

January 15, 2023

Mr. Victor Madrigal-Borloz

Office of the United Nations High Commissioner for Human Rights
CH 1211 Geneva 10
Switzerland

Re: Submission to the report on FoRB and SOGI

Submitted via hrc-ie-sogi@un.org

Dear Mr. Madrigal-Borloz:

We are grateful for the opportunity to provide input to inform the Independent Expert's forthcoming report on freedom of religion or belief and freedom from violence and discrimination based on sexual orientation and gender identity.

The undersigned are scholars affiliated with The Williams Institute at the UCLA School of Law. The Williams Institute is a research center dedicated to conducting rigorous and independent academic research on sexual orientation and gender identity, including on the lived experience and well-being of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people both inside the United States and globally. We also conduct analysis on rights and legal protections related to sexual orientation and gender identity/expression (SOGIE). A central area of our research is dedicated to understanding the effects of social, legal, and political factors on acceptance of LGBTI people and their rights.

We write in response to the Independent Expert's request for input on the dynamics between the human rights of persons with diverse sexual orientations and gender identities, and the human right to freedom of religion or belief. Specifically, we seek to offer insights with respect to two questions for which you solicit input:

1. What are the actual or perceived points of tension (if any) between the right to manifest one's freedom of religion or belief, and freedom from violence and discrimination based on sexual orientation and gender identity? Are there any areas in which they are mutually exclusive?
2. Are there any ways in which the right to freedom of religion or belief, and freedom from violence and discrimination based on sexual orientation and gender identity are mutually reinforcing?

In the annex below, we present the findings of a recent study examining the relationship between indicators of a country's institutional policies and restrictions on religion, indicators of societal religiosity, and the level of acceptance towards LGBTI people and their rights. Understanding the correlates of and influences on social attitudes about LGBTI people is important for understanding whether LGBTI people are accepted or rejected by the state and society. Negative beliefs and stigmas toward LGBTI people can serve as the basis for promulgating policies that reject and exclude LGBTI people. This, in turn, can spur violence and discrimination targeting people on the basis of their actual or

perceived sexual orientation or gender identity/expression. Thus, a deeper understanding of how religious freedom and religious beliefs interact with the acceptance of LGBTI people can inform recommendations about balancing freedom of religion and freedom from violence and discrimination on the basis of SOGIE. Overall, we find that:

- Countries with higher levels of institutional restrictions on religion (i.e. more policies in place to restrict religious practices or beliefs, including through force or coercion) are less accepting of LGBTI people.
- Countries with higher levels of social religiosity (i.e. countries where a greater percentage of the population does not trust people of other religions) are less accepting of LGBTI people.
- Countries with a larger share of the population that do not consider religion to be very important are more accepting of LGBTI people.
- Institutional restrictions on religion negatively impact LGBTI acceptance most where social religiosity is high. Thus, it appears that the influence of institutional restrictions on religion on LGBTI acceptance can be attenuated in countries where there is more trust in people of other faiths or where more people do not feel that religion is very important.

Thank you for the opportunity to provide input. If you have any questions, please feel free to contact Ari Shaw, PhD, Senior Fellow & Director of International Programs at shaw@law.ucla.edu.

Respectfully submitted,

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Freedom of Religion and LGBTI Acceptance

Religion has been found to influence attitudes towards LGBTI people in two broad ways. First, religious proscriptions against homosexuality influence people’s individual attitudes, making those who are highly committed to their faith (regardless of their faith) more likely to disapprove of homosexuality. Second, religions that are institutionalized into state policies and national cultures influence attitudes regardless of personal religious beliefs or attitudes about homosexuality because they can impose rigid behavioral restrictions and require a form of devotion that admonishes homosexuality.¹

Additionally, differences within religions and religious communities produce different effects on LGBTI acceptance. Research shows that, on average, religiosity is associated with more negative attitudes towards LGBTI people.² However, some religious orientations—those with intrinsic and strict rules, and those based on fundamentalist principles—are strongly associated with negative attitudes towards LGBTI people. Conversely, those with more spiritual and secular based belief systems—that is, religious communities that emphasize individual quests and have looser or no ties to religious institutions—tend to hold less negative attitudes towards LGBTI people.³ In other words, religiosity (i.e. the importance of religion in one’s life, and how it shapes one’s views of the world and surrounding communities) is more influential in affecting feelings, behaviors, and attitudes towards homosexuality than any particular religious denomination to which a person may adhere.⁴

This research brief further assesses the relationship between religious freedom, religiosity, and LGBTI acceptance. More specifically, it examines indicators of a country’s policies regarding religious practices and beliefs, indicators of societal levels of religiosity, and levels of LGBTI acceptance as measured by the Williams Institute’s LGBTI Global Acceptance Index (GAI). We tend to find strong

¹ Adamczyk, Amy. 2017. *Cross-National Public Opinion about Homosexuality: Examining Attitudes Across the Globe*. Univ of California Press.

