

A Global Analysis of Transgender Rights: Introducing the Trans Rights Indicator Project (TRIP)

Myles Williamson

To what extent do countries protect the rights of transgender people? How does this differ from legal protections countries offer sexual orientation minorities? What conditions are beneficial for advancing trans rights? Limitations in data availability and accessibility make answering these types of trans-specific questions difficult. To address this shortcoming, I introduce a new dataset. The Trans Rights Indicator Project (TRIP) provides insight into the legal situations transgender people faced in 173 countries from 2000 to 2021. The dataset currently includes 14 indicators that capture the presence or absence of laws related to criminalization, legal gender recognition, and anti-discrimination protections. I then use this data to discuss the global status of transgender rights throughout the period and compare these trends to sexual orientation rights. Finally, I conclude with a preliminary analysis of three institutional and cultural factors that may help explain variation in transgender rights throughout the world.

A reignited wave of backlash continues to threaten the rights of transgender people throughout the world. In the United States, legislatures across the country have put forward hundreds of anti-trans bills, targeting rights such as access to gender-affirming health-care and legal gender recognition (ACLU 2023). Similarly, countries like Hungary and Russia have adopted and expanded anti-LGBT¹ propaganda laws to further restrict freedoms of expression for gender identity minorities (Reuters 2021, 2022). Despite the direct attacks that transgender people face, political science scholarship rarely examines these individuals and their rights on a global scale. Instead, studies tend to treat the LGBT community as a homogenous group, often using measures related to sexual orientation as a proxy for transgender rights (Lewis

et al. 2014; Longaker and Haider-Markel 2014). Doing so neglects the rights unique to transgender individuals and makes important questions about this group challenging to answer.

The tendency to conflate sexual orientation and gender identity in cross-national LGBT research arises from limitations in data availability and accessibility (Haider-Markel et al. 2019). To address this shortcoming, I introduce a new dataset that allows for more nuanced research on transgender rights separately from the broader LGBT community. The Trans Rights Indicator Project (TRIP) provides insight into the legal situations transgender people faced in 173 countries from 2000 to 2021. The dataset currently includes 14 indicators that capture the presence or absence of laws related to criminalization, legal gender recognition, and anti-discrimination protections. I draw from a variety of nongovernmental and international organizations, national law documents, research institutes, and other sources to code each variable.

In addition to introducing the new dataset, this article contributes to the literature on LGBT politics and human rights by addressing three questions. First, to what extent do countries protect the rights of transgender people, and how has this changed over time? I find that while many countries have progressed over the last two decades, legal protections for transgender individuals remain limited throughout most of the world. This descriptive exercise

A list of permanent links to Supplemental Materials provided by the authors precedes the References section.

**Data replication sets are available in Harvard Dataverse at: <https://doi.org/10.7910/DVN/FXXLTS>*

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not only provides important context on the global state of trans rights, but also enables policymakers and advocacy organizations to identify the areas where these minorities may be most vulnerable to abuse from the state and society.²

Second, how do the legal rights that countries provide sexual orientation and gender identity minorities differ from one another? Comparisons between the TRIP indicators and data on LGB rights demonstrate that countries do not inherently treat sexual- and gender identity minorities equally. Therefore, conflating measures of the two groups may skew our understanding of the actual rights that countries provide to either. Even when countries appear to offer similar levels of legal rights across the LGBT community, the comparisons emphasize the differences in policy concerns between the groups. The rights specific to gender identity minorities deserve scholarly attention separately from the broader community.

Finally, what conditions are favorable for advancing transgender rights? In short, I find that democracy and economic development are positively associated with trans rights, whereas the percentage of religious adherents in society appears to be insignificant. Though additional research is necessary to further investigate these relationships, this preliminary analysis provides an initial look into what makes countries more or less likely to protect the rights of transgender people—a task that becomes increasingly important as attacks on gender diversity spread across the globe.

Differentiating Gender Identity and Sexual Orientation

Though often discussed collectively, sex, gender identity, and sexual orientation are distinct concepts referring to different aspects of a person's being (Meyerowitz 2002). Given their conceptual complexity, this section provides a definition of each term as it is utilized within the context of this article. To start, sex refers to an individual's "reproductive capacity or potential" as exhibited by the physical and chromosomal characteristics of the body (Stryker 2008, 8). The determination of sex typically occurs at birth based on observable features related to the reproductive system. Contemporary sex classifications often include categories such as male, female, and intersex.³

While sex concerns the physical body, gender identity refers to an individual's "innermost concept of self" regarding being male, female, both, or neither (Human Rights Campaign 2021).⁴ In other words, a person's gender identity encapsulates their internal sense of self regardless of physical or sex-based characteristics (Stryker 2008). Given this distinction, an individual may possess a gender identity that diverges from their birth-assigned sex. For example, a person's gender identity may be male despite being assigned female at birth. This article uses "transgender" (trans) to describe individuals whose gender

identity and assigned sex differ, and "cisgender" for those whose gender identity and assigned sex correspond.⁵

Importantly, notions of gender identity and the words to describe it remain ever-evolving and may vary considerably across cultures. Recognizing this diversity, transgender in this context is not a definitive label indicative of one specific gender identity. Instead, the term serves as a descriptor for individuals with any gender identity that diverges from their birth-assigned sex. Thus, this article defines transgender in a way that is narrow enough to adequately capture the intended focal point while still being broad enough to apply in a cross-national context. Though this terminology reflects just one possible understanding of gender identity, it still provides an important lens for studying gender globally.

Finally, sexual orientation refers to an individual's "inherent or immutable enduring emotional, romantic, or sexual attraction to other people" of the same or different genders (Human Rights Campaign 2021).⁶ While the language that describes someone's sexual orientation may shift depending on a person's gender identification, sexual orientation does not dictate gender identity and vice versa (Stryker 2008). For example, a person who identifies as a man and is attracted to men shares the same gender identity as someone who identifies as a man but is attracted to women, despite having different sexual orientations.

