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**Rights and
Legislation for
LGBTQ+ Persons:
Regulata
(Relationship
regulations data)**



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RIGHTS AND LEGISLATION FOR LGBTQ+ PERSONS: REGULATA (RELATIONSHIP REGULATIONS DATA)

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1. INTRODUCTION

How is family defined (socially)? Does the state have the right to regulate how people live in families and relationships? If so, which areas of private lives can or should be regulated? These questions have recently gained traction in the debate on public policies. This dataset comprises rules and regulations to help researchers understand how this policy sector evolved throughout time. This assists in understanding which elements impact the implementation or removal of rules based on particular beliefs about whether activities are socially acceptable in public and private.

Despite the rising global visibility and acceptance of people breaking with binary gender stereotypes, sexual preferences, and the traditional 'nuclear family' constellations, there is still a gap concerning the integration of people from the LGBTQ+ community into everyday society. This dataset therefore fills this gap and contains enactment dates of regulations for the LGBTQ+ community. While there are activism groups and other community efforts to collect data, there are no datasets available in this format for event history modeling in an academic context. The data was collected in 2021 and early 2022. The sources linked below contain the specific laws and regulations coded here, as well as updates after February 2022. The dataset contains indicators on the following issues: Adoption laws, constitutional and workplace anti-discrimination protection, civil contracts and marriage laws, the criminalization and decriminalization of same-sex acts, the restriction of gender expression, and conversion therapy bans. The following text contains explanations regarding the coding of sometimes ambiguous legal text.

For questions or comments, please contact: seitzer@uni-bremen.de

2. CODING SCHEME

If a law or regulation has yet to be enacted for the entire legislative territory but has been introduced for distinct cities or regions, the first law for any area is coded as an introduction. For example, civil unions and domestic partnerships for same-sex couples in Canada have been enacted on the provincial level in Nova Scotia and Manitoba in 2001 but have yet to be enacted on the federal level by the Canadian Parliament. Therefore 2001 is coded here. If, however, a regulation has been enacted for the entire country, this regulation often overrules municipal, state, or provincial introduction, even if the regional regulation was introduced earlier. In Argentina, civil unions were introduced for the entire country in 2015, however, in 2003 it was introduced in the city of Buenos Aires as well as in the Rio Negro Province. In this case, 2015 was coded, as it covers the entire nation. If a law or regulation was never introduced, the indicator is coded with 9999, regardless of actual practice.

3. THE DISTINCTION BETWEEN MARRIAGE AND CIVIL UNIONS

In many countries, civil unions or registered partnerships offer similar advantages as traditional marriage but are not quite the same. Marriages between same-sex couples are coded as marriages if they contain the same regulations as marriages between different-sex couples. Civil unions, registered partnerships, or reciprocal beneficiary relationships often have limitations on regulations such as joint adoptions. They do, however, often contain benefits such as joint tax filing, benefits regarding employment and insurance, and decision-making power in emergencies. In many countries, civil unions are available for same-sex couples equally as to different-sex couples. In most countries in which civil unions are available for different-sex couples, these unions are the first regulation to be introduced for same-sex couples before the more traditional marriages are introduced. Some countries, therefore,

still allow both types of legal unions for both same-sex and different-sex couples. For example, in the Netherlands, registered partnerships for same-sex couples were introduced in 1998, a regulation that allowed a marriage-type union, but differs on adoption and rights regarding children. In 2001, a bill was passed to allow registered marriages between same-sex couples with the same rights as different-sex couples in the Netherlands as the first country to legalize marriage for the LGBTQ+ community. In some countries, the right to civil unions was abolished in favor of the broader marriage laws. For example, Germany allowed civil unions between 2001 and 2017, which were the only option for a legally recognized union between same-sex partners but have since then been replaced by the right to legal marriage for same-sex partners (eingetragene Ehe vs. eingetragene Partnerschaft).

4. THE DISTINCTION BETWEEN ADOPTION AND SECOND-PARENT ADOPTION

Adoption regulations for same-sex couples are still very diverse across the globe. Many countries do not allow for the joint adoption of non-biological children for same-sex couples. Some countries allow second-parent adoption, where one partner can adopt the other partner's biological child. These instances are coded as adoption in this indicator but are appended with a comment to indicate the limitation of second-parent adoption as opposed to regular adoption of non-biological children of both partners.

5. THE DISTINCTION BETWEEN CONSTITUTIONAL PROTECTION AND BROAD PROTECTION LAWS

The ILGA State-Sponsored Homophobia Report (Mendos et al. 2020) has made a distinction between regulations on protection and non-discrimination. This distinction also applies to this dataset. This allows differentiating between non-discrimination laws adopted into a country's constitution and non-discrimination or protection regulations adopted at a later point. The latter is coded in the indicator "broad protection laws" and often contains regulations with small limitations, for example only applying to certain instances. Constitutional protection laws, in contrast, are written into the country's fundamental legal regulations, and, while being a newer phenomenon and only applying to only recently funded states, these are more stringent regulations that apply to the entirety of a country's legal framework and forbids discrimination due to sexual orientation specifically. Broad protection laws are coded if a country explicitly states the banning of discrimination due to sexual orientation. These regulations and bills were mostly added after the 1948 Universal Declaration of Human Rights and refer to sexual orientation as a specific instance of protection as opposed to broader, unclear "all persons" regulation as stated in the UDHR (UN, 1948). Workplace anti-discrimination laws regulate workplace behavior such as firing and hiring as well as promotion practices.

