Democracy and Gender and Sexual Minority Rights: Brazil, Bulgaria and Namibia compared

How can we understand the importance of democracy to furthering LGBTQ human rights?

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ABSTRACT

Democracies are argued to be imperative for the advancement of LGBTQ human rights. In the last two decades, however, the picture regarding LGBTQ rights has been extremely contradictory with countries adopting ‘LGBTQ friendly’ policies such as same-sex marriage or adoption while other democratic nation-states have constrained or not developed the rights of sexual minorities. Flaws in the democratic political system and the international human right regime are believed to be responsible for that. The aim of this paper is to investigate the significance of democracy in relation to sexual and gender minority human rights. This is done by (a) framing the study through previous studies related to the topic, the use of Queer IR and democratic theory, and (b) conducting a small-N comparison with content analysis where Brazil, Bulgaria and Namibia are analysed to answer the research question. Democracy is demonstrated to be a necessary factor in the process of LGBTQ right advancement, but not essential. Other factors are believed to influence the process, especially social movements and their effect in norm internalisation processes.
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1. INTRODUCTION

My bachelor thesis aims to understand the significance of democracy in relation to sexual and gender minority rights recognition across nation-states. Scholars like Encarnacion, (2015: 97-979) and Bueno de Mesquita (2005:456) argue that the conditions for LGBTQ human rights to exist and expand only exist among democracies. LGBTQ human rights, however, have not expanded flawlessly in liberal democracies since these emerge or are implemented. Over the last decades, democracies have evolved and changed. After the Second World War, the application of welfare state social security programmes and progressive taxation moved Western liberal democracies towards a ‘socialisation’ process. Liberal values that give priority to individual freedom have merged with the democratic emphasis on popular participation as a result of the historical evolution of institutions (Carter and Stokes, 2002: 1). Human rights in general – and sexual and gender minority rights in particular – that were not guaranteed before the end of the Cold War, have relentlessly increased in Western democratic countries since liberal democracy starts to be implemented worldwide by the United States of America (Carter and Stokes: 2002:1; Encarnación, 2014:98).

Most of the necessary conditions for LGBTQ human rights to exist and expand only exist among democracies. Lesbian, Gay, Bisexual, Transsexual and Queer (LGBTQ) human rights campaigns, are both a demand for equality and a form of identity politics that searches for public recognition for their particular lifestyles (among other things) (Carter and Stokes, 2002:6). Sexual minority rights need opportunities for advocacy in order to strengthen, and this is obtained through liberal democracy which allows the necessary social environment for LGBTQ people to live their lives openly without fear (Encarnación, 2014: 97-98). In the last two decades, however, the picture has been extremely contradictory with countries adopting ‘LGBTQ friendly’ policies such as same-sex marriage (SSM) or adoption while other democratic nation-states have constrained or not developed the rights of sexual minorities in the same way (Encarnación, 2014:97; OECD, 2019:14). While this paper does not contest the political and socio-cultural benefits democracy has brought the LGBTQ community, democracy will be examined in relation to sexual and gender minority rights as inconsistencies are found on the LGBTQ human right picture worldwide.

Scholars such as Carter and Stokes (2002:2-3) argue that contemporary institutions do not function properly. They base their arguments stating how liberal democracies (a) are not able to deliver economic or social stability to citizens, and (b) fail to maintain normative ideals (e.g. liberal practices and values or democratic channels for people to engage in their “collective
destiny”) and, (c) are enduring a decline regarding individuals’ identification with a political community and commitment to a shared public realm, a distinctive characteristic of liberal democracies (2002:3) Taking into account that democracies are not flawless and the inconsistencies found in the LGBTQ right picture worldwide, this paper’s goal is to study the significance of democracy in connection to sexual and gender minority human rights recognition and it will be done by answering the following question: how can we understand the importance of democracy for furthering LGBTQ human rights?

Such research question and area fall under what is known as ‘Queer International Relations’ (further discussed in section 2). Views on the relation between queer studies and international relations vary. Some scholars argue that queer international theories do not have a place in international relations while others show the relation between queer international theories and international relations theories by listing their similarities (Weber, 2014: 597). LGBTQ experiences, policies and human rights are more than just part of world politics, they influence both national and international political affairs and theory making. Sexuality and gender politics do in fact shape our interpretations of the world around us (Langlois, 2015:23,35; Picq and Thiel, 2015:6). States are often argued to enact LGBTQ legislation symbolically to portray themselves as modern and improve their democratic reputation instead of enacting such legislation in order to improve LGBTQ individuals’ lives (Ayoub, 2016:115). Moreover, events such as the ‘2014 Olympic Winter Games in Sochi’ (where the Russian government enacted legislation criminalising homosexual behaviour which led to what some scholars named an International Culture War over LGBTQ rights) or ‘Uganda’s Anti Homosexuality Act’ (where sexual acts between men were to be punished by death penalties if not for the international pressure other countries (e.g. United States) put in stopping that law from happening) show the effect legislating for or against LGBTQ human right can have at the international stage. Thus, making this topic IR relevant (Picq and Thiel, 2015: 1).

In order to answer the previous question, a small-N comparison will be carried out where Brazil (B), Bulgaria (B) and Namibia (N) will be studied through content analysis. Comparison will be used to investigate the importance democracy has in relation to LGBTQ human rights. To reach this goal, the next section will provide previous literature that will be analysed in order to establish the theoretical framework of the paper and to introduce the concepts used in this study. Then the methodology, where the procedure to conduct the analysis will be explained; Followed by the analysis, the material of the study; and conclusion, where the findings are further discussed.
2. LITERATURE REVIEW and THEORETICAL FRAMEWORK

There is existing literature regarding LGBTQ rights legislation, LGBTQ norm internalisation and LGBTQ human rights and the inconsistencies found across different states. Such literature has aimed to explain (a) LGBTQ rights legislation across the globe (Bosia and Weiss, 2013; Langlois, 2015a and 2016; Picq and Thiel, 2015; Rahman, 2015; Wilkinson, 2014; Wilkinson and Langlois, 2014), (b) how sexual minority groups advance their rights through transnational processes (Hafner-Burton and Tsutsui, 2005:1373; Thiel, 2015; Ayoub, 2016:3; Velasco, 2018:337) or transnational organisations such as the UN (D’Amico, 2015:55), (c) the uneven LGBTQ right legislation across the globe (Ayoub, 2014, 2015 and 2016; Ayoub and Petternote, 2014; Holzarker, 2014), the European Union (Langlois, 2016; Lind, 2014 and Weber, 2016) and Latin America (Encarnación, 2014 and Encarnación, 2018) and (d) the LGBTQ norm internalisation on European Union candidate states in the process of democratisation (Swimelar, 2017).

The goal of this paper, however, is to understand the significance of democracy in relation to sexual and gender minority rights recognition across nation-states. In order to do so, I found different readings that can be separated in different topics and that have helped me developed the theoretical framework of my study: (I) Lesbian, Gay, Bisexual, Transgender and Queer identities, (II) LGBTQ human rights, (III) LGBTQ human rights and international relations, (IV) LGBTQ human rights scholarship, (V) Queer International Relations, LGBTQ perspectives and International Relations, and (VI) LGBTQ human rights, democratic theory and citizenship.

(I) LGBTQ IDENTITIES

Categories or terms such as ‘lesbian’, ‘gay’, ‘bisexual’, or ‘transgender’ can be understood in various ways by different scholars in different places and times, that is why I think is essential to define and operationalise the dependent phenomenon of this paper: Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) people and their human rights.

Lavinas and Thiel (2015:5), who investigate the effect LGBTQ perspectives have in both world and national politics, explain how to use Sexual Orientation and Gender Identity (SOGI) as a term to refer to all existing sexualities would be “too existentialist” as it does not encapsulate all identities and preferences transgender and bisexual individual encounter (Waites, 2009 in Lavinas and Thiel, 2015:5). They instead advocate for the term LGBTQ. On
the one hand, LGBT as it is the most recognisable umbrella term, and on the other, they decide to add Q (or queer), stating that its use adds “[...] the inherent linkage between inclusionary and transgressive approaches towards sexual equality for all” (2015:5) to the term. Furthermore, in a critical analysis of the effectiveness and importance of LGBTQ people in the UN, Mule, McKenzie and Khan (2016) use the term LGBTQI (lesbian, gay, bisexual, transgender, queer and intersex) as “[...] a collective term to capture gender and sexuality diverse population, those who identify as lesbian, gay, bisexual, transsexual, transgender, two-spirited, intersex, queer and questioning [...]” (2016:2246).

Thus, following Lavinas and Thiel (2015:5) & Mule, McKenzie and Khan’s (2016:2246) use of the term LGBTQ, the term LGBTQ, in this paper, will be framed so that it represents all non-conforming sexualities that undergo sexual orientation and gender identity issues in a collective manner. The term sexual and gender minorities will be used in the same way as well. Terminology I hope is read with flexibility, as I acknowledge there is no language that accurately captures LGBTQ people’s realities.

(II) LGBTQ HUMAN RIGHTS

The purpose of this section is to explain the existing relationship between human rights and sexual and gender minority rights as well as to establish what this paper will consider LGBTG human rights. It will be done by first briefly presenting the UN’s position and then going more in depth into what the Council of Europe advocates for.

The United Nations illustrates human rights as:

“[...] rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination” (United Nations, 2019 - emphasis added).

Yet the existence of ‘LGBTQ human rights’ in connection to ‘Human Rights’ is argued to indicate the previous absence of gender and sexual minorities from the conception of the human inherent in human rights based on its definition (Kollman and Waites, 2009:2). The Universal Declaration of Human Rights is created in 1948 with the objective of acknowledging the humanity of all people, beyond state borders. Composed by 30 articles; they outline the social,
political, and economic rights that everyone is entitled to – no matter where we come from or who we are – because we are born human. Making human rights a universal claim that considers all humans to be free and equal (United Nations, 2019).