The Missing "T" in LGBT Research

While existing scholarship provides valuable insight into our understanding of LGBT politics more broadly, few studies address transgender rights specifically. Instead, most of what we know about trans rights builds on the assumption that they resemble lesbian, gay, and bisexual rights (Haider-Markel et al. 2019; Tadlock and Taylor 2017). Despite conceptual differences, research often conflates sexual orientation and gender identity under the umbrella acronym without adequately examining the latter (Paternotte 2018). Meanwhile, political science studies of gender diverse minorities are often limited to single or regional case studies, largely focusing on Western countries (Dicklitch-Nelson and Rahman 2022; Haider-Markel et al. 2019).

Though sexual orientation and gender identity minorities may coalesce around the LGBT identity and share similar experiences, policy concerns specific to transgender people can differ significantly from those of the LGB community (Schwenke 2021; Thiel 2014). For example, laws allowing gender marker changes on identity documents may be important for some trans individuals. However, these laws are likely irrelevant for cisgender LGB people. Thus, "LGBT" research only using measures related to sexual orientation rights misses important trans-specific policies.

The underrepresentation of transgender rights in cross-national research stems from limitations in available data. Several factors make collecting this type of data difficult. For one, data collection requires first knowing what rights are relevant to the trans community. Transgender people constitute a highly marginalized and relatively small portion of the population. This limits the visibility of these individuals and their legal needs, making it more challenging to identify which rights are important for data collection. Additionally, this marginalization limits the reliability of data on de facto measures of rights. For example, reports of violence or discrimination against trans individuals likely undercount the actual rights violations that occur, especially in countries that offer no other protections to trans people.

Even when only focusing on legal rights, collecting this type of data on a global scale over several years is an intensive and time-consuming process. Transgender rights span across a wide variety of legal areas, which requires searching through a myriad of laws, policies, and other sources to determine if a country provides a specific right. This process also requires locating and interpreting additional information about the legal situation that may not be apparent by the law alone. For example, in the United States, Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on sex (among other factors) but does not explicitly mention (trans)gender identity or expression. However, in 2020, the Supreme Court's decision in *Bostock v. Clayton County* held that "it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex."⁷ Therefore, the binding decision extends the legal right to transgender people, even though the original text of the law does not explicitly do so.

Despite data challenges, a few notable empirical studies include some cross-national considerations of transgender rights.⁸ For example, Badgett et al. (2014) supplement their LGB index with data from Transgender Europe. They include 16 variables related to legal document changes, legal protection, criminalization or state-sponsored discrimination, and healthcare. Unfortunately, they only have trans-specific data for 2012 and only for 18 of the 39 countries in their analysis. Lee and Ostergard (2017) also incorporate some measures of trans rights in their LGBT discrimination index. However, this is primarily limited to variables capturing intolerance towards the broader "LGBT" community, making separate analyses of trans rights impossible.

Varieties of Democracy (V-Dem) has a measure that contrasts the distribution of political power between "heterosexuals and lesbian, gay, bisexual, and transgender (LGBT) members of the polity" (Coppedge et al. 2022, 208). Like Lee and Ostergard (2017) though, the measure does not have separate values for sexual orientation versus gender identity minorities. Additionally, the variable

compares political power distribution specifically based on sexual orientation not (trans)gender identity (Coppedge et al. 2022). No measures appear to represent specific dimensions or indicators of transgender rights.

Alternatively, F&M Global Barometers offer several trans-specific measures with their "Global Barometer of Transgender Rights" (Dicklitch-Nelson and Rahman 2022). The GBTR includes 12 variables explicitly measuring trans rights and five variables capturing LGBT advocacy protections for 204 countries.⁹ However, the data currently only spans from 2011 to 2019, and the raw data files are not (yet) accessible. Additionally, five of the twelve trans-specific variables are de facto measures of societal persecution. These measures can be beneficial for gaining insight into the realities within a country but are less reliable than de jure indicators due to possible underreporting of these rights violations.

Finally, ILGA World and its regional branch, ILGA Europe, provide perhaps the most well-known data on transgender rights. ILGA World has published three editions of its *Trans Legal Mapping Report* since 2016 (Chiam, Duffy, and Gonzales Gil 2016, 2017; Chiam et al. 2020). The first two editions provide data on the legality of name and gender marker changes, while the third edition also includes information on criminalization in select countries. ILGA Europe's "Rainbow Europe" map documents an extensive list of various sexual orientation and gender identity rights.¹⁰ However, the spatial dimension is limited to European countries. While citing some ILGA data, TRIP also includes indicators, countries, and years not covered by these sources and provides the data in a country-year format to allow for quantitative assessments.

In sum, differences among the LGBT community warrant disaggregated data. Even if countries treat these groups similarly, transgender people are a separate minority with their own policy concerns that deserve individualized consideration. While a few studies incorporate related measures, work that addresses trans rights in greater depth independently of the broader LGBT community remains limited. To help fill this gap, I present a new dataset tracking transgender rights worldwide. The following section introduces this dataset and details the data collection and coding processes.

The Trans Rights Indicator Project Methodology

The Trans Rights Indicator Project (TRIP) provides country-year data on legal rights protections relevant to transgender minorities (Williamson 2023). The data includes 14 trans-specific variables for 173 countries from 2000 to 2021. TRIP is among the first to explicitly focus on trans rights and the only public dataset covering trans rights with wide spatial *and* temporal coverage (to my knowledge). The dataset excludes de facto societal

measures, given information availability and accuracy concerns discussed in the previous section. While laws may not always represent lived experience, the legal environment still provides valuable insight into the climate towards transgender people in a country (Htun and Weldon 2012; Velasco 2018).