² Brown, Michael J., and Ernesto Henriquez. 2008. “Socio-Demographic Predictors of Attitudes Towards Gays and Lesbians.” *Individual Differences Research* 6 (3): 193–202; Marsh, Timothy, and Jac Brown. 2011. “Homonegativity and Its Relationship to Religiosity, Nationalism and Attachment Style.” *Journal of Religion and Health* 50 (3): 575–91.

³ Leach, Erica, and Jonathan Gore. 2022. “Culture, Religion, and Homonegativity: A Multi-Level Analysis.” *Mental Health, Religion & Culture* 25 (1): 85–98.

⁴ Akker, Hanneke van den, Rozemarijn van der Ploeg, and Peer Scheepers. 2013. “Disapproval of Homosexuality: Comparative Research on Individual and National Determinants of Disapproval of Homosexuality in 20 European Countries.” *International Journal of Public Opinion Research* 25: 64–86; Doebler, Stefanie. 2015. “Relationships between Religion and Two Forms of Homonegativity in Europe—A Multilevel Analysis of Effects of Believing, Belonging and Religious Practice.” *PloS One* 10 (8): e0133538; Ellison, Christopher G., Gabriel A. Acevedo, and Aida I. Ramos-Wada. 2011. “Religion and Attitudes toward Same-sex Marriage among U.S. Latinos.” *Social Science Quarterly* 92: 35–56.

relationships between state policies on religion, societal religiosity, and LGBTI acceptance. However, the relationships are not perfect; thus, it is the case that more institutional restrictions on religion and societal religiosity tend to correspond with lowered LGBTI acceptance, even while some countries deviate from those trends.

Indicators in this Study

The GAI is a score of a country's societal acceptance of LGBTI people. It is developed by analyzing multiple global and regional social surveys that document measures of accepting LGBTI people via various questions (e.g., support for adoption rights for same-sex couples, beliefs about the justifiability of homosexuality, and support for transgender rights). The GAI ranges from 0 to 10 with higher scores indicating more accepting societies. The GAI is developed to be a dynamic measure documenting changes in acceptance from 1981 to the present day. Given the available indicators for this report, we focus on GAI estimates in 2016.

The GAI is compared to indicators of country policies related to religion. The first indicator used was the Pew Research Center's Government Restrictions Index (GRI), which is based on 20 indicators of ways that national and local governments restrict religion, including through coercion and force. The measure ranges from 0 to 10, with zero indicating very low levels of government restrictions on religion, and 10 indicating extremely high levels of restrictions.⁵

The GAI is also compared to indicators of societal religiosity based on responses to the 2022 World Values Survey. One indicator was a country's level of social distrust in people from different religions. This measure ranges from very low levels of distrust (1%) to high levels of distrust (59%). A second indicator was used to measure religious importance. This measure ranges from very low levels of religious importance (0%) to high levels of religious importance (51%).⁶

Findings

Correlations. We first assess the pairwise correlations between the GAI and each religiosity indicator. The relationships suggest that countries with greater levels of institutional restrictions to religion and societal religiosity have lower levels of LGBTI acceptance. There is a modest negative

⁵ Other indicators were assessed such as the Social Hostilities Index, based on 13 indicators of ways in which private individuals and social groups infringe upon religious beliefs and practices, but they did not seem to be as related to the GAI.

⁶ We used the Welzel disbelief sub-index to measure religious importance.

relationship between the GRI index and the GAI scores. This means that countries with more policies in place to restrict religion are also less socially accepting of LGBTI people. Societal religiosity also appears to play a role in social acceptance. Countries whose population increasingly does not at all trust people of other religions are also countries where there is lower social acceptance of LGBTI people. Similarly, countries with a larger share of the population that does not consider religion to be very important are countries where LGBTI acceptance is also higher. The correlations between societal religiosity and LGBTI acceptance appear stronger than the correlation between institutional restrictions on religion and LGBTI acceptance.

