured heterogeneity that exists between states. The fixed effects approach is akin to conducting an OLS regression with dummy variables for each state under analysis. This method allows the model to measure within-country variation on the key variables of interest, while controlling for time-invariant attributes unique to each state, such as culture. This allows for a honed-in understanding of how the *change* in the variables of interest effect the dependent variable. Although there are strengths to accounting for invariant state attributes, this can also be a limitation. These models limit the inclusion of factors that have been previous associated with LGBT and human rights policy adoption such as common law legal systems and religious factors (Asal et al. 2013). It also limits the inclusion of some regional factors, like the unique regulation of sexual acts based on gender within African states (Russet 1989; Giddens 1992).

⁶ As a robustness check, a Poisson model was used treating the dependent variable as a count measure for the number of progressive policies adopted. Key explanatory variables behaved similarly, results available upon request.

To account for heteroskedasticity and the violation of the independence of error assumption (Beck and Katz 1995), standard errors are corrected using the *cluster* command in STATA 13. This command corrects the standard errors and variance-covariance matrix to account for intragroup correlation, while maintaining independence across the various groups, or clusters. This robustness measure did not change the significance of any statistic. Lastly, some models are considered with standardized coefficients to allow for a comparison in effect size for a given standard deviation increase in either human rights INGOs or LGBT INGOs (Long 1997).

Chapter 5: Results

The results from the cross-sectional time-series with fixed effects analysis are presented in Table 3. Model 1 is as a baseline model to give initial assessment for how the global context is operating. Model 1 does indeed demonstrate that the global context has a significant association with the LGBT Policy Index, supporting my initial hypothesis (*H1*). So, as the transnational LGBT movement gains in influence through the United Nations and develops more INGOs across the globe, states are more inclined to improve their position on LGBT Policy Index by adopting more progressive LGBT policies or nullifying actively regressive ones.

Interestingly, Global LGBT Pressure does have a moderately significant effect size once taking into account the growth of the variable. For a one-unit change in the Global LGBT Pressure variable, which is approximately half a standard deviation, the expected change on the LGBT Policy Index is .387 ($p < .001$). Considering the LGBT Policy Index only has a 13-point range, from -4-8, this is a substantial value. Beginning in 1991, it took roughly eight years until the Pressure measure increased by one unit in 1999. However, it took less than three years for such an increase between 2012-2015, underscoring the dramatic growth the international LGBT movement has experienced in recent years.

Models 2-4 seek to provide clarity on how domestic ties to transnational advocacy networks via human rights INGOs and LGBT INGOs impact a state's LGBT Policy Index Score. The results from Model 2 do not provide support for *H2* and suggest that there is not a significant association between the LGBT Policy Index and HRNGOS. Instead, as Model 3 highlights, the transnational advocacy networks with a significant association with the LGBT Policy Index are specific to LINGOs⁷. To underscore this, both variables are included within Model 4⁸. When presented in the

⁷ Standardized coefficients were modeled to provide a more comparative assessment of effect sizes across the various models. Since HRINGOs are not statistically significant ($p < .05$), however, these models are not presented. Available from author upon request.

⁸ HRINGOs and LINGOs have a correlation of .71

same model, LINGOs continue to be the only transnational advocacy tie that remains significant.

Despite the addition of HRINGOs into the model, the effect size of the coefficient and its standard error do not meaningfully alter.