6. THE DISTINCTION BETWEEN LEGALIZATION, DECRIMINALIZATION, AND CRIMINALIZATION

In some instances, countries have specifically criminalized same-sex acts. In some countries, those laws were later abandoned, but no further mention of punishment or legalization was made. Therefore, the country is coded as "decriminalized", as the status is generally unclear with the exception that there is no longer a cause for prosecution through the law. If a country specifically allows same-sex relations, these instances are coded as "legalization." In cases where countries still actively prosecute the LGBTQ+ community, this is coded as the "criminalization" indicator. In some instances, there are, and never were,

any mention of same-sex relations. In these instances, the respective criminalization and decriminalization indicators are coded with 9999. Due to the often unclear wording of the legal text, these indicators could potentially contradict each other.

7. FREEDOM OF EXPRESSION

The respective indicator contains information regarding countries where it is explicitly forbidden to propagate any type of LGBTQ+-related information or publicly dress as the non-assigned gender. In several countries, non-explicit legal barriers are still active with ambiguous wording commonly interpreted as barriers that forbid the display of interests in one another or for transgender expression.

CITATION

Please cite the respective version of the dataset used (citation provided by WeSIS), this codebook, or: Seitzer, Helen. 2022. "The Diffusion of Workplace Antidiscrimination Regulations for the LGBTQ+ Community." In *Networks and Geographies of Global Social Policy Diffusion: Culture, Economy, and Colonial Legacies*, edited by Michael Windzio, Ivo Mossig, Fabian Besche-Truthe, and Helen Seitzer, 227–253. Cham: Springer International Publishing https://doi.org/10.1007/978-3-030-83403-6_9.

SOURCES

The information collected in this dataset was collected and validated from the sources listed below and collected in early 2022. As some of the sources are conflicting, even citing different legal text, the earliest and most explicit text was used.

<https://ilga.org/state-sponsored-homophobia-report>

https://en.wikipedia.org/wiki/LGBT_rights_by_country_or_territory

http://internap.hrw.org/features/features/lgbt_laws/

<https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/>

<https://www.equaldex.com/>

REFERENCES

Mendos, Lucas Ramon, Kellyn Botha, Rafael Carran Lelis, Enrique Lopéz de la Penna, Ilia Savelev, and Daron Tan. 2020. "State-Sponsored Homophobia 2020: Global Legislation Overview Update." Geneva.
"Universal Declaration of Human Rights." 1948. Paris: UN General Assembly.

Indicator name	Subcategory I	Subcategory II	Technical name	Short Description	Min	Max	N	Missing
Country							183	
adoption by same-sex couples allowed	Sexuality, Relationships, and Gender	Family	Cult_srg_fam_adoption	Is adoption by same-sex couples allowed? A distinction to second-parent adoption in comment indicator. No distinction to single or transgender persons made	1996	2022	39	144
comment on adoption	Sexuality, Relationships, and Gender	Family	Cult_srg_fam_adoption_c	Comment regarding adoption laws, second-parent adoptions, and restrictions for LGBTQ+ persons	-	-	9	174
Antidiscrimination regulation in the workplace for LGBTQ+ persons	Sexuality, Relationships, and Gender	Protection	Cult_srg_prot_antidiscr_wkplc	Regulations forbidding discrimination in the workplace due to gender expression or sexual preferences	1985	2021	70	113
broad protection laws for LGBTQ+ persons	Sexuality, Relationships, and Gender	Protection	Cult_srg_prot_broad	General discrimination protection regulations for LGBTQ+ persons not mentioned in the constitution and not sector-specific	1987	2021	52	131
Constitutional discrimination protection for LGBTQ+ persons	Sexuality, Relationships, and Gender	Protection	Cult_srg_prot_const	Discrimination protection regulations for LGBTQ+ persons mentioned in the constitution	2019	2021	11	172
conversion therapy banned on the federal level	Sexuality, Relationships, and Gender	Protection	Cult_srg_prot_conv_therapy	Regulations to ban conversion therapy for gay, lesbian, bisexual, and transgender persons (only federal cases coded)	19	164	1999	2022
criminalization of same sex acts	Sexuality, Relationships, and Gender	Restrictions	Cult_srg_restr_crim	Criminalization of same-sex acts listed in the Penal Code or otherwise listed as a punishable offense	1828	2019	64	119
comment on criminalization of LGBTQ+ persons	Sexuality, Relationships, and Gender	Restrictions	Cult_srg_restr_crim_c	Additional information regarding the introduction of laws criminalizing same-sex acts	-	-	2	181
decriminalization of same sex acts	Sexuality, Relationships, and Gender	Restrictions	Cult_srg_restr_decrim	The abolishment and explicit decriminalization of same-sex acts.	1791	2021	104	79
removal of civil contract laws for same-sex couples	Sexuality, Relationships, and Gender	Family	Cult_srg_fam_civil_union_rm	The removal of previously introduced regulations allowing civil contracts as opposed to marriages between same-sex couples.	2008	2017	8	175
restriction of gender expression regulations for LGBTQ+ persons	Sexuality, Relationships, and Gender	Restrictions	Cult_srg_restr_gndr_exp	Laws restricting the expression of gender, covering cross-dressing and general gender expression.	1927	2020	44	139
Same-sex civil contract	Sexuality, Relationships, and Gender	Family	Cult_srg_fam_civil_union	The introduction of civil contracts in contrast to marriages for same-sex couples	1989	2018	42	142
Same-sex marriage	Sexuality, Relationships, and Gender	Family	Cult_srg_fam_marriage	The introduction of marriages with all benefits equal to different-sex couples.	2001	2022	32	151
Legalization of same-sex relationships	Sexuality, Relationships, and Gender	Family	Cult_srg_fam_legal	Legalization of same-sex acts and/or relationships.	1791	2021	113	70