The UDHR has encountered opposition as it has been regarded to discriminate women and non-western cultures in the past. First, when it comes to women, there is a thirty years gap until the first international agreement to declare ‘women’s rights, human rights’ is created (from the UDHR in 1948 to 1979 when the CEDAW comes into force). CEDAW, which “[...] sets out bill of rights for women [...]” (Rights Info a, 2019) and “[...] requires countries that have signed it [...] to take all appropriate steps to eliminate discrimination against women, with a view of the ensuring their equal development and their equal enjoyment of human rights on a basis of equality with men” (Rights Info b, 2019) is established to end with the “male bias” implicit in the UDHR (Mullins, 2018: 257).

Second, some also argue that by claiming human rights universal, the cultural differences that exist between societies all around the world are ignored. Advocating for different moral standards and values depending on the society, and the societies’ interpretation of individuals’ rights and their culture (American Anthropological Association, 1999). On the same vein, Michael Ignatieff (2001) explains how the UDHR fails to show the cultural values and norms that exist in the rest of the world and attempts to impose Western values on everybody else. He accuses the West of masking “[...] its own will to power in the impartial, universalising language of human rights and seeks to impose its own narrow agenda on a plethora of world cultures that do not actually share the West’s conception of individuality, selfhood, agency, or freedom” (Ignatieff, 2001:105). He, however, does acknowledge that “[...] the UDHR is written and ratified by representatives from all around the globe, being non-western societies two-thirds of the endorsing votes” (2001: 105). Both the male and western “biases” that different scholars have proven to exist in the UDHR are exhibit here, in order to indicate that a “heterosexual bias” might also exist. Which this paper considers important when framing LGBTQ human rights before investigating the significance of democracy in relation to LGBTQ human rights.

This paper frames ‘LGBTQ human rights’ based on the Toolkit to Promote the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People by the Council of Europe (CEU 11179/10, 2010:3). The CEU aims to provide different EU bodies of governance and representation “[...] with operational set of tools to be used in contacts with third countries, as well as international and civil society organisations, in order to promote and protect the human rights enjoyed by LGBT people within its external action” (Council of the
European Union 11179/10, 2010). The text links LGBT people to human rights because without being explicitly connected; not all individuals would be enjoying human rights without being discriminated (CEU 11179/10, 2010:3). As a matter of fact, LGBT people continue to face discrimination, extreme forms of violence, ill-treatment and fall victims of persecution since gender and sexual orientations continue to be used as an excuse to violate their rights worldwide (CEU 11179/10, 2010:2).

In addition, the CEU (11179/10, 2010) report exemplifies how different human rights are transgressed when the human rights enjoyed by LGBTQ people are not protected in different areas. In countries where same-sex relations are criminalised (including unenforced penalties, imprisonment, life imprisonment, and death penalties), up to six human rights can be found to be violated: the right to privacy (art.12), the rights to health (art. 25), the right to association, assembly and expression (art,19 and 20), the right to freedom from torture or cruel, inhuman or degrading treatment (art. 5), and the right to life (art. 3) (CEU 11179/10, 2010:5 and UDHR, 1948). In the same vein, when LGBTQ people are discriminated, the most common issue faced on a daily basis by gender and sexual minorities, at least two human rights are found to be infringed: the right to equality before the law and non-discrimination (art. 7) and the right to work (art. 23) (CEU 11179/10, 2010:6,21 and UDHR, 1948).

Hence, following the operationalisation of the council’s document (CEU 11179/10, 2010:12), this paper will refer to the dependent variable (LGBTQ human rights) as the specific promotion and protection of human rights enjoyed by LGBTQ identities. Furthermore, a state will be considered to promote and protect such rights when administrative and legislative measures are taken (a) to ensure that individuals will not be prosecuted (again, including unenforced penalties, imprisonment, life imprisonment, and death penalties) based on their sexual and gender identity, (b) to guarantee that human right violations are subject to scrutiny and perpetrators are brought to justice and held accountable, and (c) when human right defenders are protected, and no obstacles are found to prevent them from executing their work.

The articles and documents used in this section have helped me understand the concepts and previous literature in relation to my area of study and development of the research question this paper presents. First, through Kolleman and Waites (2009), the UN’s definition and the CEU’s report on LGBT human rights report, the existing ‘heterosexual bias’ described throughout this paper is demonstrated. Moreover, the CEU document is also used to frame LGBTQ human rights following their operationalisation of the concept. In brief, this paper will consider LGBTQ human rights the explicit promotion and protection of human rights enjoyed by LGBTQ identities.
(III) LGBTQ HUMAN RIGHTS AND IR

This subsection will explain how LGBTQ human rights relate to IR. As mentioned before, the aim of this paper is to understand the importance of democracy for furthering LGBTQ human rights. Looking at LGBTQ policy implementation, inconsistencies are found regarding the implementation of LGBTQ human rights across democratic countries worldwide (Encarnación, 2014: 97 and OECD, 2019:14). Readings related to LGBTQ rights legislation across the globe, how sexual minority groups advance their rights through transnational processes or transnational organisation such as the UN or related questions have already been written showing an existing relation between LGBTQ right legislation and the international arena (see Bosia and Weiss, 2013; Langlois, 2015a and 2016; Picq and Thiel, 2015; Rahman, 2015; Wilkinson, 2014; Wilkinson and Langlois, 2014; Hafner-Burton and Tsutsui, 2005:1373; Thiel, 2015; Ayoub, 2016; Velasco, 2018; or D’Amico, 2015).

In an article that considers the general absence of Global Sexual Politics (GSP) within International Relations, Anthony Langlois (2016) argues that “the engagement between human rights and GSP is perhaps one of the most visible of the threads for IR” (2016:358,394). When IR is studied through sexuality and gender politics the concepts and interpretations that arise from that will have general significance for the field (Peterson, 2013: 58 in Langlois, 2016:389). The study of LGBT norms in global politics and their theorisation within IR is an enormously important and valuable development (2016:396). The reason why it is important is because “the empirics of LGBT human rights realisation link directly to the politics of IR scholarship, the positionality of the researcher and, deep ongoing questions about the purpose and nature of the IR discipline” (Sjoberg, 2015:167-169 in Langlois, 2016:396). Langlois (2016) also mentions how Hilary Clinton’s (2013?) ‘Gay rights are human rights and human rights are gay rights’ moment is as a crucial point of international recognition and visibility for LGBTQ individuals (2016:394). It provided a “ready-made” set of frameworks for LGBT sexuality politics to be registered within IR (2016:395). Critical and Queer IR scholars, argues Langlois (2016), have studied the human rights and LGBTQ rights discourse questioning its hierarchy, use of power, identity and normativity while other scholars have engaged with the study of the spread of this new norms around LGBT sexuality using IR mainstream approaches (2016:395).

In the same vein, Richter-Montpetit and Weber (2017) explain how “like any other IR scholarship on human rights, Queer IR contributes to debates about norms, ethics, activism,
and the (geo)politics of human rights” (2017:6). They state how “Queer IR research on LGBT human rights politics and norms demonstrates the central role of states and the political character of much anti-LGBT rights politics across the globe and contributes to IR theory debates on the universality and particularity of human rights” (Birdal, 2015 in Richter-Montpetit and Weber, 2017:7). States continue to be the critical institution when it comes to the enforcement of human rights. As Queer IR scholarship often explores, states continuously bring gender, sex and sexuality matters into domestic and foreign policy. These is seen through the human rights policy adoption they take, often affected by the international regime. It is useful for states to provide rights for LGBTQ individuals within their borders as they position themselves positively on the international stage (an effective foreign policy tool). Also, the way in which sexual and gender minorities are treated comes to be a signifier of the state’s normative values and modernisation (Franke, 2012:4-5 in Langlois, 2015:33). Moreover, Richter-Montpetit and Weber (2017:7) also explain that “[r]esearch on the uneven diffusion of (often contentious) LGBT rights legislation across the globe or across EU-member states offers insights into processes of threat perception, state socialisation, state building and norm transfer in international politics” which I deem an important argument as it is the topic of this paper.

(IV) LGBTQ HUMAN RIGHTS SCHOLARSHIP

Here, I will explain how the topic under study has been analysed before by other scholars and why I choose to engage with it. When looking closer at the topic of this paper, LGBTQ rights and its uneven diffusion and promotion, different articles can be identified. They, however, have had different goals or have taken different angles when conducting the studies. Here I make a distinction between the ones that have studied it at different levels or different regions of the globe and the ones that have studied how different factors (e.g. development) affect LGBTQ right implantation. On the one hand, I identified scholars that have aimed to explain the uneven LGBTQ right legislation across the globe (Ayoub, 2014, 2015 and 2016; Ayoub and Petternote, 2014; Holzhaker, 2014), across the European Union (Langlois, 2016; Lind, 2014 and Weber, 2016?) or across Latin America (Encarnación, 2014 and Encarnación, 2018) and, on the other hand, mention scholars that have studied the relation of LGBTQ human rights to (a) economic wealth and modernity (Inglehart and Norris, 2003), (b) development of the welfare state (Wilson, 2013), and (c) the organising capacity of domestic social movements (Adam, Duyvendak and Krouwel, 1998 & Ayoub, 2016).
At the global level, we find scholars like Ayoub (2014) or Encarnación (2014). First, Ayoub (2014) have studied the norm polarisation regarding LGBT rights, asking why such norms mobilise an active resistance in some cases and not in others. Through the use of original surveys and interviews, he argues that the “[…] resistance produced in high threat contexts can be self-defeating in that it enhances the salience of the norm in the setting” (2014:337). Second, Encarnación (2014) also investigated the 2013 global ambiguities that showed gay rights constraining in some areas of the world while expanding in others (2014:97); at the regional level, another investigation carried out by Ayoub (2016) is worth paying attention to. He studies the reasons behind the socio-legal discrepancies when it comes to the recognition of LGBTQ minorities across European states and how they come to assert their rights in a transnational process that transforms the politics (2016:3). By socio-legal discrepancies, he refers to the legal and social disparities that exist in many European countries regarding the rights that are not directly protected by the common market regulation and EU treaties (2016). While exploring the contemporary history of this transnational movement, Ayoub (2016:40) states how groups in favour and against LGBTQ rights compete to construct the nation’s structure and characteristics based on what they think is legitimate and appropriate in their particular society. States are not rational actors per se. Therefore, different groups, while interacting with different social environment, will want the state to reflect on their views. Anti-LGBTQ organisation or networks might want the state to conceive LGBTQ rights as a threat to the states’ identity and traditional structure of the family (2016:40).