Table 3. Cross-Sectional Time-Series Analysis of LGBT Policy Index, 1991-2015						
Models	1	2	3	4	5	6
	<i>Baseline Pressure</i>	<i>HRINGOs</i>	<i>LINGOs</i>	<i>HRINGOs & LINGOs</i>	<i>HRINGOs Interactions</i>	<i>LINGOs Interactions</i>
Global Pressure	0.387*** (0.072)	0.367*** (0.071)	0.218** (0.070)	0.220** (0.070)	0.222* (0.096)	0.155+ (0.079)
HRINGOs		0.043 (0.030)		-0.012 (0.029)	0.006 (0.036)	
LINGOs			0.201*** (0.039)	0.206*** (0.040)		0.114** (0.042)
Transnational Advocacy x Global Pressure Interaction					0.021* (0.010)	0.024* (0.010)
GDP per Capita (logged)	0.035 (0.126)	0.026 (0.123)	0.200+ (0.114)	0.208+ (0.112)	0.125 (0.118)	0.232* (0.113)
% Women in Parliament	0.031** (0.011)	0.030* (0.012)	0.029* (0.011)	0.029* (0.011)	0.030** (0.011)	0.030** (0.011)
Population Density (logged)	-4.078*** (0.550)	-4.093*** (0.558)	-3.101*** (0.555)	-3.086*** (0.570)	-3.758*** (0.593)	-2.736*** (0.616)
KOF Index: Social Globalization	0.033** (0.012)	0.033** (0.012)	0.033** (0.012)	0.033** (0.012)	0.038** (0.013)	0.037** (0.012)
%Trade	0.003+ (0.002)	0.003+ (0.002)	0.003+ (0.002)	0.003+ (0.002)	0.004* (0.002)	0.003+ (0.002)
Level of Democratization	0.014 (0.055)	0.013 (0.055)	0.006 (0.053)	0.005 (0.053)	0.006 (0.056)	0.006 (0.053)
Constant	14.698*** (2.651)	14.654*** (2.651)	9.215*** (2.565)	9.135*** (2.615)	12.391*** (2.837)	7.397** (2.828)
Observations	1,305	1,304	1,304	1,304	1,304	1,304
R-squared	0.426	0.429	0.469	0.469	0.441	0.476
Number of Countries	153	153	153	153	153	153

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05, + p<0.1

Not only does Model 3 support *H3*, the effect size of the coefficient demonstrates that there is a substantive connection between LINGOs and LGBT policy adoption. The addition of one domestic tie to a LINGO results in an expected increase of .201 ($p < .001$) on the LGBT Policy Index. Suggesting that five advocacy ties may provide enough pressure to move a state to adopt one new policy specific to LGBT communities.

In Models 5 and 6, I test the hypotheses (*H4a* and *H4b*) that there is an interaction between global pressure and domestic ties to transnational advocacy. Both models suggest that as the transnational LGBT movement achieves greater institutionalization, this increases the impact transnational advocacy ties have with the LGBT Policy Index for both HRINGOs and LINGOs. This provides support for *H4a* but rejects *H4b*. The effect of this increase is similar across the two models, .021 and .024, respectively. Figures 3 and 4 below provide a visualization of the marginal effects that these interactions have.

Although the interaction is statistically significant for both models, by plotting the marginal effects it is apparent that the interaction is only significant ($p < .05$) for HRINGOs once the Global LGBT Pressure measure reaches 3.0 during 2014. For LINGOs, however, the marginal effect is significant once Global LGBT Pressure reaches -.8, which it does in 2001. So, although the coefficients are similar, plotting the marginal effects highlights that LINGOs are much more responsive to the global context than are HRINGOs. Additionally, the marginal effects have a larger effect size over time as well, nearly doubled throughout the observation period.

Aside from level of democratization, most of the control variables presented within Table 3 have the expected associations. Economic development, as measured by GDP per capita, unexpectedly only has marginal significance, if at all, and only in models with LINGOs. The proportion of women in parliament is significant in all models. Surprisingly, the size of the coefficient is stable, even once accounting for transnational advocacy ties and the interaction effect. This

suggests that there is durable connection between female parliamentarians and progressive LGBT policy. Population density has strong negative associations with the LGBT Policy Index ($b=-4.07 -2.73$, $p<.001$). This finding provides significant support to previous research (Cole 2012) that as population density increases, states are more inclined to prohibit human rights in order to exert greater control over the population. Following Ayoub (2015), I find that social globalization, or the degree to which information flows into a country, has highly significant associations with the LGBT Policy Index ($b=.033-.038$, $p<.001$), while trade has minimal explanatory relevance ($b=.003-.004$, $p<.10$).

In the models presented within Table 3, I find that level of democratization does not have a significant association with the LGBT Policy Index. Given that Asal et al. (2013) also found level of democracy to be insignificant in the legalization of same-sex acts, it may be that there is no direct causal link between democratization and respect for rights pertaining to sexual orientation and gender identity. Although the work of Cole (2012) and Hafner-Burton and Tsutsui (2005) show the positive relationship between democracy and human rights overall, further work is needed to explore the specific dynamics between democratic regimes and sexual governance.