Developing and Measuring Indicators of Trans Rights

This project rests on the idea that transgender rights are those that allow trans individuals to exist and participate in government and society as their gender in the same manner guaranteed to all other individuals. To operationalize these rights, TRIP builds from ideals set forth by international human rights law, namely the Yogyakarta Principles. These principles outline countries’ obligations to protect and promote the well-being of sexual orientation and gender identity minorities (ICJ 2007, 2017). Drawing from these principles, I organize indicators into three categories: criminalization, recognition, and protection (table 1).

Criminalization threatens the realization of all other rights related to an individual. Yogyakarta Principle 33 states that everyone has “the right to be free from criminalization and any form of sanction arising directly or indirectly from that person’s actual or perceived sexual orientation, gender identity, gender expression or sex characteristics” (ICJ 2017, 11). For transgender people, the threat of criminalization is two-fold. These individuals are vulnerable to laws that directly police gender identity/expression and unrelated laws like those concerning sexuality or morality (Egerton-Peters et al. 2018). Therefore, TRIP includes two separate indicators to measure direct and indirect criminalization.

Direct criminalization refers to laws that explicitly criminalize individuals based on gender identity or expression when it diverges from the traditional expectations of birth-assigned sex. These laws typically include provisions against “cross-dressing” or “disguising” as a different sex/gender.¹¹ This indicator equals one if criminalizing laws exist at the subnational or national level and equals zero otherwise. Indirect criminalization occurs when countries arbitrarily use laws unrelated to gender identity or expression to target transgender people. For example, security forces may use laws concerning “public order,” “vagrancy,” “morality,” “decency,” and other vague offenses to indirectly criminalize these individuals (Chiam et al. 2020; Egerton-Peters et al. 2018). Laws only qualify as indirect criminalization if at least one credible source states that countries used them to target transgender people. I also include laws policing consensual same-sex sexual activity as indirect criminalization due to the potential conflation of sexual and gender identities.

Indirect criminalization is “present” for all years the law is in force. In a few instances, sources report arbitrary arrests and criminalization but do not cite specific laws or charges. In these cases, criminalization is only “present” for the year the incidents occur, according to the sources. This indicator equals one when indirect criminalization is “present” at the subnational or national level. The indicator may undercount instances of this type of criminalization, particularly in countries with no LGBT advocacy organizations that track these incidents. However, I still include this measure due to the widespread occurrence of indirect criminalization.

The second category of indicators concerns the legal recognition of transgender individuals. Yogyakarta Principles 3, 31, and 32 espouse individuals’ rights to legal recognition based on self-determined gender identity (ICJ 2007; 2017). Official identity documents serve as critical tools that often determine individuals’ legal and social status (Holzer 2022). Having a legal gender marker that is incongruent with someone’s identity or expression may make that person more susceptible to discrimination or other abuses.

For example, 32% of trans respondents in the United States and an average of 25% across the European Union experienced discrimination after showing an identity document not matching their gender presentation (James et al. 2016).¹² Legal gender incongruencies can also make trans individuals more vulnerable to arrest and discrimination by government officials, as evidenced by the cases of Panama and Peru following the COVID-19 sex-based lockdowns (Edgell et al. 2021). Police officers arrested trans individuals for appearing in public on the “wrong” day when their perceived identity did not match their legal gender marker (Cabrera 2022).

To capture legal recognition, TRIP contains indicators covering the legal right to gender marker changes,

Table 1
TRIP indicators

Criminalization (national and subnational)
Direct criminalization
Indirect criminalization
Legal Recognition (national)
Legal gender marker change (GMC)
Presence of prohibitive requirements for GMC
- Physiological requirements
- Psychological requirements
- Divorce/single-status requirements
Nonbinary/third gender marker options
Legal Protections (national)
General (non-sector specific) anti-discrimination protections
Constitutional anti-discrimination protections
Employment anti-discrimination protections
Education anti-discrimination protections
Healthcare anti-discrimination protections
Housing anti-discrimination protections

prohibitive requirements for those changes, and official recognition of nonbinary/third genders. The first indicator measures whether a nationally applicable law or policy allows gender marker changes on identity documents beyond travel documents alone. The indicator equals one if national law allows these changes. Countries receive a zero if national law does not specify this right (e.g., the United States) or if gender marker changes are prohibited (e.g., Hungary). For this variable, I do not count subnational laws or established practices that countries have not codified into national law.

When countries allow gender marker changes, they often impose prohibitive requirements that individuals must meet to amend their documents. I include one broad indicator that captures whether the country has any prohibitive requirements and three specific indicators based on the type. These include physiological, psychological, and divorce/single-status prerequisites. Physiological requirements refer to any medical interventions that an individual must undergo to alter their body or sex characteristics. This may include physical interventions such as hormone therapy, surgery, or sterilization. Psychological prerequisites stipulate that individuals receive a diagnosis or documented treatment by a psychiatrist, psychologist, or other mental health medical professional. Finally, divorce/single-status provisions require individuals to be divorced or otherwise unmarried to qualify for a legal gender marker change. This enables countries to allow legal gender marker changes without recognizing same-sex marriages.

Indicators for each prohibitive requirement equals one if present at the national level and zero if not. The broad indicator equals one if a country has any physiological, psychological, or divorce/single-status requirements in place. Importantly, a value of zero for each prohibitive requirement in the TRIP data does not guarantee a country has a self-determination model for gender recognition. Countries may have other requirements beyond those captured in the data (e.g., judicial procedures).