Ayoub (2016:87) describes Europe as a region where both ends of the global spectrum regarding LGBTQ equality can be found. Something that can also be seen worldwide by looking at different regions of the world. Regarding the method, he investigates changes in LGBT legislation adoption across state over time. He does it by separating European Union countries into two groups: the 12 states that came after the first 15 countries and the 15 countries themselves, EU-12 and EU-15, respectively (2016:8). He states how in EU-15 countries, LGBTQ norms were politicised during the 1970s while it has only recently gained visibility in EU-12 ones (2016:91). The norm internalisation is described as a two-stage process where first local communities respond to domestic political issues and define them and secondly, once politicised they are adapted and legislated upon (his method will be further discussed in section 3). He argues that on LGBTQ issues, Eastern European countries (EEC), unlike Western nation-states, have often skipped the domestic steps in the development of such matters (2016:91). With policy compliance but not internationalisation as a result (2016:40).
Ayoub (2016) pays great attention to religion since Catholic and orthodox states are usually defying to EU standards on sexuality (Ramet, 2006:126 in Ayoub, 2016:99). He links it to threat perception when it comes to the before mention norms. He argues how “[...] the degree to which the LGBT norm is perceived as a threat is at its highest in domestic contexts in which religion is deeply embedded in the national identity” (Ayoub, 2016:41). Religious nationalist might categorise LGBTQ right norms as external threats, linking sexual politics to nationalism and stating that they put national and religious identities in jeopardy (2016:41). This could be defined as the securitisation of LGBTQ international norms through a Copenhagen School framework.

Thirdly, norm polarisation processes in Latin America are studied by Encarnacion (2018). His essay examines how such a polarised landscape erupted in Argentina and Brazil since they became liberal democracies (2018:194). He analyses the strategies used by activist in the two countries and comes to the conclusion that if Argentinian “[...] gay activists have been more successful than their Brazilian counterparts is not because they are organizationally richer, but rather because they have done a better job at framing and articulating their demands” (2014:217).

Moving from the regional distinction of the articles onto the ones studying the different factors that influence LGBTQ human rights, we find the following studies: The two articles written by Encarnación (2014 and 2018) presented in this section make use of democracy as a factor that affects the norm polarisation process. On the first hand, as explained above, Encarnación (2014:97) gives a description of the ways democracy strengthens gay rights. His analysis revolves around the 2013 global ambiguities that showed gay rights constricting in some areas of the world while expanding in others (2014:97). While stating that democracy is a ‘less-examined’ element when it comes to homosexuality, he argues that the freedom of association, strong judiciary and the rule of law that derives from liberal democratic regimes facilitates gay rights by enabling a robust civil society. In short, democracy promotes gay rights by creating a socially tolerant environment where LGBT individuals can live their sexuality openly (Encarnación, 2014:99,100). Democracy, however, does not always guarantee gay-friendly policies to be established as anti-gay communities can gather and lobby to undermine gay rights as well (2014:97-98). The 2018 article is also interesting because his concern with the different gay right landscape in Argentina and Brazil comes from their different evolution of gay rights even though both became liberal democracies during the third wave of democratisation (2018:194-195).
The articles reviewed in this section have helped me understand previous literature related to my area of study and have helped develop the research question this paper presents. While scholars such as Ayoub (2014) and Encarnación (2014) study the uneven diffusion of rights at the global level and connect the 2013 global ambiguities LGBTQ individuals face worldwide and in Latin America to democracy, it is done separately. In Ayoub’s (2014) article democracy is not brought up as influencing factor. And, second, Encarnación’s (2014) paper takes democracy as beneficial to the development of LGBTQ right without questioning it although not all democracies show a positive LGBTQ picture. Moreover, another reason for this paper to engage with the uneven diffusion of LGBTQ rights and question how can be understood the importance of democracy for furthering LGBTQ human rights is because there is not much written on the topic (at least if compared to other subtopic of IR like war, or migration, for instance). Therefore, I also want to contribute.

(V) QUEER IR, LGBTQ PERSPECTIVES AND IR

There is an existing debate when it comes to the engagement of Queer International Relations within orthodox International Relations. First, it is important to acknowledge that IR concepts and sexual politics have been historically divided. While mainstream IR scholars usually focus on the public sphere, LGBTQ politics start with the personal as analytical object. Moreover, the advocacy driving international politics of sexuality comes mainly from the civil society, which is often left out of the state-centric and system-centric grand theories of IR (e.g. realism or liberalism) (Picq and Thiel, 2015:3).

Richter-Montpetit (2018:222) describes Queer IR as studies that show how the operations of international power are shaped by sexual norms and logics. When it comes to sex and gender, Queer IR shows the importance in the making of the international and governing actors (organisations, states, people, etc). Queer theory is concerned with contesting simplistic normative and binary notions (e.g. sexuality (hetero/homo), gender (male/female), class (rich/poor) or race (white/non-white)) and instead include desire as a preferred analytical lens or focus on the subjectively bodily experience; it also altered and highlighted the discourse surrounding non-conformity, positionality and (anti)normativity; and proved a challenged for existing theories and approaches towards politics (Picq and Thiel, 2015:8). Furthermore, Queer IR contributes to debates about activism, norms, ethics, and the geopolitics of human rights as any other IR scholarship on human rights (Richter-Montpetir and Weber, 2017:6).
When it comes to how Queer IR should approach IR a debate can be found. On the one hand, we find scholars such as Picq and Thiel (2015), who do not engage with sexual politics in the same way other scholars do. They make use of what they call ‘LGBTQ perspectives’ in a book which objective is to “[…] use case studies to argue that LGBTQ perspectives can impact theory-making in IR” (2015:4). They consider Queer IR to be limited regarding discourses, “[…] creating a research methodology they associate with a ‘view [of] politics as secondary’, and as thereby leaving unchallenged material inequalities” (2015:3). LGBT claims need public and political advocacy (e.g. pluralistic political action) something that is not usually conceive amongst the grand theories of IR. While Queer (IR) theorists view politics as secondary and discourses as determining factors, LGBTQ perspectives usually point to the need to go beyond discourses (Picq and Thiel, 2015: 14).

Plummer (2003:520 in Picq and Thiel, 2015:8) defines Queer theory as postmodernism and poststructuralism applied to sexuality and gender. This poststructural thinking associated with Queer IR is also criticised by Picq and Thiel (2015:3). For them, not engaging with emerging sexuality issues creates a disconnection between paradigmatic IR and the empiric world it is supposed to comprehend. This, however, is avoided through their use of LGBTQ perspectives which bring “[…] empirical work in LGBT studies, and [show] the increasing relevance of trans/international discourses for LGBTQ individuals and groups” (2015:3).

Some of the LGBTQ perspective’s standpoints are similar to the ones seen in feminist theories: the two of them perceive IR concepts and research as constitutive rather than casual or show similar position regarding sexual marginality; both are committed to redefine conceptual foundations of IR away from gender-neutral narratives; and both denounce hierarchies based on sexual difference, contest claims of universal knowledge, seek to problematise theoretical assumption founded on hegemonic masculinities and seek to bring sexual differences as fundamental to the comprehending of global politics (Picq and Thiel, 2015:7).

LGBTQ perspectives’ framework critically reconsiders IR concepts and introduce them to queer thinking from an LGBTQ angle (2015:3). It also offers a reflective view on international politics brought from individual experiences (personal-yet-political), which they explain add to the existing theories (2015:4). They argue that mainstream IR concepts and paradigms are often reproduced without allowing alternative standpoints. In their book they show this through an example. The current global trend of supporting LGBTQ populations is not directly associated to IGO and Western states by queer scholars as they do not want reification regarding liberal western ideas surrounding sexuality. Picq and Thiel (2015), however, argue
that “if the purpose of social activist is to achieve change that is favourable for underrepresented groups and the objective of queer theorists is to highlight the negative implications of normativity, then research that probes us to reevaluate accepted norms is essential in order to keep the ‘discipline’ of IR alive and relevant” (2015:4). Thus, showing the need for IR concepts to be reconsidered and queer views merge within the study.

On the other hand, scholars like Richter-Montpetit (2018) emphasise that a distinction needs to be done between LGBTQ perspectives and Queer IR. For Richter-Montpetit (2018) LGBTQ perspectives are limited as “[...] they add sexuality as another variable to orthodox IR frameworks or simply study non-normative sexual practices and identities and their protection through human rights regimes”. Moreover, she does not agree with Picq and Thiel’s (2015) view on Queer IR’s postructural thinking. She argues that “Queer IR research cannot be reduced to poststructuralism, specifically deconstruction or a focus on ‘discourses’ and that poststructuralist Queer IR has produced rich empirical work, including of ‘real world’ struggles and contestations over LGBT rights” (2018:222-223).