Figure 3. Marginal Interaction Effects:
LINGO Ties on Global LGBT Pressure

Figure 4. Marginal Interaction Effects:
HRINGO Ties on Global LGBT Pressure

Chapter 6: Discussion

The findings from this research demonstrate strong support that understanding the diffusion of LGBT rights cross-nationally requires taking into consideration the global context (*H1*). By developing a new measure that is explicitly captures Global LGBT Pressure, this study is able to provide new insights to previous research that have looked into the expansion of LGBT rights in Europe (Ayoub 2015), Latin America (Encarnacion 2011), and cross-nationally (Asal et al. 2013). Furthermore, the contribution of this new measure will allow other comparative scholars to investigate ramifications of the transnational institutionalization of LGBT priorities.

To fully understand how the Global LGBT Pressure measure could elicit state policy adoption relating to LGBT concerns, take three recent examples of Seychelles, Luxembourg, and Montenegro. Since 2012, these three states have decriminalized same-sex activity, adopted same-sex marriage, and banned discrimination based on sexual orientation and gender identity, respectively (ILGA 2016). These legislative advances were implemented after partaking in the United Nation's Universal Periodic Review Process (UPR). During the second UPR, which began in 2012, Seychelles, Luxembourg, and Montenegro, among others, received explicit recommendations from other states and civil society organizations, namely LINGOs, to improve conditions for LGBT communities within their respective states (ILGA 2016). These cases highlight the significance of global processes pressuring state action.

Aside from the global context acting as a general pressure source applied to all states, transnational advocacy ties, namely through INGOs, influence the degree to which states are compelled to adopt new scripts by varying the degree of embeddedness to the world polity. Through qualitative investigations, researchers know that broad-based, human rights INGOs increasingly adopt the discourse and initiatives of LGBT communities (Mertus 2007; Paternotte and Seckinelgin 2016). Therefore, an open question remains on whether or not human rights advocacy ties are sufficient to embed states into the emergent global context surrounding LGBT policies (*H2*). By testing these

assumptions against a global sample, I find that by themselves, increased ties to HRINGOs have no significant association with a state's position on the LGBT Policy Index. However, once including the interaction with Global LGBT Pressure, there is a significant association. In other words, while HRINGOs may not influence state policy adoption on their own, as the transnational LGBT movement grows in influence, HRINGOs begin to respond. But as presented in Figure 4, the return on the LGBT Policy Index associated with increased ties to HRINGOs is minimal and has only been significant starting in 2014. These results pose questions on the effectiveness of this advocacy path.

There are two potential explanations for why this relationship is emerging: 1) HRINGOs are not advocates of LGBT issues, for multiple reasons; or 2) HRINGOs are indeed advocates but they require the assistance from international pressure in order to actually move state behavior, as characterized Keck and Sikkink's (1997) *boomerang effects*.

Following some of the critiques presented by Hagland (1997) and illustrated in the Queen Boat case (Dalacoura 2014; Pratt 2007), it appears that there are serious questions about the degree to which HRINGOs advocate on behalf of sexual minorities. This could be due to either: disagreement that LGBT rights are human rights (Pratt 2007; Blevins and Irungu 2015), the fact that some civil society organizations face restrictions on advocating on such issues (Smith 2012; Tsyhankou and Hruzdilovich 2013), or due to resource constraints, HRINGOs are prioritizing other initiatives (Wisor 2012). Alternatively, HRINGOs may be advocating for other types of policy reforms not reflected in the LGBT Policy Index.

Given the significant interaction with Global LGBT Pressure, though, it poses the question if human rights organizations genuinely believe 'gay rights are human rights', or only do so once prompted by a mounting external force?

The second explanation is that LGBT issues are so marginalized within states, that HRINGOs need help from a top-down "squeeze" in order to influence state policy (Keck and Sikkink 1997).

Although evidence for *boomerang effects* have been evident in other transnational advocacy research (Schoer and Longhofer 2011), it is unclear how this process operates within the LGBT literature. To date, this process has not been quantitatively evaluated. In fact, the work of Weiss and Bosia (2013) on global homophobia implies the opposite relationship should be at work. Their edited volume presents a series of case studies demonstrating how political leaders preemptively harden opposition when faced with growing LGBT pressures, akin to Hughes et al.'s (2015) *recoiling effects*. Further research is needed to fully explain this unique relationship between human rights INGOs and growing international LGBT pressure.

Results from this study suggest that transnational advocacy ties, explicitly embodied by LINGOs, are an effective means to shaping a state's position on the LGBT Policy Index. This finding builds on previous research looking into the diffusion of LGBT and same-sex policies by explicitly considering LINGOs as the vehicle through which states are held accountable. Other research has looked at state ties to psychology and law INGOs (Frank et al. 2010), INGOs and intergovernmental organizations, broadly (Frank and McEneaney 1999; Fernandez and Lutter 2013; Greenfield 2016), or domestic LGBT organizations that have an affiliation with two LINGOs (Ayoub 2015) in order to understand policy diffusion. Therefore, an outcome of this study is a demonstration that LINGO growth has been robust since the early 1990s and these organizations should be part of future LGBT policy studies.