The last indicator in this category measures whether countries have national recognition of nonbinary or third gender markers on identity documents. I use the terms “nonbinary” or “third gender” to mean any gender designation outside of the traditionally issued binary markers in each country (e.g., “male” or “female”). Examples include the “Other” (“Anya”) designation in Nepal and the “X” marker in Malta. In some cases, these markers are available but reserved for individuals with specific identities, as in the case of the “Hijra” designation in Bangladesh. These individuals may or may not self-identify as transgender, but I include these cases since an alternate marker is available. This indicator equals one if countries recognize nonbinary/third gender markers and zero if not.

The final category of rights contains variables concerning legal discrimination protections. Yogyakarta Principle

2 demands that countries protect the right of equality and non-discrimination for individuals of all sexual orientations and gender identities (ICJ 2007). Anti-discrimination protections are critical for protecting marginalized communities and allowing these individuals to participate more fully in government and society (Fields and Wotipka 2022). To measure the extent of legal protections a country offers, TRIP includes six indicators for the following types of national anti-discrimination laws: general (non-sector specific), constitutional, employment, education, healthcare, and housing.¹³

General anti-discrimination laws and policies are those that are not entirely specific to one sector. While they might also contain sector-specific provisions, these laws provide broad-based protections from discrimination against certain characteristics of individuals or groups. For example, Montenegro’s 2010 Law on Prohibition of Discrimination prohibits “any form of discrimination, on any ground” and explicitly states that “any differentiation, unequal treatment or bringing a person in an unequal position based on gender identity or sexual orientation, shall be deemed to be discrimination.”¹⁴

Constitutional protections refer to anti-discrimination provisions that are specifically embedded within a country’s constitution. For instance, Article 14 of Bolivia’s 2009 constitution explicitly prohibits discrimination based on several grounds, including gender identity and sexual orientation.¹⁵ Though constitutional protections do not guarantee that countries will adopt other anti-discrimination policies, these provisions help establish a more inclusive legal foundation. Lastly, indicators for employment, education, healthcare, and housing capture the presence of anti-discrimination laws and policies relevant to those areas. These types of laws can vary in the exact protections provided from country to country, but at their core must include some provision protecting transgender individuals from discrimination or unfair treatment within those respective sectors.

Indicators for each of the anti-discrimination protections equal one only when national laws or policies exist. Additionally, the provisions must explicitly protect individuals on the grounds of gender identity, gender expression, or gender “reassignment.”¹⁶ Implicit inclusion on the grounds of sex does not count unless a binding and nationally applicable court ruling or policy specifies that “sex” includes gender identity, expression, or “reassignment.”

TRIP Scores

In addition to the individual indicators, TRIP presents a yearly score for each country to represent the total domestic legal rights available for transgender people. Possible scores range from 0 to 13, with higher scores indicating more rights. Using the indicators listed in

Table 2
TRIP indicators for score calculations

Indicators	Score
No direct criminalization	1
No indirect criminalization	1
Legal gender marker changes (GMC) possible	1
No physiological requirements for GMC	1
No psychological requirements for GMC	1
No divorce/single-status requirements for GMC	1
Nonbinary/third gender marker options available	1
General anti-discrimination protections present	1
Constitutional anti-discrimination protections present	1
Employment anti-discrimination protections present	1
Education anti-discrimination protections present	1
Healthcare anti-discrimination protections present	1
Housing anti-discrimination protections present	1
Total	13

table 2, I calculate the composite score by summing the number of indicators a country performs well on each year (Dicklitch-Nelson and Rahman 2022; Velasco 2018). For example, a raw score of four means that values equal one on four indicators for a given country that year. Since higher scores represent greater rights protections, I inverted negative indicators related to criminalization and prohibitive requirements for gender recognition. Positive-framed indicators remained the same since their values already equal one when the country provides the respective right.

The TRIP score is useful for gaining a broad understanding of how trans-friendly a country’s laws may be at the national level and for comparing these rights with other measures of human rights. However, the richness of the data lies within the individual indicators. Since countries can theoretically arrive at similar scores through different means, each of the indicators offers a more detailed look into the different domestic legal situations. The structure of the TRIP dataset allows for researchers to analyze the indicators individually or reweighted in various manners.

Collecting the Data

For each observation, I hand-coded information from multiple organizations, government websites, national law documents, research institutes, and news sources.¹⁷ I began with reports published by nongovernmental

organizations such as Amnesty International, Human Dignity Trust, Human Rights Watch, ILGA World and its regional branches, and Transgender Europe. I also consulted the list of member organizations provided by ILGA World to gather information from domestic LGBT or trans-specific organizations for each country.

Beyond NGOs, I searched through reports from international organizations such as the Council of Europe, the European Union, the Organization for Economic Co-operation and Development, and the United Nations. In addition to these sources, I accessed individual government websites to locate relevant laws and reports. I also reviewed relevant human rights reports from the U.S. Department of State and the Williams Institute. Finally, I consulted news articles to supplement the information from other sources as needed.

The relevant laws and policies served as the ultimate deciding factor for coding each indicator. However, I utilized secondary sources to help identify the presence or absence of any legal provisions and to gain additional context on the applicability of those provisions. As the earlier example of the United States’ employment discrimination law demonstrates, additional policies or court decisions may extend a specific right to transgender people despite the text of the original legal provision suggesting otherwise. I also deferred to secondary sources in cases where the full text of the law was inaccessible or unavailable in an English translation.

One concern when using a wide variety of secondary sources is the consistency of the level of measurement, as sources have different parameters for counting a right as “present.” For example, some sources count sub-national and national laws, while others may only discuss measures at the national level. This was even more complicated when sources did not clearly state this information (e.g., U.S. Department of State Human Rights Reports). Due to these potential concerns, I used two or more sources to code each variable, when possible, to make sure the data accurately reflects the parameters set out in the TRIP codebook.