This paper will follow the LGBT perspectives’ framework scholars such as Picq and Thiel (2015) advocate for. The paper will be framed through Queer IR while taking the LGBTQ perspectives’ approach. The reason for this paper to choose this approach are the following: firstly, because as Picq and Thiel (2015:13) identify, strong anti-normative and anti-foundational ontological standpoints can be seen in Queer IR, which show its rejection to any sort of preconceived social realities. Social realities I need to acknowledge when conducting my study. Queer theorist would criticise (the before mentioned) claims about the similar normative positions between LGBT advocates and IR (political power, autonomy and protective order). Stating how “the universalist-liberal stance by which LGBT inclusion is promoted by advocates, progressive states, and many intergovernmental organisations, presupposes inherently normative conceptions of liberal governance” (2015:13);

Secondly, although both perspectives are concerned with criticising hierarchies of order, status, etc., the pursuit of equality and issues of exclusion, “Queer theory does not align comfortably with the predominantly political strategies advanced in transnational feminist or LGBT rights policies [...]” (emphasis added) (Rahman, 2010 in Picq and Thiel, 2015:9). LGBT rights policies are viewed as conforming, normative, stereotyping and even nationalistic by Queer IR studies while ‘LGBTQ perspectives’ are aimed at inclusion within existing forms of representation rather than the appreciation of differences [...]” (Rahman, 2010 in Picq and Thiel, 2015:9); thirdly, LGBTQ perspectives’ framework critically reconsiders IR concepts and introduce them to queer thinking from an LGBTQ angle (Picq and Thiel, 2015:3). So, instead
of dividing the two approaches, this one adds to Queer thinking enabling it to go beyond ‘discourses’ and the mentioned ‘postructural thinking’. Something scholars like Langlois (2016) deem necessary. Langlois (2016: 385) writes about the relation between IR theory and Global Sexuality Politics (GSP), the absence of GSP in IR, and why GSP need to be integrated within IR. His article argues how the study of Global Sexuality Politics (where LGBTQ human rights, the topic of this paper, are included) is replete with approaches that should be integrated within IR theory. Langlois (2016:385) uses arguments from different scholars such as Jagose, (1996); Brown and Nach (2010); Weber (2014) or Peterson (2013) to support this argument.

The last reason for this paper to follow the LGBTQ perspectives’ approach is because as Picq and Thiel (2015:3) describe, LGBTQ perspectives are beneficial to prove more critical perspectives on the conduct of international relations when studying the ambiguous diffusion of LGBTQ rights worldwide, topic of this thesis. “The diffusion of LGBTQ rights globally occurs unevenly and is beset with a number of ambiguous assumptions that, if theoretically unpacked, can provide more critical perspectives on the conduct of international relations” (Picq and Thiel, 2015:3). Therefore, this paper aims to understand the significance of democracy in relation to sexual and gender minority rights recognition following Picq and Thiel’s (2015:4) ontological perspectives which will lead to epistemological insights.

The following sub-sections will define LGBTQ identities, explain the existence and relevance of LGBTQ human rights scholarship, frame what this paper will acknowledge as democracy and the relation between human rights and democracy.

(VI) LGBTQ HUMAN RIGHTS AND DEMOCRATIC THEORY

This section will introduce literature, theories and concepts related to democracy in order to frame it and link it to human rights and LGBTQ human rights. It is important to frame democracy when understanding its significance in relation to LGBTQ human rights as there is a wide variety of democracies when it comes to democratic theory. Democracies range from more direct forms, where citizens take part in different policies directly (the city-state of Athens in the ancient world or to a certain extent Switzerland nowadays), to more authoritarian forms of it. As Dahl (2000 in Papaioannou and Siourounis, 2008: 367) notes, democracy, “[...] has meant different things to different people in different periods [...]”. Liberal democracy will be the one chosen in this study as it is the one that other authors have described as the political system that allows the necessary social environment for LGBTQ people to live their lives openly without fear (Encarnación, 2014: 97-98). Instead of giving a confined definition of
liberal democracy, however, this paper will build its meaning based on recent work in conceptualising and measuring democracy.

Not only has this paper decided to use democracy in relation to LGBTQ rights because a connection is identified by other scholars (Encarnacion, 2014 and 2018) but also because “[…] democracy has become the principal standard for evaluating national politics and politics within them” (Carter and Stokes, 2002:15). Looking at the contemporary development of liberal democracies we can see how they have evolved and changed throughout the years. After the Second World War, the application of welfare state social security programmes and progressive taxation moved Western liberal democracies towards a ‘socialisation’ process (Carter and Stokes, 2002:3). Then, during the 1990s or end of the Cold War, the institutions and values of liberal democracies have been spread and accepted throughout most of the world as the necessary steps to become a complete democratic nation-state (Carter and Stokes, 2002:1; Bruszt, 2012:193). Liberal values that give priority to individual freedom have merged with the democratic emphasis on popular participation as a result of the historical evolution of institutions (Carter and Stokes, 2002:1).

With the aim of broadening the use of terms related to democratic theory in order to allow a critical assessment of liberal from different perspectives, Carter and Stokes (2002) mention the characteristic an ideal liberal democracy must include and also the challenges they find contemporary liberal democracies face. First, According to Carter and Stokes (2002:1) an ideal democracy must include the following features: popular choice, governmental accountability to citizens through fair and regular elections, strong parliaments that can exercise control, a framework of the rule of law as well as the provision of channels for freedom of association, political protest and free debate. Second, issues vary from the social and economic realities necessary for the creation of a fully democratic society/polity or individual fulfilment not being considered, to failing to maintain normative ideals such as liberal values or democratic channels for people to engage in their “collective destiny”. Moreover, an increase in social inequality is identified in countries enthusiastically engaged in liberal democracy as well as a decline in the individuals’ identification with a political community and commitment to a shared public realm (two distinctive characteristics of liberal democracies) (2002:3-5).

When it comes to the relation between democracy and human rights, it is important to acknowledge that even though not all features of democracy contribute to human rights expansion in the same way (Bueno de Mesquita, 2005:456), democracy unquestionably creates a favourable environment for the expansion of human rights. While there is an obligation to
protect and respect human rights, there is no such thing in regard to democracy, providing a stronger foundation for human rights than for democracy (Landman, 2018:50).

This relation is analysed by Poe and Tate (1994) and Landman (2017). First, the study carried out by Poe and Tate (1994) that seeks to build upon the existence of empirical material related to democracies and human rights oppression globally states that even though the relation between democracy and human rights clearly exist, definitions and characteristics might overlap with one another when it comes to an independent-dependent variable relationship (1994:856). They also argue that when the relationship between democracy and human rights is going to be empirically tested, it must be done in terms that allow independent operationalisation of the concept for the sample of nations to be analysed (1994:856).

In addition, with the goal of providing clarity about what scholars refer to when they talk about human rights and democracy Landman (2018:49) investigates the concepts, measures and relationship of the two variables. He explains how democracy and human rights share different characteristics: principles of individual liberty, integrity, fair and equal representation, inclusion, participation, etc. This values or characteristics, similar to the ones that emerged during the French Revolution (freedom, equality before the law and human rights), were referred to during the 2011 ‘International Human Rights Day’ speech by Hillary Clinton who said:

“All human beings are born free and equal in dignity and rights. And with the declaration, it was made clear that rights are not conferred by government; they are the birth right of all people. It does not matter what country we live in, who our leaders are, or even who we are. Because we are human, we, therefore, have rights. And because we have rights, governments are bound to protect them” (Clinton, 2011)

The gap between democracy and human rights is deemed important by Landman (2018:49) in order to understand the difficulty of furthering such rights. In addition, while exploring the conceptualisation and operationalisation of democracy and human rights, Landman (2018) states that democracy can be categorised in three “main types”: procedural, liberal and social democracies (from less to a more significant commitment to popular sovereignty, collective decision making and incorporation of different rights protections). Different types of democracies show a different relation to human rights, that is why it is crucial to frame the type of democracy, as done in the previous section, since such absence has led to “[...] conceptual and empirical confusion in the literature on democracy and human rights” in the past (2017:49). In the case of liberal democracy, on the one hand, the human rights dimension shows support
towards the rule of law and the incorporation of political, civil, property and minority rights while; on the other hand, the institutional dimension includes notions of accountability, popular sovereignty, representation of citizens or universal participation (Landman, 2018:50).

Democratic Theory does acknowledge the demand of rights by the citizens of a polity, and it falls under the concept of ‘citizenship’. “Citizenship is a vital mean for extending citizens’ rights, claiming essential services from governments, and for resisting state incursion into citizens’ lives” (Stokes, 2002:26). In democratic theory, for individuals to be considered full citizens, they must have “social and political standing, participation in decision making, the rights and privileges of political membership and full state protection” (Frazer, 2002:85). Citizenship may be understood in two different ways: either legal and administratively (“which focuses on qualifications for citizenship and the codification of civil rights and obligations”) or as a normative political concept (expression of political possibility and imagination that transcend current practices). In other words, legal and administrative citizenship would entail formal regulations and laws that reflect policy and confirm the status quo while normative conceptions might not always correspond to the actual legal and administrative situation but rather the preferred one or the one advocated for (Stokes, 2002:24).

When campaigning for rights in public services, employment or civil societies, minorities explicitly argue that the aim is equal citizenship status, secured by the proper enjoyment of social rights (in welfare and employment) (2002:85). When studying this, democratic theory encourages scholars to study the exercise of power at all levels of the society (including public and private spheres) as it offers the promise of rethinking the conditions under which people can participate in shaping the decisions that affect their lives and exercise greater autonomy (Carter and Stokes, 2002:16). The main challenges found in citizenship for polities is how to set the limits of conformity and how to deal with those that do not want to conform with the established norms (Stokes, 2002:26).