Similar to with HRINGOs, there is also a positive significant interaction between LINGO ties and Global LGBT Pressure. Although this *boomerang effect* has been empirically tested looking at the diffusion of feminist policies (Htun and Weldon 2013), recently, international sexuality scholars focused on this issue have suggested this process may be operating similarly when it comes to topics of homosexuality and LGBT rights.

Weiss and Bosia (2013) discuss how globalizing LGBT narratives result in the globalizing of homophobia and state resistance. “Globalizing state homophobia is a convenient tool for state actors threatened by structural adjustment mandates from above,” (Bosnia 2013, p. 256). In particular, these processes took place in states outside of the West and where local LGBT communities had disagreements with the emerging international norm (Bosnia and Weiss 2013). Ayoub (2014) notes that state resistance grows concurrently with the perception of threat of LGBT movements. Browne and Nash (2014) look at how resistance has grown as the result of policy adoption in Canada and Great Britain. Therefore, as the international LGBT movement grows in institutionalization and exerts more pressure, an increased resistance by states in the form of *recoiling effects*, rather than *boomerang effects*, are expected.

It may be that state resistance to the international pressure is a recent phenomenon, not fully captured yet within the scope of this analysis. Research in the international women’s movement similarly suggests that at early stages, global pressure helped feminist groups pressure state policy adoption, but as the women’s movement grew, that is when *recoiling effects* began to emerge (Hughes et al. 2015). This analysis, then, by covering the initial years of the transnational LGBT movement may only be capturing the stage of the movement in which global pressure has a positive interaction. Now that a new indicator of Global LGBT Pressure has been presented within this paper, additional research can be done to tease out these complex dynamics at play.

Chapter 7: Conclusion

Since the early 1990s, states spanning the globe have seen a number of LGBT policies being adopted. Success has come in the form of decriminalizing same-sex acts, banning employment discrimination based on sexual orientation and/or gender identity, same-sex marriage rights, and protections from hate crimes. Given the movement's ability to enact policy reform, it is important to understand the underlying processes so that other movements can learn from what has been successful and to determine how the international LGBT movement proceeds into the future.

As other researchers have determined (Fernandez and Lutter 2013; Frank et al. 2000), considering the global context is important in assessing why states have begun to move in a more progressive direction when it comes to LGBT reforms. Across models, Global LGBT Pressure is found to have positive associations with the LGBT Policy Index. Additionally, it is important to see how this pressure moves through different transnational advocacy networks. For instance, despite the shared discourses between international human rights organizations (HRINGOs) and international LGBT organizations (LINGOs), HRINGOs alone are not associated with LGBT policy outcomes. Alternatively, country-level ties to LINGOs are significant across models. So although, as Secretary Clinton stated, "gay rights are human rights, and human rights are gay rights," is a useful rhetorical device, this does not translate into how organizations influence state behavior. This research demonstrates the need for targeted social movements in order to enact policy reform. Lastly, the interaction across global pressure and transnational advocacy ties is important for researchers and activists to consider this when implementing strategies and future research.

A particular contribution from this analysis is its consideration of a variety of policies, as outlined by the LGBT Policy Index. In their study, Htun and Weldon (2012) also constructed an index to capture the various manners in which a state can respond to violence against women. By constructing an index as the dependent measure, analyses are able to consider a broader definition of

the construct of interest. This is especially important for researching LGBT rights because the diversity of global LGBT communities will necessitate a variety of desired state reforms. A limitation of the LGBT Policy Index, as constructed, is that it does not have a more robust consideration of transgender rights. This is due to the limitations from the data source, but also reflects the under studied topic of transgender identities and rights writ large (Namaste 2000).