Given the scope of this dataset, I used multiple words and phrases to locate and search through electronic sources. The term “transgender” is not universal across time and space (Beemyn 2014; Thiel 2014). For instance, sources commonly used the word “transsexual” in earlier years covered by the data.¹⁸ I also considered the possibility of sources using words with different connotations to describe individuals who do not identify with their birth-assigned sex. A source may use words like “transvestite” or “cross-dresser,” though it is describing a person this project refers to as “transgender.” In these cases, I relied on the surrounding context provided by the source to determine its relevancy. Regional and cultural differences further contribute to the variety of words used to describe these individuals. The complete list of search terms I used

related to “transgender” can be found in the codebook for the dataset.

The Global Status of Transgender Rights, 2000–2021

Based on the TRIP data, transgender rights at the turn of the century were scarce. In 2000, the mean TRIP score across the globe was approximately 11%, and no country performed well on more than four indicators. The most protective countries were those where both forms of criminalization were absent and gender marker changes were possible. However, all countries with legal gender recognition only allowed binary marker changes, which were contingent on individuals fulfilling at least one type of prohibitive requirement. Additionally, trans-inclusive anti-discrimination protections were nonexistent globally. While still largely hostile, the legal situation improved in many countries by the final year in the data. The average global TRIP score roughly doubled by 2021 and mean scores for every region except for the Middle East and North Africa also increased over the period (figure 1).

Breaking down the TRIP score, figure 2 displays the proportion of countries for which each binary indicator equals one (as specified in table 2) in 2000 versus 2021. As this figure illustrates, advancements in transgender rights between these years are primarily a result of improvements in indicators pertaining to legal gender recognition and some anti-discrimination protections. More specifically, the proportion of countries with national laws allowing gender marker changes and those protecting against employment discrimination represent the most

considerable improvements. Conversely, indirect criminalization, nonbinary recognition, and constitutional protections constitute the smallest positive changes. Direct criminalization is the only indicator in which countries performed worse in the final year. The following subsections further expand on these changes to provide more context on the global status of transgender rights.

Criminalization

Direct criminalization of transgender people increased over the last two decades but remains relatively uncommon. In 2000, eight countries explicitly criminalized people based on gender identity or expression. These laws existed at the national level in Guyana, Jordan, Lebanon, Malawi, Saudi Arabia, and the United Arab Emirates, and sub-nationally in Nigeria and Malaysia.¹⁹ Most laws explicitly targeted male-assigned individuals who dressed or “disguised” themselves as women, but some countries enacted more expansive provisions. For example, Guyana and Saudi Arabia criminalized “cross-dressing” regardless of birth-assigned sex, and some states in Malaysia adopted laws prohibiting female-assigned individuals from “posing” as men. Five additional countries implemented criminal provisions by 2021. The Gambia, Indonesia, Oman, and South Sudan incorporated laws targeting male-assigned individuals, while Kuwait’s law applied regardless of birth-assigned sex.²⁰

While uncommon, these laws appear to be resilient once in place. Decriminalization only occurred in one country throughout the period covered by the data. In

Figure 1
Mean global and regional TRIP scores, 2000–2021

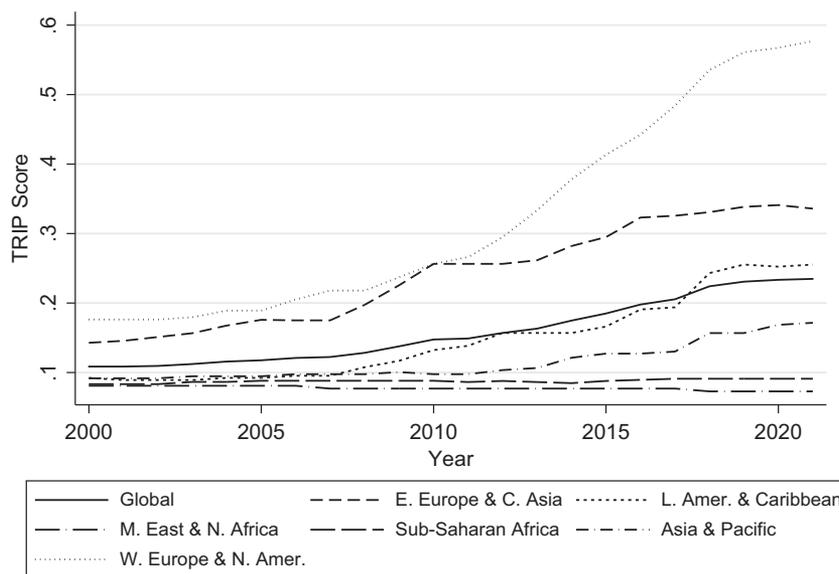
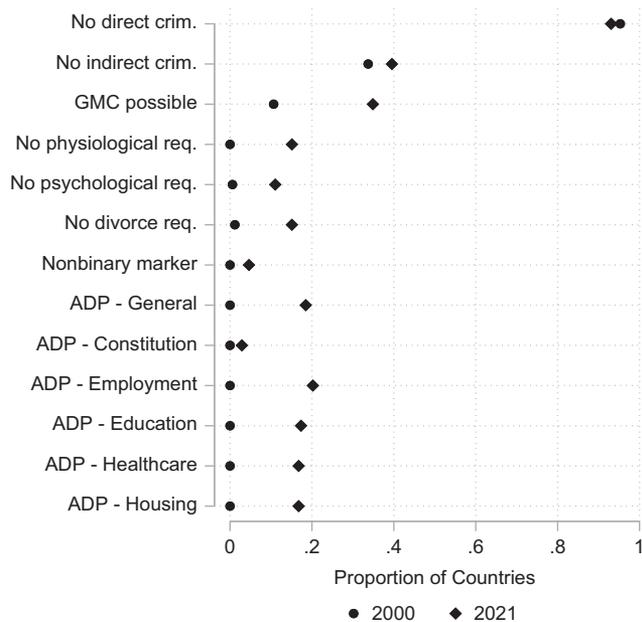


Figure 2
TRIP score indicators in 2000 versus 2021



Note: Markers indicate the proportion of countries for which each binary indicator equals one in the respective year.