Literature related to citizenship, which already exists and has become a major field of inquiry since the 1980s, has been mainly used to study the challenges faced by liberal democracies’ formal commitment to civic and political equality posed by the continuing exclusion of women from full citizenship (Carter and Stokes, 2002:5). Nevertheless, many other groups that suffer discrimination have called for full citizenship rights as well: indigenous people, LBGTQ individuals, etc. (Stokes, 2002:23). Stokes (2002:26) defines liberal democracy as “a regime that simply overrides difference and citizenship has only a residual and limited value”. When referring to the LBGTQ community, he explains how they usually demand representation, greater recognition, reformed political procedures to allow a more
effective political voice and more rights to resources. Demands and rights that liberal
democratic governments do not acknowledge completely nor grant (Stokes, 2002:26).
Similarly, Frazer’s article, which addresses the inequalities experienced by both women and
sexual minorities, argues that “[LGBTQ] identities are accepted and acknowledged only in
some circle in liberal democratic societies […] and how their sexual conduct has to be
organised is still controversial” (Frazer, 2002:75). She also explains how “sexual politics,
campaigns for the rights and privileges of citizenship […] are a crucial test of democratic
values” (2002:91).

This section has helped me understand democratic theory, concepts related to democracy
and how it relates to both human rights and LGBTQ human rights as well as review previous
similar literature. Before moving to the methodology section, the next subsection will
summarise what has been discussed in the literature review/theoretical framework and explain
why I have chosen the above presented articles and theories.

(VII) SUMMARY

As mentioned throughout the literature review, the aim of this paper is to understand the
significance of democracy in relation to LGBTQ human rights WORLDWIDE. In order to
conduct the study this paper has framed the investigation through queer IR (following LGBTQ
perspectives) and democratic theory (citizenship concept). Related literature and previous
studies have also been provided when explaining the reason behind choosing to conduct this
study and when staying the relevance of the topic for IR.

Firstly, queer IR is used as it shows how the operations of international power are shaped
by sexual norms and logics (Richter-Montpetit, 2018:222). It is applied through Picq and
Thiel’s (2013) angle because (a) it critically reconsiders IR concepts and introduce them to
queer thinking from an LGBTQ angle and adds to Queer thinking enabling it to go beyond
‘discourses’ and the mentioned ‘postructural thinking’ (Picq and Thiel, 2015:3); and (b)
LGBTQ perspective are described as beneficial to prove more critical perspectives on the
conduct of international relations when studying the ambiguous diffusion of LGBTQ rights
worldwide, topic of this thesis (2015:3-4).

Secondly, the ‘citizenship’ concept from democratic theory is chosen as it is the one concept
this paper has found can connect LGBTQ human rights, or lack thereof, to liberal democracy.
Citizenship, “is a vital mean for extending citizens’ rights, claiming essential services from
governments, and for resisting state incursion into citizens’ lives” (Stokes, 2002:26). Moreover,
the concept has also been used in relation to LGBTQ individuals before, which shows the applicability of the concept to sexual and gender minorities.

Thirdly, this paper acknowledges that historically the use of democratic theory and international relations theory has been through the idea of democracy beyond borders or transnational democracy (McGrew, 2002:269). Here, however, states will be the ones under analysis as they continue to be the critical institutions when it comes to the enforcement of human rights and continuously bring gender, sex and sexuality matters into domestic and foreign policy which can be observed in the human rights policy adoption they take (Richter-Montpetit and Weber, 2017:7 and Langlois, 2015:33). Also, the way in which sexual and gender minorities are treated comes to be a signifier of the state’s normative values and modernisation (Franke, 2012:4-5 in Langlois, 2015:33). Lastly, as explained before while literature related to inconsistencies regarding LGBTQ human rights exist, there is not much written if compared with other topics under International Relations. Which is another reason for this paper to engage in the topic, to contribute to filling that gap while introducing a new angle.

3. METHODOLOGY

Methodology refers to the conduct of inquiry. This involves ontological and epistemological questions. Questions that reflect on the ambiguities and complexities of knowing and gaining knowledge of (a) the social world and (b) beliefs, rules, principles and system of values within a given discipline (Halperin and Heath, 2017:8). My paper follows an interpretivist hermeneutic ontology as it aims to understand the significance of democracy in relation to sexual and gender minority human rights landscape worldwide. As transnational LGBTQ activism scholarship points out, LGBTQ human rights are a social construction and an investigation of who, how and why this construction is happening is needed (Thoreson, 2014:8). From a constructivist point of view LGBTQ human rights need to be understood as and overlapping consensus that exist among actors and institutions in the international and world society (Dunne and Hanson, 2016:65). States pursue human rights goals in relation to identity and status and such relation between norms and interests can be analysed through constructivism (Dunne and Hanson, 2016:62). Making the research interpretivist, carried out by analysing how we can understand the importance of democracy for furthering LGBTQ human rights.
As mentioned, the human rights enjoyed by Lesbian, Gay, Bisexual, Transgender and Queer people have evolved and improved during the last two decades. The picture, however, has been extremely contradictory throughout the world, with liberal democratic countries creating ‘LGBTQ friendly’ policies (SSM, joint adoptions, civil unions or second parent adoption) while others have constrained the rights of sexual minorities (Encarnación, 2014:97 and 2018:194-195). That is why this research aims to understand the significance of democracy in relation to LGBTQ human rights. In order to answer the research question presented in the thesis: ‘how can we understand the importance of democracy for furthering LGBTQ human rights?’, this paper will use a small-N comparison where Brazil (B), Bulgaria (B) and Namibia (N) (henceforth BBN) will be analysed through content analysis.

The following subsections will be used to include a discussion on existing comparative case studies and their implication (including the case selection used in this paper), an explanation on how this paper will carry out the investigation through content analysis and a description of the material that will be analysed.

(I) COMPARISON AND THE MOST SIMILAR SYSTEM DESIGN

International relations is a field of study that draws upon different traditions and disciplines of research in the social sciences (political science, history, sociology, etc.). Thus, containing several methodological tools that can be used to conduct research (Lamon, 2015:13). Out of the diverse toolbox of cross-disciplinary research methods found in IR scholarship, this paper will engage with a small-N comparison. Comparison, also defined as ‘case study research’ or ‘qualitative research’ (Lamont, 2015:125), allows for both an in-depth study of the case and an extensive scope for contextualisation (Halperin and Heath, 2017:218).

Comparison has been used in studies of a wide range of issues, for example: economic voting behaviour in Britain, France, Germany and Italy (Lewis-Beck, 1986); the social requisites for democracy in Europe and South America (Lipset, 1959); democracy and dictatorship (Moore, 1966); revolution in Russia, France, and China (Skocpol, 1979); or the influence of human beliefs over state’s behaviour in world politics (Eun, 2013). Yong-Soo Eun (2013), for instance, studies the causation of human beliefs in state behaviour worldwide, through an in-depth comparative study to show that “state’s actions in world politics always derive from multiple factors including structural variables” (Eun, 2013:385). As he explains, “[...] confident estimates of causal effects are possible in ‘controlled’ comparative research designs” (2013:381). He develops a most similar case comparison where all cases are similar
in all of their independent variables except one and differ in their dependent variable. In order to implement the method, his article examines cases associated with the type of phenomenon of which the case is a member (2013:382).

Although a large-N comparison where the situation of every single liberal democratic state and the LGBTQ human rights situation would be optimal to analyse the significance the former has on the latter, the scope of this bachelor thesis does not allow that. That is why a small-N comparison through a MSSD country selection has been chosen instead. The selection of cases is argued to be one of the most significant issues of Small-N comparisons (Halperin and Heath, 2017:218 & Lamont, 2015:132). In order to avoid the production of misleading results, the cases (states) further presented in this thesis have been selected through a most similar system design (MSSD). The MSSD, also known as ‘Most Similar Case Comparisons’ (Bennett and Elman, 2007 in Lamont, 2015:133), is based on selecting cases that share many characteristics but differ in one aspect. The aim is to test whether the different independent variable accounts for the variation in the dependent one while the similarities between the selected cases act as a limitation (Halperin and Heath, 2017:219 & Lamont, 2015:134). As Eun (2013:381) does, cases are selected based on two characteristics: all present different outcomes (DV), and all are similar in all but one independent variable. In regard to this paper, Brazil, Bulgaria and Namibia share four characteristics classified in the following groups: political system (liberal democracy), regional influence (positive), religion (high) and Gross Domestic Product per capita (low); while they differ in the legal protections enjoyed by gender and sexual minorities (DV).

Democracy is chosen as one of the common independent variables because it is the object under study in this paper. As explained, most of the necessary conditions for LGBTQ human rights to exist and expand only exist among democracies. Sexual minority rights need opportunities for advocacy in order to strengthen, and this is obtained through liberal democracy which allows the necessary social environment for LGBTQ people to live their lives openly without fear (Encarnación, 2014: 97-98). In the last two decades, however, the picture has been extremely contradictory with countries adopting ‘LGBTQ friendly’ policies such as same-sex marriage (SSM) or adoption while other democratic nation-states have constrained or not developed the rights of sexual minorities in the same way (Encarnación, 2014:97; OECD, 2019:14).