Table 1: Correlation coefficients between the GAI and indicators of institutional and social religiosity

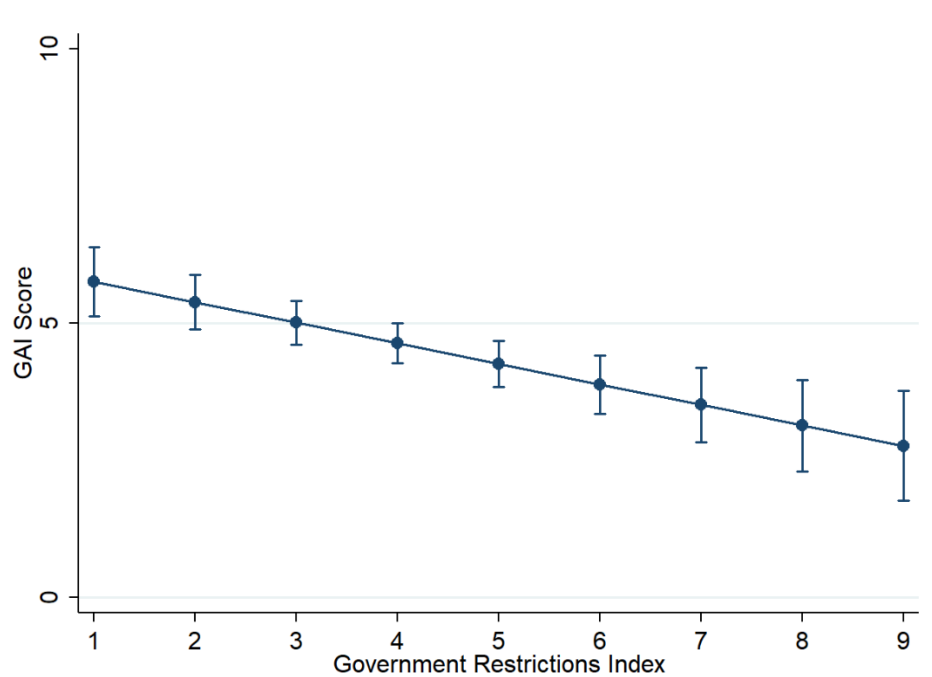
| | Correlation coefficient (p-value) | N Countries |
|---|-----------------------------------|-------------|
| Government Restriction Index (GRI) | -0.29 (<.001) | 158 |
| Government penalizes hate speech | 0.13 (.11) | 158 |
| People don't trust people from other religions at all | -0.55 (<.001) | 86 |
| People do not rank religion as very important | 0.61 (<.001) | 86 |

Regression results. Multiple regressions were fit to further understand the magnitude of relationship among institutional and societal religiosity on LGBTI acceptance (results in Table A.1). Both institutional restrictions and societal religiosity influenced a country's level of acceptance of LGBTI people *independently of one another*. Thus, both types of religiosities explain some of the variation in a country's level of LGBTI acceptance.

Figure 1 shows the relationship between institutional restrictions on religion and predicted levels of LGBTI acceptance on the GAI scale (from model 3 in Table A.1). Countries at the lowest end of the GRI have average acceptance scores of 6, which is double the level of LGBTI acceptance compared to countries that are at the maximum GRI score.⁷ Thus, institutional-level factors relate substantially to acceptance.

⁷ As a point of reference, a score of 5 corresponds to about 30% of a country saying that homosexuality is "not wrong at all."

Figure 1: The relationship between the Government Restrictions Index and LGBTI Acceptance. 95% confidence intervals represented by error bars.



Figures 2 and 3 show the relationship between societal religiosity and LGBTI acceptance. Figure 2 plots a country’s predicted level of acceptance of LGBTI people varying the percentage of the population that does not at all trust people from other religions. Countries with high levels of trust have a predicted GAI score of 6 compared to 2 in countries where 55% of population lacks trust. Similarly, societies that do not rank religion very high in importance have greater levels of LGBTI acceptance. In countries where 0% of the population does not rank religion as very high in importance, they have a predicted GAI score of 4 compared to 7 in countries where 50% of the population does not rank religion as very high in importance.

Figure 2: The relationship between a societal trust in peoples from other religions and LGBTI Acceptance. 95% confidence intervals represented by error bars.