Although other studies have investigated diffusion of LGBT rights (Ayoub 2015; Kollman 2009), these analyses do not explicitly examine the global context surrounding LGBT norms. By developing the Global LGBT Pressure variable, I have been able to examine how external pressure influence state policy adoption. Over time, though, there is an opportunity to improve this measure as new developments take place. For example, in 2011 the U.S. State Department launched the Global Equality Fund to provide financial assistance to civil society organizations promoting LGBT rights (Clinton 2011). My measure of Global LGBT Pressure does not consider financial investments, but others have considered a financial element (Hughes et al. 2015; Paxton et al. 2006) into their conceptualizations of global pressure. As international institutions like the United Nations and World Bank continue to promote equality measures, creating a more encompassing Global LGBT Pressure measure would be a valuable initiative. Either way, this research has been able to demonstrate via statistical models what qualitative researchers have stressed (Bosnia and Weiss 2013; Paternotte 2015): a new international norm centered around state treatment of sexual minorities has developed since the early 1990s.

How this norm gets carried out is of particular importance to this research. For instance, more human rights INGOs like Amnesty International and Human Rights Watch have established that LGBT initiatives are important to their work (Mertus 2007), however, this analysis demonstrates that there could be a discrepancy between rhetorical claims and actualized outcomes. Rather than moving through human rights organizations, the emergent concept of “LGBT human rights” appears to be

primarily carried out by LGBT INGOs. LGBT INGOs are the more effective and meaningful transnational advocacy mechanism for promoting LGBT reforms. It is possible that broad-based human rights institutions are carrying out this work if the operationalization of this process takes on a different form. Alternative approaches could investigate the role of state human rights commissions (Risse and Sikkink 1999) on domestic practices.

The struggle of recognition for and the elimination of state-sanctioned violence against LGBT communities has been an ongoing process since the Stonewall Riots in the US brought mainstream recognition to these issues back in 1969. Since the early 1990s, the movement has had success when it comes to enacting state policy reform, concurrently as it has adopted a human rights discourse. This research demonstrates that despite the fact that more human rights organizations accept that LGBT concerns are human rights concerns, the work being done to achieve state reform is being carried by LGBT organizations themselves. This has important considerations for other rights movements, such as the women's rights, labor rights, etc., and how they navigate broader human rights regimes in the process of achieving their desired outcomes.

Appendix I. List of States

Albania	Ecuador	Liberia	Senegal
Algeria	Egypt	Libya	Serbia
Angola	El Salvador	Lithuania	Sierra Leone
Argentina	Equatorial Guinea	Luxembourg	Singapore
Armenia	Eritrea	Macedonia	Slovakia
Australia	Estonia	Madagascar	Slovenia
Austria	Ethiopia	Malawi	Somalia
Azerbaijan	Finland	Malaysia	South Africa
Bangladesh	France	Mali	South Korea
Belarus	Gabon	Mauritania	Spain
Belgium	Gambia	Mauritius	Sri Lanka
Benin	Georgia	Mexico	Sudan
Bhutan	Germany	Moldova	Swaziland
Bolivia	Ghana	Mongolia	Sweden
Bosnia and Herzegovina	Greece	Montenegro	Switzerland
Botswana	Guatemala	Morocco	Syria
Brazil	Guinea	Mozambique	Tajikistan
Brunei	Guinea-Bissau	Myanmar	Tanzania
Bulgaria	Haiti	Namibia	Thailand
Burkina Faso	Honduras	Nepal	Togo
Burundi	Hungary	Netherlands	Trinidad and Tobago
Cambodia	India	New Zealand	Tunisia
Cameroon	Indonesia	Nicaragua	Turkey
Canada	Iran	Niger	Turkmenistan
Central African Republic	Iraq	Nigeria	Uganda
Chad	Ireland	Norway	Ukraine
Chile	Israel	Oman	United Arab Emirates
China	Italy	Pakistan	United Kingdom
Colombia	Jamaica	Panama	United States
Congo	Japan	Papua New Guinea	Uruguay
Costa Rica	Jordan	Paraguay	Uzbekistan
Cote d'Ivoire	Kazakhstan	Peru	Venezuela
Croatia	Kenya	Philippines	Vietnam
Cuba	Kuwait	Poland	Yemen
Czech Republic	Kyrgyzstan	Portugal	Zambia
Democratic Republic of Congo	Laos	Romania	Zimbabwe
Denmark	Latvia	Russia	
Dominican Republic	Lebanon	Rwanda	
	Lesotho	Saudi Arabia	

Appendix II. Correlation Matrix of Key Variables

	HRINGOs	LINGOs	Global LGBT Pressure	LGBT Policy Index
HRINGOs	1.000			
LINGOs	0.714	1.000		
Global LGBT Pressure	0.312	0.242	1.000	
LGBT Policy Index	0.298	0.560	0.265	1.000

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