Secondly, the regional influence of surrounding countries was selected based on the literature that explains how External factors like the neighbouring countries position might influence a country's policymaking. Different scholars have “[...] approached the susceptibility
of the state to external influence in different domains, including democracy, protection of human rights, and the degree of civil liberties (Mataic, 2018:221). A scholar like Mataic (2018:221), who studies “the impact of neighbouring countries on the spread and adoption of restrictions on religion” argues, governments modify their policies by observing other countries and being pressured to change (2018:224). He identifies three factors that influence the external diffusion of policies and practices: Coercion, normative pressure and mimicry. While coercion occurs when there is an external influence, normative pressure and mimicry are defined as responses to uncertainty. Normative pressure happens as a reproduction of the development of a norm and mimicry when a state copies other states’ response to uncertainty or a crisis (Mataic, 2018: 225). Moreover, Ayoub (2016:113,114) also states that states emulate other states in the region when it comes policy adoption.

The third characteristic religion is picked because scholars like Fox and Sandal (2016:21) state that religion influences global politics because local religious issues might have an impact that is not confined to a single country and expands through borders. Second, scholars like Worthen (2016) have argued how high levels of religiosity are correlated with negative attitudes against LGBTQ people.

Lastly, national economic growth which has been linked by different scholars to the country’s LGBTQ acceptance (Andersen and Fetner, 2008 in Flores and Park, 2018:17). They explain how the “stigma faced by LGBT people has been linked to violence and discrimination against LGBT people and decreases in economic growth and productivity (Badgett, 2014 in Flores and Park, 2018:3). This is also supported by the OECD (2019:14) that agrees on how “[d]iscrimination [towards LGBTQ people] is not only ethically unacceptable, it also entails substantial economic and social costs” (emphasis added). In a study that linked social inclusion of LGBT people to economic development, Badgett (2014:1) shows several theoretical frameworks that argue how inclusion of LGBT people is linked to a stronger economy (the human capital approach, the capabilities approach, the post-materialist demand for human rights theory or the strategic modernisation approach). Different theories or perspectives find different cause and effect relationships. That is the reason why there is no firm conclusion about the direction of the causal link: “whether more rights cause higher levels of development or whether more developed countries tend to have more rights” (Badgett, 2014:3 and 19). The macro-level analysis exposes a clear interaction between the legal rights of LGBT people across countries and their GDP per capita. Even though other factors that influence development are taking into account, the GDP per capita is the most important attribute when analysing the existing relationship (Badgett, 2014:2).
(II) THE CONDUCT OF INQUIRY – CONTENT ANALYSIS AND MATERIAL

This paper will extract data from secondary source documents. In order to do that, it will make use of content analysis which in this case will be a qualitative data collection method. Qualitative methods are the ones that relay upon the collection of non-numeric data (either spoken or written). Such collection done through the study of particular events, regions, countries or legislation (Lamont, 2015:78,79). Data will be mainly collected from secondary sources. Secondary sources refer to the documents that make reference to original documents instead of being authored by individuals who had access to the information they are describing (Lamont, 2015:80). Document based research is a common strategy used by IR researchers and as Lamont (2015:80) explains any attempt to study human rights requires some level of engagement with documents.

This paper will examine different data in order to understand the significance of democracy in relation to LGBTQ human rights by analysing Brazil, Bulgaria and Namibia. First, while the theoretical reason for the country selection have been introduced in the previous section, I think it is important to include where the data has been extracted from. Data used to select countries with similar political system (democracy), regional influence (positive), religion (high) and Gross Domestic Product per capita (low) but different legal protections enjoyed by gender and sexual minorities.

The first IV shared by BBN, and object under study in this paper, is the political system, liberal democracy. The democratic Federative Republic of Brazil, the Republic of Bulgaria and the Republic of Namibia are all classified as ‘Democracies’. Data was extracted from (a) ‘Global Report 2017: Conflict, Governance and State Fragility’ by the Centre of Systemic Peace (Marshall and Elzinga-Marshall, 2017) and (b) the Democracy Index 2018 (The Economist Intelligence Unit, 2018). On the one hand, the Centre of Systemic Peace (2017:1) offers an analysis of “[…] general trends in societal-system performance, at the global, regional and state levels of analysis in the key dimensions of conflict, governance, and (human and physical) development”. When it comes to their global trend in governance dataset, countries are categorised based on “observable practice of public policies, regardless of the political pronouncements of opposition leaders” (2017:29). The POLITY score (where their findings are combined into a single scaled measure of regime governance) ranges from -10, fully institutionalised autocracy, to +10, fully institutionalised democracy (2017:29).

On the other hand, the Democracy Index (2018:2) offers an analysis of the state of democracy of two territories and 165 countries, covering almost all the states and the vast
majority of the world population. Based on five categories (electoral processes and pluralism, civil liberties, the functioning of government, political participation and political culture) it offers an overall score and classifies the countries in either democratic ('full democracy' and 'flawed democracy') or non-democratic ('hybrid regime' or 'authoritarian regime') (2018:2). As explained in the Democracy Index (2018:46), definitions of democracy are varied, and there are several debates contesting the term, both academically and at the executive level. The distinction between ‘full democracy’ and ‘flawed democracy’ is mainly characterised by governance, political culture and how independent the media is rather than political freedoms and civil liberties which countries in both categories enjoy. Moreover, flawed democracies are selected because the countries belonging to that group cover more than 30% of the countries, and more than 40% of the world population, being the largest group in the index (The Democracy Index, 2018: 47).

The second common feature of BBN is their geographical position in relation to “the legal protections against discrimination based on sexual orientation” of the surrounding countries. All data related to this has been got from the 2019 State-Sponsored Homophobia Report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (2019). The State-Sponsored Homophobia report classifies the protections or lack-thereof in 9 categories: Constitutional protections, broad protections, employment protection, limited protection, no protection / no criminalisation, de facto criminalisation, up to 8 years imprisonment, 10 years to life prison and death penalty (ILGA, 2019: 536). Data in this report is also used when selecting the countries based on different dependent variables (legal protections enjoyed by gender and sexual minorities).
Table 1 Adapted from the Sexual Orientation Laws in the World Map (Source: ILGA, 2019)

<table>
<thead>
<tr>
<th>Categories</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional Protection</td>
<td>States that have included in their constitutions non-discriminatory clauses to protect people against discriminations based on “sexual orientation”.</td>
</tr>
<tr>
<td>Broad Protection</td>
<td>Non-explicit protection of people against discrimination based on “sexual orientation”. E.g. “[...] or any other ground”.</td>
</tr>
<tr>
<td>Employment Protection</td>
<td>States that offer legal protections to a person’s ability to earn a living, and the opportunity to flourish in one’s work life on sexual orientation grounds.</td>
</tr>
<tr>
<td>Limited or Uneven Protection</td>
<td>-</td>
</tr>
<tr>
<td>No protection / No Criminalisation</td>
<td>-</td>
</tr>
<tr>
<td>De facto Criminalisation</td>
<td>Existing or holding a specified position in fact but not necessarily by legal right. E.g. Egypt (2019:517) where consensual same-sex acts are not explicitly banned, but ‘prostitution’ and ‘debauchery’ laws have been used to imprison gay men.</td>
</tr>
<tr>
<td>Up to 8 years Imprisonment</td>
<td>-</td>
</tr>
<tr>
<td>10 years to Life Prison</td>
<td>-</td>
</tr>
<tr>
<td>Death Penalty</td>
<td>-</td>
</tr>
</tbody>
</table>

The third common IV concerns religion and the information have been obtained from Pew Research Center’s (2019) ‘Global Religious Future Project’ which explores the rapidly changing religious landscape in the world, with predictions up to 2050 on how religions are likely to expand (Per Research Center, 2019). They conduct their research based on ‘religious self-identification’ which is determined by the answer people gave to ‘What is your present religion if any?’. Their analysis is not an attempt to measure how religious nor religiously engaged members of different religions are but to present the data and to project how the landscape will be in 2050 (Pew Research Center - About, 2019).

The last similar IV the BBN countries share is a low GDP per capita, less than $10.000. The data is obtained and extrapolated from the International Monetary Fund’s (2019) ‘GDP Per Capita’; World Bank’s (2019) ‘GDP per Capita’; and United Nations’ (2019) ‘National
The collected data is from 2017 due to the lack of current information from part of the World Bank and the United Nations.

Second, all the information concerning the criminalisation, restrictions, legal barriers, protections and recognitions LGBTQ individuals face or enjoy in BBN and used in the analysis has been collected from the ‘State-Sponsored Homophobia Report 2019’, ‘Rainbow Europe 2019’ (ILGA, 2019), the OECD’s ‘Society at Glance 2019 - Social Indicators: A Spotlight on LGBT People or LGBT Rights’ and ‘Representation in Latin America and the Caribbean: The Influence of Structure, Movements, Institutions and Culture’ (Corrales, 2015). They all offer up to date global, regional and national perspectives and overviews on international human right law regarding LGBTQ individuals. Moreover, qualitative data involving national and transnational activism surrounding Brazil, Bulgaria and Namibia will be gathered through the analysis of documents, online archives from NGOs such ILGA as well as other LGBT activism organisations. Lastly, norm internalisation processes will be studied by tracing the law-making process in BBN, examining whether legislation is influenced by civil-society movements that start from the bottom or international norm trends that come from above (the system or international level).