2018, the Caribbean Court of Justice ruled that section 153(1)(v) of Guyana’s Summary Jurisdiction (Offenses) Act was unconstitutional.²¹ This ruling nullified the criminalizing provision, even though parliament did not officially amend the law until 2021. Despite this progress, transgender people in Guyana remain at risk, especially given their lack of legal recognition and other protections.

Indirect criminalization is far more widespread. In 2000, transgender people were susceptible to this type of criminalization in at least 112 countries. While this number decreased slightly throughout the period, indirect criminalization remained present in 104 countries as of 2021. The greater prevalence of indirect rather than direct criminalization in the dataset is in part attributable to the vast array of laws that countries can use for this purpose. Direct criminalization requires a specific type of law—one that explicitly criminalizes non-cisnormative identity or expression. However, indirect criminalization can occur through the presence and arbitrary application of a variety of laws policing other behaviors. For example, numerous countries target trans people through vague laws prohibiting “debauchery,” “hooliganism,” or “unnatural behavior” (Botha 2021; Egerton-Peters et al. 2018).

Legal Gender Recognition

In 2000, 18 countries had national laws allowing individuals to change their gender markers on legal

identity documents (figure 3). Most of these countries were in Europe. In 1972, Sweden became the first European country to adopt a formal and nationally applicable law allowing this change.²² Germany, Italy, and the Netherlands followed suit in the 1980s, while Switzerland and Denmark adopted laws in 1993 and 2000, respectively. Several Eastern European and Central Asian countries added legal gender recognition laws in the first 10 years following the collapse of the Soviet Union. Beyond these regions, countries including Iran, Israel, Namibia, New Zealand, and Turkey had laws in place by 2000. No countries in the Americas had de jure gender recognition that year.

The legal situation improved in most regions over the next 20 years. By 2021, 60 countries allowed legal gender marker changes (figure 4). Western Europe remained the front-runner in this category, with 19 of the recognizing countries in this region. New Zealand was the only other Western country with national recognition. While some states and provinces in the United States, Australia, and Canada allow gender marker changes, no nationally applicable laws or policies guarantee this right outside of travel documents (e.g., passports). Beyond the West, ten countries in Latin America, eight in Asia, and two in Africa adopted laws allowing gender marker changes by 2021.

Initially, all countries with legal recognition had at least one prohibitive requirement. This changed following the passage of the 2009 law in Uruguay, which did not include any physiological, psychological, or divorce/single-status prerequisites.²³ The law did however require people to undergo a review process with an expert team for at least two years. In 2012, Argentina became the first country with legal gender recognition based entirely on self-determination.²⁴ Over the next nine years, 14 additional countries allowed gender marker changes without any prohibitive requirements captured in the TRIP data.²⁵

Third-gender recognition continues to be rare. As of 2021, eight countries allowed individuals to select a non-binary gender on identity documents beyond passports.²⁶ Interestingly, all four countries in Asia recognized non-binary markers following Supreme Court decisions. In contrast, the four countries in Europe and South America enacted laws independently of the courts. Further, the Asian countries were the first to make these gender marker options available. While Uruguay and Argentina were early adopters of simplified gender recognition processes, they did not recognize nonbinary/third genders until 2018 and 2021, respectively.

Anti-Discrimination Protections

At the turn of the century, no countries offered national anti-discrimination laws explicitly protecting gender