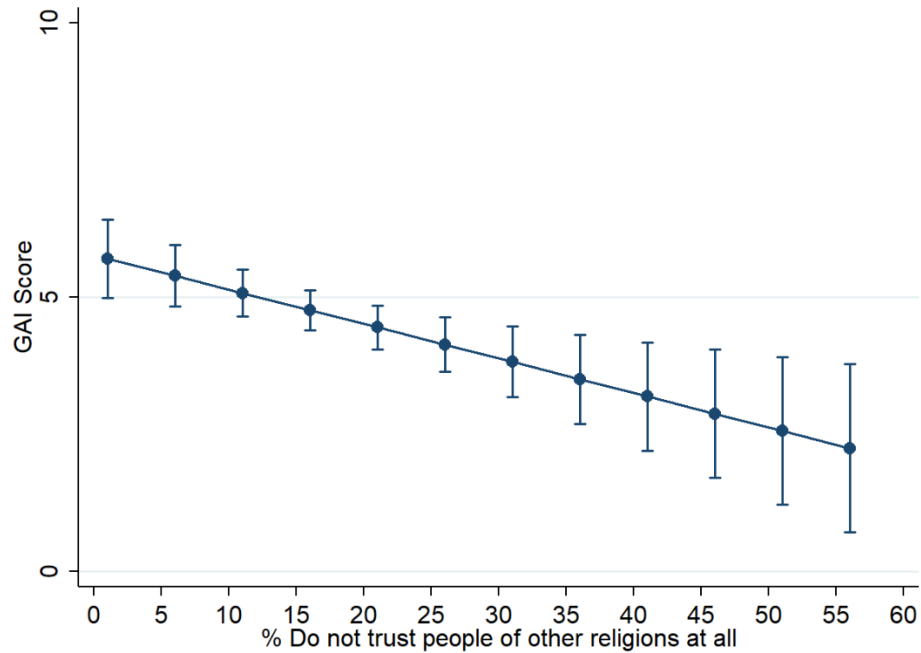
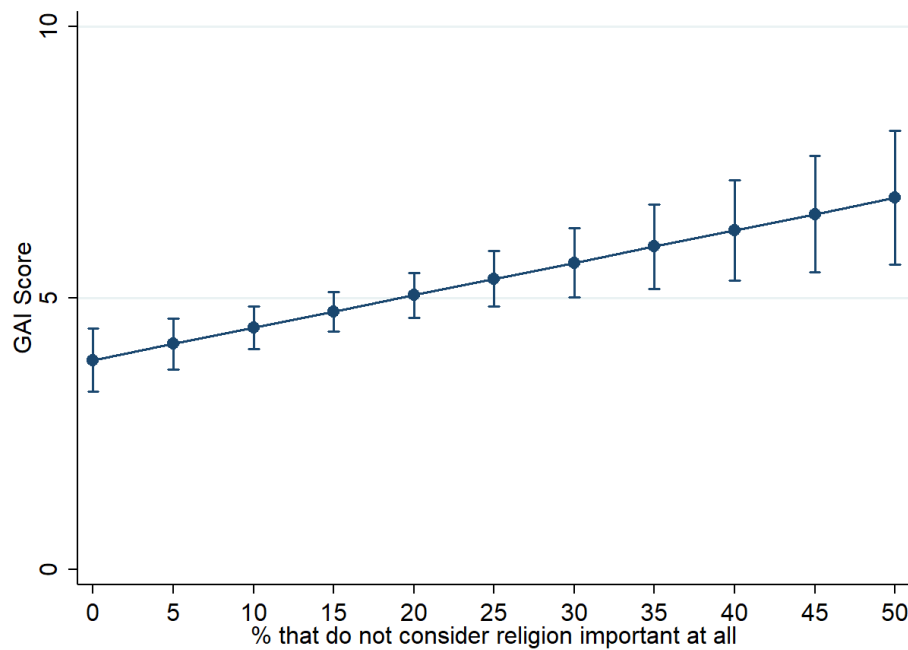
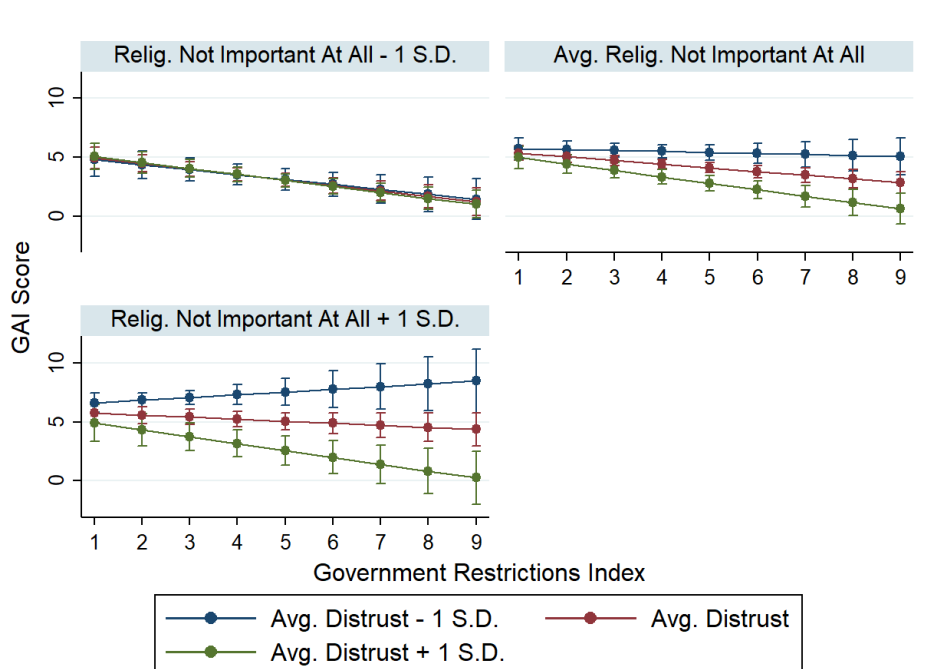