This thesis will analyse and interpret legislation in Brazil, Bulgaria and Namibia in order to understand the significance of democracy in relation to LGBTQ human rights. Once the data is exhibit, it will be interpreted based on the previous research and theories shown in the literature review. There are different reasons for states to be the actors under analysis in this paper. States are the critical institutions when it comes to legislation and enforcement of rights (Franke, 2012:4-5 in Langlois, 2015:33). Therefore, it is necessary to study them in order to understand the significance of democracy in relation to LGBTQ human rights. When the aim is to capture the evolution of LGBTQ rights of a country, it is useful to focus on the legal rights a country offers to LGBTQ individuals (Corrales, 2015:4). Moreover, scholars like Bosia (in Sjoberg, 2015:167) suggest “looking at how states come to regulate, appropriate, and violently enforce particular roles for bot LGBTQ people and LGBTQ related values and ideas” as a way to theorise about structure and sovereignty in global politics. Finally, it is important to acknowledge that states’ position on LGBTQ rights has an effect on the international stage, both as a foreign policy tool and as an indicator of modernity and normative value (Sjoberg, 2015:155).
(III) METHODOLOGICAL SHORTCOMINGS

As mentioned in the beginning of the section while a large-N comparison where the situation of every single democratic state and the LGBTQ rights enjoyed by their citizens would be optimal, the scope of this bachelor thesis does not allow that. Therefore, a small-N comparison through a MSSD country selection is carried out instead. As with any other method, a small-N comparison also presents some limits. While the main problem, the case selection, which has been dealt with previously, there are other risks in relation to the data collection and its presentation in the analysis section. Due to the scope of the paper and the time period of the research, the data collection cannot possibly be as thorough as in other studies (e.g. Ayoub, 2016). The analysis section in this paper, however, will be as exhaustive as the extent of it and will answer the research question.

4. ANALYSIS

In this section, the research question will be answered by conducting the aforementioned methodology where different factors of Brazil, Bulgaria and Namibia will be analysed based on secondary source documents. This will be done in order to see how significant democracy is when furthering LGBTQ human rights. Even though LGBTQ rights are more likely to succeed in high-income democracies where religion is not very influential in the daily lives of individuals, no other region in the world apart from the North Atlantic has undergone as much progress expanding LGBTQ legal rights than Latin America (Corrales, 2015: 3). This can be seen in Brazil where people that identify as LBGTQ enjoy broad legal protections. These include employment protections, same-sex marriage, civil unions, adoptions and second parent adoptions. The Federative Republic of Brazil has a liberal democratic political system in place where democracy was implemented after almost two decades long military regimes that end in 1985 with the election of Tancredo Neves as elected-president (The Democracy Index, 2018 and Marshall and Elzinga-Marshall, 2017).

Even though the Brazilian constitution does not contain any explicit prohibition of discrimination based on sexual orientation at the federal level, it can be found at other political levels of the country where local laws provide protection to more than 70% of the population. This is due to a change in the strategy of pro-LGBTQ social movements in the state. Social movements switched from focusing on changing legislation on the national congress (which
was impossible) to aim at changing it at the state level. This change led to pro-LGBTQ legislation at the state level seen, for instance, at the state constitutions of Alagoas (Art. 2.1, 2001), Federal District (Art. 2.5, 1993), Mato Grosso (Art. 10.3, 1989), Pará (Art. 3.4, 2007), Santa Catarina (Art. 4.4, 2002) or Sergipe (Art. 3.2, 1989) (ILGA, 2019:232, 236 and Corrales, 2015:18).

On the contrary, conversation therapy bans, same-sex marriages, civil unions and joint parent adoptions are legislated upon at the highest level of the federal administration. Although conversion therapy legislation has suffered changes as the law that bans them is repealed in 2013, this is reinstated in 2017. Bringing back the 1999 resolution 1/99 of the Federal Council of Phycology that does not allow them, which makes Brazil one of the only three countries in the world that bans conversion therapies at the highest administrative level (ILGA, 2019:269). In 2011, the Brazilian Federation recognised civil unions with _erga omnes_ effect (when rights or obligations are owed towards everyone). Then, the Supreme Federal Court said that ‘stable unions’ should be converted into full marriages which is backed by the National Council of Justice that stated in 2013 how notaries could no longer refuse to register same-sex marriages. Moreover, since 2010, same-sex couple are also entitled to adopt children (ILGA, 2019:270, 278). Federalism is argued to contribute positively to the expansion of LGBTQ rights as it enables legislative changes since powers are delegated to subnational units. Moreover, as LGBTQ right expansion excuse at lower levels of the society, “the ground can be paved for more substantive changes nationally” (Corrales, 2015:17-18).

Secondly, in the East-European Republic of Bulgaria, sexual and gender minorities enjoy employment protections against discrimination based on sexual orientation on the workplace (ILGA, 2019:533). In the case of Bulgaria, democracy comes after three main events: the _fall of the Berlin Wall_ in 1989 which marked _the end of the USSR_ and, thus, the _Cold War_ (Schmidt, 2016:3). In 1986, the newly established Criminal Code repealed the sodomy provision that appeared in the first Penal Code written in 1896 (ILGA, 2019:190). In addition, the protection against discrimination act states how harassment, which includes hate speech and incitement, applies to sexual orientation according to articles 1(1) and 5 (2019:265). In the case of discrimination based on sexual protection in employment, LGBTQ identities in Bulgaria are protected by section 4(1) of the Law on Protection Against Discrimination that prohibits any direct or indirect discrimination at the workplace (ILGA, 2019:239). In Bulgaria, where same-sex marriages, civil unions and any type or adoption by same-sex couples are already illegal, an opinion poll shows that 78% of the population is against or do not support marriage equality.
and that (b) over the last three years the Bulgarian state has not intruded in any public event held by LGBTQ associations or individuals (Rainbow Europe, 2019:32).

Like any other European Union member state, Bulgaria had to go through the Copenhagen Criteria to be eligible to be part of the Union. Among the different criteria, countries have to have “stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities” (emphasis added) (European Commission, 2019). The European Union potential candidates are required to adopt different policies, norms and EU standards where fundamental human rights for LGBT individuals are required. This process is also known as ‘Europeanisation’ and decriminalisation of homosexuality, anti-discrimination policies and free assembly are some of the measures that have been required in relation to LGBTQ policies (Swimelar, 2017:911, 912). The European Union, however, cannot guarantee that its member states offer “respect for and protections of minorities” to its full extent.

The 2019 Rainbow Europe report shows how out of 49 European countries Bulgaria is in position number 37 in a list that reflects the legal and policy human rights situation of LGBTQ people in Europe. This is due to different reasons that show how Bulgaria is going backwards instead of furthering the LGBTQ rights of its nationals. Bulgaria has removed all the legal and administrative procedures trans people had to change their names or gender in the official documents, and LGBTQ organisation cannot partner with schools any longer to promote LGBTQ inclusion. Moreover, the minister of education has been required to remove any “[...] gender-related content from the school curriculum, and media reported on 300 teachers volunteering to do that” (Rainbow Europe, 2019: 31-32). Although hate crimes are not legally punished in Bulgaria, in March 2018, the European Parliament approved a resolution that “welcomes initiatives prohibiting LGBTI conversion therapies and called on member states to outlaw such practices” (European Parliament, 2019).

Thirdly, based on the data gathered Namibians enjoy the worst sexual and gender minority human rights out of the three cases presented in this paper. The prohibition of same-sex acts between men dates back to the Roman-Dutch colonial implementation of the Sodomy law. This law defines sodomy as any “unlawful and intentional relation per annum between two human males” (emphasis added) and is codified under section 299 of the Criminal Procedure Act. When compared to sodomy definitions in other countries, this one does not specify whether it occurs in private or public or whether it is consensual or non-consensual (ILGA, 2019:355). Under some extent live safely, threats against the community exist especially those carried out by law enforcement officials themselves who ridicule LGBTQ individuals and can even arrest without warrant if their suspicion of immoral behaviours (Kaakunga, 2016 and ILGA,
Public displays of affection between two men could be considered immoral behaviour, which the section 8 of the 1980 Combating of Immoral Practice Act punishes with a fine up to 3000 rand and/or 3 years of jail (ILGA, 2019:355).

While same-sex marriages, civil unions and any type or adoption by same-sex couples are illegal, changes might be on its way. In 2017 a same-sex couple family, formed by a Namibian and a non-Namibian woman with a son, was granted permission to enter the country with their son even though the Ministry of Home Affairs and Immigration could treat the non-Namibian woman and son as prohibited immigrants (ILGA, 2019:356 and Menges, 2017). In addition, the first Pride parade occurs on July 2017 where legal protections for same-sex couples living together were asked for. A year and a half after another Pride parade was successfully held even though it got some resistance from part of the police and received no support from the municipality (ILGA, 2019:356).

Great LGBTQ activism movements in Namibia go as back as 1992 when the term “sexual orientation” starts to make its way to be included under the discrimination umbrella in the Labour Act. This, however, is stopped in 2004 when the term is excluded as the “justice minister scorns homosexuality as ‘criminal’” (Dentlinger, 2004). The current Labour Law established in 2007 does not include the term “sexual orientation” under the prohibited grounds of discrimination. In addition, when looking at United Nations Resolutions on Sexual Orientation and Gender Identity (SOGI) and Namibia’s behaviour and voting records, we can observe how the country abstained both in 2014 and 2016 when voting at the Human Rights Council on Resolution 27/32 and 32/2 respectively. In the same vein, Namibia voted in favour of blocking financial resource allocated to experts on SOGI (ILGA, 2019: 357). In 2016, the country also rejected up to five recommendation for the decriminalisation of same-sex acts and other SOGI rights related issues:

- The Special Rapporteur on extreme poverty and human rights recommended the country to guarantee LGBTQ individuals’ enjoyment of the right to health (ILGA, 2019:357)
- The Committee Against Torture (CAT) “spoke of severe issues regarding detention, harassment, police brutality, sexual violence, stigmatisation, violence, access to justice, and criminalisation” (ILGA, 2019:357)
- The Committee on Economic, Social and Cultural Rights (CESCR) urged the constitutional provision against discrimination to include sexual orientation on its grounds (ILGA, 2019:357)
• The Human Rights Committee “made substantial recommendations regarding non-discrimination policy and law in key areas, awareness-raising, police ill-treatment, and refoulement of refugees regarding SOGI” (ILGA, 2019:357).