Figure 3
National laws allowing gender marker change, 2000

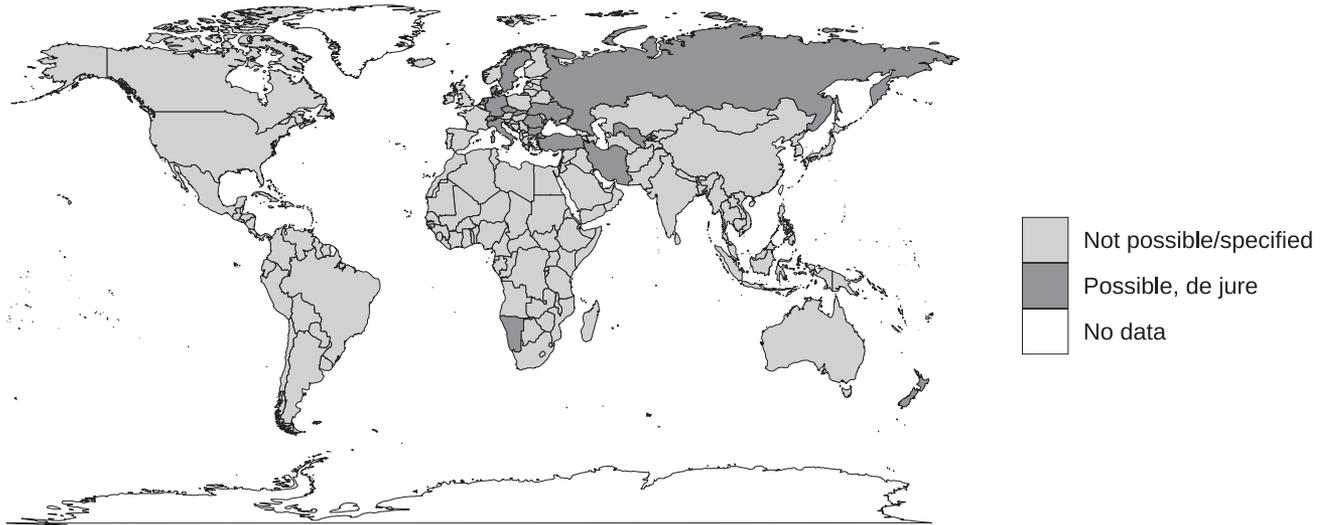
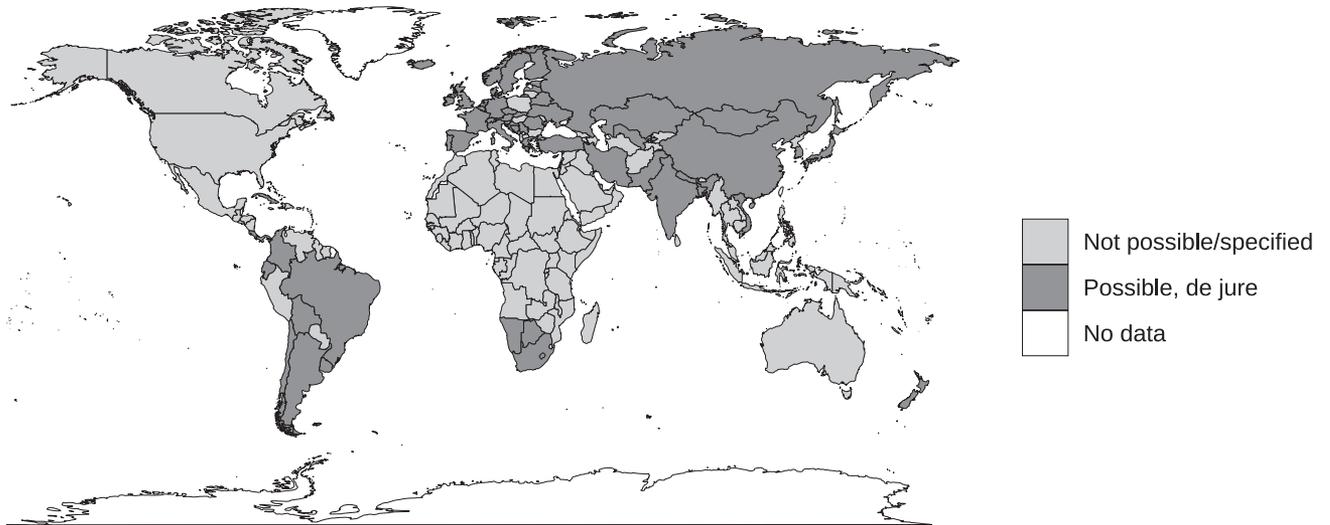


Figure 4
National laws allowing legal gender marker change, 2021



identity, expression, or “reassignment.” The situation slowly improved over the period, with 39 different countries having at least one type of inclusive anti-discrimination law by 2021. In terms of the individual sectors, employment protections were the most common type. Thirty-five countries had these laws in place by the end of the period. Protections concerning the other specific sectors were not as common but do not trail far

behind. In 2021, 30 countries prohibited discrimination in education and 29 did so in healthcare and housing. All countries with one of these types of provisions during that year also provided employment protections.

Constitutional protections are the least common type across the globe. In 2008, Ecuador became the first country to incorporate “gender identity” as a protected class within a constitution. Bolivia, Cuba, Fiji, and Malta

have since followed suit, and remain as the only other countries to include explicit constitutional protections as of 2021. Interestingly, in every case except for Malta, the incorporation of gender identity as a protected class occurred with the adoption of entirely new constitutions. Malta is the only country that amended an existing constitution to add these types of protections.

Comparing Transgender and LGB Rights in 2020

This section compares the rights countries offered to sexual orientation and transgender minorities in 2020. To do so, I calculate LGB scores for each country using 11 indicators provided by ILGA World’s *State-Sponsored Homophobia Report* (Mendos et al. 2020). Following the TRIP methodology, indicators equal one when a country protects a right on the national level.²⁷ For example, the constitutional anti-discrimination indicator equals one if a country’s constitution explicitly protects individuals based on sexual orientation. I then added these values to create a composite score ranging from 0 to 11 (table 3).

Before comparing the data, it is essential to note that the indicators in the TRIP and LGB indexes do not correspond with one another exactly. For example, the TRIP indicator capturing legal gender recognition is not directly comparable to any indicator in the LGB index. While this reinforces the point that separate data for LGB and trans rights is necessary, these differences make one-to-one comparisons difficult. I convert countries’ raw scores on both indexes to a percentage to help account for any differences.

TRIP versus LGB Scores

In 2020, the average global score was 24.1% on the LGB index and 23.3% on the TRIP index. Though global performances nearly mirror one another, regional averages differed more between the indexes (figure 5). These differences were most pronounced in regions with greater sexual orientation rights. For example, the average LGB score was over 13% higher than TRIP in Western Europe and North America. However, most regions scored higher on the TRIP index. Of these regions, Asia and the Pacific exhibited the greatest difference, as TRIP was 9.1% higher than the LGB score. Sub-Saharan Africa scored the most similarly on both indexes, with a less than 1% difference.

Comparing the two index scores within single countries also reveals important differences in the extent of legal rights available. In many cases, individual countries appeared to score similarly across the indexes in 2020 (figure 6). Countries less protective of one group tended to be less protective of the other. However, a few countries deviate considerably from this trend. As figure 5 highlights, some cases like Pakistan, India, Austria, and South Africa perform disproportionately better on one of the indexes. These deviations emphasize the issues that may arise when measuring LGBT rights without incorporating measures relevant to each group in the acronym.

Pakistan had the largest difference in scores on the two indexes. Following independence, the country retained the colonial provision criminalizing same-sex sexual activity (Mendos et al. 2020). Section 377 of the Penal Code continued to be active as of 2020, leaving sexual orientation minorities in danger of arrest (Human Dignity Trust 2022). This criminalization, paired with no legal recognition or protections, resulted in Pakistan scoring 0% on the LGB index during that year. At the start of the TRIP data, Pakistan performed poorly on indicators of trans rights as well. While there was no direct criminalization, the country did not offer any trans-specific rights. Further, trans individuals were subject to arbitrary arrest through laws policing sexual activity and public obscenity (Botha 2021).²⁸ The country only scored a 7.69% on the TRIP index in 2000.