Figure 3: The relationship between considering religion not important at all and LGBTI Acceptance. 95% confidence intervals represented by error bars.



Finally, institutional restrictions on religion and societal religiosity appeared to mutually influence one another in a society's level of LGBTI acceptance. Figure 4 plots predictions allowing institutional and societal religiosity indicators to interact (predictions are from model 4 in Table A.1). The findings reveal some interesting patterns. In countries where a low percentage of the population does not rank religion as very high in importance (suggesting high social importance of religion), greater levels of institutional restrictions on religion (GRI) predict lower levels of LGBTI acceptance *regardless* of the levels of trust a society has toward those of different faiths. However, in societies where a larger share of the population does not consider religion to be important, the effect of institutional restrictions on religion weakens *among those societies where there is increasing trust among people of other faiths*. In places where distrust remains high, institutional restrictions on religion continues to predict lowered acceptance of LGBTI people. While all indicators play a role in predicting GAI scores, it appears that the role of institutional restrictions on religion in social acceptance of LGBTI people can be attenuated in countries where there is greater trust in people of other faiths and where a little more than 10% of the country does not rank religion as very high in importance.

Figure 4: The relationship between the Government Restrictions Index and LGBTI Acceptance by Religious Importance and Distrust in People from Other Religions. 95% confidence intervals represented by error bars.



Methodology

Data were collected through the Pew Research Center data on Global Restrictions on Religion (2007-2016), the World Value Survey 7 Wave (2017-2022), and the Global Acceptance Index (2017-2020).

Readers interested in the estimation of the GAI can review the most recent update to the estimates.⁸

Regression results are provided in Table A.1. Results in the report are plotted based on models 3-4.

Table A.1: Linear regression results on LGBTI GAI scores

| | (1) | (2) | (3) Combined | (4) Interaction |
|---|----------------------|---------------------|---------------------|---------------------|
| Government Restriction Index (GRI) | -0.36 (0.08)*** | -- | -0.37 (0.09)*** | -0.39 (0.20)^ |
| Government penalizes hate speech | 1.01 (0.35)** | -- | -0.09 (0.45) | -- |
| People don't trust people from other religions at all | -- | -0.07 (0.02)*** | -0.06 (0.02)** | 0.02 (0.05) |
| People do not rank religion very high in importance | -- | 0.08 (0.02)*** | 0.06 (0.02)*** | 0.06 (0.04) |
| GRI * people don't trust people from other religions at all | -- | -- | -- | -0.004 (0.009) |
| GRI * people do not rank religion very high in importance | -- | -- | -- | 0.03 (0.01)* |
| People don't trust people from other religions at all * people are very distant from religious authority | -- | -- | -- | -0.002 (0.002) |
| GRI * people don't trust people from other religions at all * people do not rank religion very high in importance | -- | -- | -- | -0.001 (0.0006)* |
| Intercept | 4.75 (0.34)*** | 4.71 (0.54)*** | 6.43 (0.72)*** | 5.12 (1.08)*** |
| <i>N</i> | 158 | 86 | 78 | 78 |
| <i>F</i> (<i>df</i> , <i>df</i>) | 11.50 (2, 155)*** | 32.91 (2, 83)*** | 24.25 (4, 73)*** | 19.36 (7, 70)*** |
| <i>R</i> -squared | 0.13 | 0.44 | 0.57 | 0.66 |
| σ | 2.06 | 1.81 | 1.61 | 1.47 |

Note: ^ $p < .10$; * $p < .05$; ** $p < .01$; *** $p < .001$ (two-tailed).

⁸ Flores, Andrew. 2021. "Social Acceptance of LGBTI People in 175 Countries and Locations." Los Angeles: The Williams Institute. <https://williamsinstitute.law.ucla.edu/publications/global-acceptance-index-lgbt/>.