Government officials and ministers such as Albert Kawana (Justice minister) have stated that even though the law is there, LGBTQ people are not persecuted for practising their preferred sexual orientation as article 13 of the constitution protects the right to privacy (ILGA, 2019: 356-357).

(I) REFLECTIONS

When the aim is to capture the evolution of LGBTQ rights of a country, it is useful to focus on the legal rights a country offers to LGBTQ individuals (Corrales, 2015:4). That is the reason why the previous sections described the legal protections enjoyed by LGBTQ individual in Brazil, Bulgaria and Namibia. For some scholars the necessary conditions for LGBTQ human rights to exist and expand only exist among democracies (Encarnacion, 2015: 97-979 and Bueno de Mesquita, 2005:456), yet the three liberal democracies analysed here show how polarised the norm internalisation is among liberal democracies. Supporting Frazer’s (2002:75) argument that states how only some liberal democracies accept and acknowledge LGBTQ identities.

The aim of this paper is to understand the importance of democracy when furthering LGBTQ human rights worldwide. Based on the exhibit data and previous literature this paper argues that democracy should be taken as necessary condition but not essential. Necessary as it provides a positive environment where healthy civil societies can flourish, imperative to further gender and sexual minority human rights but not essential, per se, as a causal relationship could not be found between democracies and LGBTQ human rights advancement. As democratic theory and the concept of citizenship explain, liberal democracies allow LGBTQ citizens claim essential services from governments (Stokes, 2002:26). Making democracy a necessary condition for the furthering of LGBTQ human rights. Nevertheless, other factors should be taken into account when investigating the fundamental characteristics for LGBTQ human rights implementation.

This paper identifies social movements and their implementation process as a factor that should be considered. As Ayoub (2016:91) describes, the norm internalisation process is a two-stage process where first local communities respond to domestic political issues and define them and secondly, once politicised they are adapted and legislated upon. This process can
happen in two ways: bottom-up or top-down. A bottom-up process refers to a norm internalisation that comes from the civil society into the executive, legislative or judicial power, finally becoming law. On the contrary, a top-down process is the result of international norm regimes such as the UDHR or EU human rights membership requirements. A process that comes from the system level, influencing the executive, legislative or judicial powers of national governments. A correctly implemented bottom-up process, where domestic social movements fight for change in the individual’s rights of sexual and gender minorities, however, might be the essential factor. As Corrales (2015:7) argues, “[a] true civil rights revolution requires that civil-rights claimants from below forge strong ties with both allies and representatives at the state level for a secure path towards full progress on LGBTQ rights”.

Data presented in this thesis show how strong social movements are established in Brazil. Moreover, LGBTQ-related legislative changes occur at the state level because (1) Brazilian LGBTQ social movements deploy a strategy when the AIDS epidemic breaks out in the 1980s by working with NGOs that had connections with elements of the bureaucracy; (2) because the social movement formed alliances with large groups that advocated for fairer economic development in the enhancement of health provisions as developmental and democratic rights of the Brazilian society (Gómez, 2010 in Corrales, 2015:11); and (3) because Brazil showed positive links between pro LGBTQ movements and the moderate left parties. Here, the idea has been to pick a political ally that has some leverage in the country’s decision making processes (Corrales, 2015:12). For instance, The Worker’s Party (PT) has been the LGBTQ movement most reliable ally in Brazil, supporting civil unions or anti-discrimination legislation. The party even unveiled a 51-policy plan for promoting LGBTQ rights when Luiz Inácio da Silva (the party founder) was the leader (2015:16). Brazilian pro-LGBT movements have successfully allied with groups from the left and have framed strategies that focus on pro-globalisation and pro-market strategies, strategies that resonate with the left (Corrales, 2015:12). The LGBTQ rights opening in Brazil occurs as a bottom-up phenomenon as it is driven by pressures from below rather than being driven by the elites (Corrales, 2015:7).

In the case of Bulgaria, when it enters the European Union as part of the Copenhagen Criteria, proper democratic institutions and respect for and protection of minorities are implemented. Democracy, however, does not come before LGBTQ rights are implemented, they are two separate requirements, although the interconnection between the two requirements is clear. Sexual and Gender minority rights are implemented as a requirement from a supranational actor, not as a result of democracy that creates a favourable environment for social movements to flourish. Secondly, Bulgaria confirms Ayoub’s (2016) argument that
Eastern European Countries often skip domestic steps, ending up with policy compliance but not internalisation of the norm in the society. Which in the case of Bulgaria has resulted in moving backwards in regards to LGBTQ rights as the country has removed all the legal and administrative procedures trans people had to change their names or gender in the official documents LGBTQ organisation cannot partner with schools any longer to promote LGBTQ inclusion (ILGA Europe, 2019:31-32).

Finally, even though the 2018 Democracy Index categorises Brazil, Bulgaria and Namibia as the same type of the democracies, Namibia shows how having a liberal democratic political system in place does not equal having proper sexual and gender rights or protections. Making democracy a necessary, yet not an essential, element for the existence and advancement of LGBTQ rights. Looking at the unsuccessful lobby process of the inclusion of ‘sexual orientation’ under the discrimination umbrella, we can assume that it is still early for the Namibian civil society to enable a bottom-up process of norm internalisation, as it is not strong enough. On the other hand, the lack of a robust civil society movement could also be the result of the different right conception African countries have. The West is characterised by individual rights, whereas non-Western societies tend to focus on the collective or communal rights (Ignatieff, 2001:105). Therefore, the dissatisfaction with the patriarchy, which is characterised for uplifting the individual rights of oppressed identities cannot happen in the same way it has occurred in Europe. As it has been shown above, the country has been recommended several times to decriminalise same-sex acts, yet it has ignored them and has voted in favour of cutting financial funds to LGBTQ inclusion related activities at the UN level (ILGA, 2019: 357).

Therefore, democracy can be considered necessary as part of the process of furthering LGBTQ rights as it enables the creation of robust and influential civil societies and social movements (Brazil). Nevertheless, other factors are also important. A correctly implemented bottom-up process, for instance. Processes that create a rights revolution that properly internalises into the civil society. Otherwise, rights can go back (as seen in Bulgaria), or not even be successfully implemented (as shown through Namibia).

5. CONCLUSION

The aim of this paper is to understand democracy in relation to sexual and gender minority human rights. This thesis has demonstrated how democracy is a significant factor in the process of LGBTQ right advancement, but not essential. Other factors do also influence the process. In future research, special attention should be pay to the effect social movements have in the norm
internalisation processes worldwide. Therefore, while interesting results are obtained, further research is needed to establish what is the crucial factor for the advancement of LGBTQ rights. Further research would be recommended to analyse other factors like social movements, GDP per capita, religiosity, secularism or the court system in order to uncover the crucial factor for the advancement of LGBTQ rights.

Social movements are considered essential for expanding LGBTQ rights (Corrales, 2015:27). When exploring LGBTQ rights in Latin America and the Caribbean Corrales argues that institutionally “[…] social movements stand a better chance of prevailing if they operate in a context of competitive political parties, federalism, and independent and progressive courts”; Strategically, on the contrary, “they are more likely to prevail if they forge alliances with large, less traditional allies, including business interests” (2015:27). In the Latin American context, “countries face substantial challenges, even though legally it is far more advanced that it was a decade ago, and some countries enjoy legal protections for LGBTQ people that are rare in the world” (2015:7).

Other factors like the GDP per capita, a high income or wealth are also argued to be an important variable for the expansion of LGBTQ rights by some scholars (Badgett, 2014:2-3 and Flores and Park, 2018:3). This, however, is contested by other scholars who argue that is not a sufficient condition to explain the expansion of LGBTQ rights (Corrales, 2015:27). The high-income argument in the South American region could be contested arguing that Brazil might be one of the wealthiest countries of the region and a BRICS member and it shows a positive LGBTQ picture, this, however, does not happen in “oil-rich Venezuela” and (if we include Non-Spanish Speaking Caribbean Countries and Jurisdictions) in Bermuda or Bahamas where the GDP per capita is respectively twice and four times the Brazilian, but sexual and gender minorities only enjoy few protections (Corrales, 2015:8,9,30). As Corrales (2015:10) argues when analysis the Latin American scenario, “[…] a country needs not just be a wealthy democracy, but also home to the right kinds of social movements”. In Latin America, he argues, proactive effects of LGBTQ social movements have expanded the rights of LGBTQ individuals, thanks to proper network – building strategies that succeed in establishing strong partnerships with larger political actors or social movements (2015:10).

If we look at the Brazilian Supreme Court, we can see that court systems are important institutional factors contributing to LGBTQ rights improvement (Corrales, 2015:18). Finally, another important cultural and institutional variable is religion. Nevertheless, it presents different degrees of influence depending on the inherent characteristic of each nation-state towards religion. In mostly Protestants and Evangelicals countries, religious veto power tends
to be decisive where have a strong presence or are dominant in Congress. In Catholic ones, on the other hand, religion is stronger where dominant political parties tend to have strong historical ties with the church and where church attendance is higher (Corrales, 2015:27). Related to this is secularism, one of the most important variables in explaining the expansion of LGBTQ rights worldwide as “[...] religious groups are the most vocal and active opponents of LGBTQ rights (2015:23). It can be used to predict whether countries will struggle to adopt strong LGBTQ rights (2015:22,23). Public opinion and degrees of secularism are two important cultural factors. “Neither a public hostile to LGBTQ rights nor high religiosity is favourable of the expansion of LGBTQ rights although there are exceptions” (Corrales, 2015:22).
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