The legal situation began to shift following an incident in the city of Rawalpindi. In January 2009, Rawalpindi police raided a wedding ceremony and arrested several gender diverse individuals (Pamment 2019; Redding 2018). The arrests sparked protests and ultimately culminated in activists filing a legal petition with the Supreme Court.²⁹ Favorable decisions by the court, later coupled with the passage of laws such as the Transgender Persons (Protection of Rights) Act of 2018, granted the transgender community several legal rights. By 2020, Pakistan scored 84.62% on the TRIP index due to offering comprehensive anti-discrimination protections, nonbinary markers, and gender marker changes without prohibitive requirements.

Table 3
LGB indicators for score calculations

Indicators	Score
No direct criminalization (consensual same-sex sexual activity)	1
Same-sex marriage legal	1
Civil unions legal	1
Joint adoption for same-sex families legal	1
Second parent adoption for same-sex families legal	1
Constitutional anti-discrimination protections (sexual orientation)	1
Broad anti-discrimination protections (sexual orientation)	1
Employment anti-discrimination protections (sexual orientation)	1
Prohibition of hate crimes (sexual orientation)	1
Prohibition of incitement to hatred (sexual orientation)	1
Ban on conversion therapies (sexual orientation)	1
Total	11

Figure 5
TRIP and LGB index averages by region, 2020

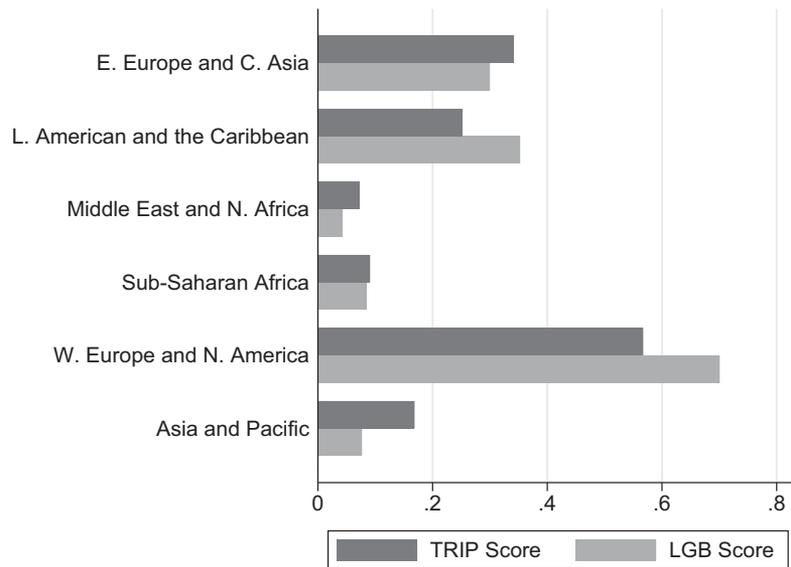
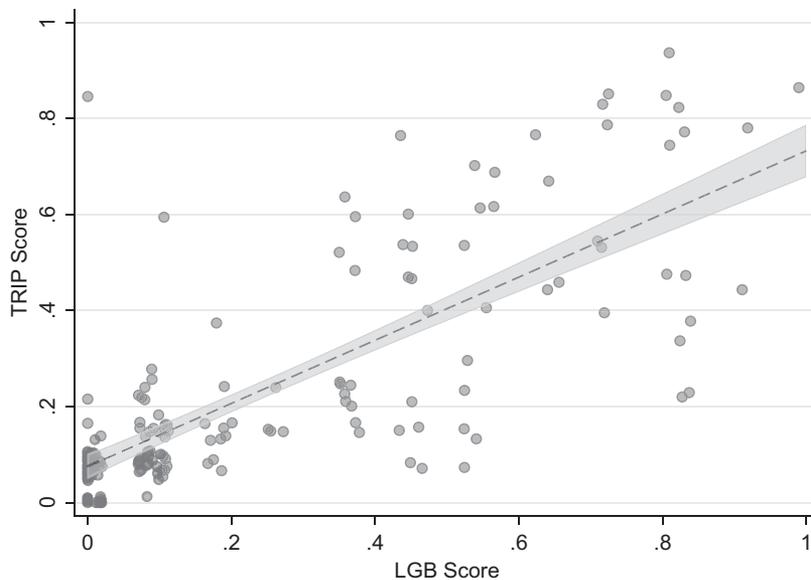


Figure 6
TRIP versus LGB index scores, 2020



Note: Regression line with 90% confidence interval. P-value < 0.001. R-squared = 0.5952.

The evolution of LGBT rights followed a similar path in India, resulting in considerably higher scores on the TRIP index. Like in Pakistan, a combination of Supreme Court cases and subsequent laws advanced the legal rights of transgender people.³⁰ As of 2020, India offered some anti-discrimination protections and allowed gender marker

changes once individuals satisfied the prohibitive requirements. The country scored 61.54% on the TRIP index in that year. Sexual orientation minorities enjoyed far fewer legal protections. While India decriminalized consensual same-sex sexual activity in 2018, the country still had no protections for or, recognition of, these individuals

(Mendos et al. 2020). Overall, India scored 9.09% on the LGB index, 52.45% less than the country's TRIP score.

On the other end of the spectrum, Austria and South Africa are two cases where sexual orientation minorities had far greater legal rights than transgender individuals. Both countries scored 81.8% on the LGB index but only 23.1% on the TRIP index in 2020. Austria scored well on all LGB indicators except constitutional protections and conversion therapy bans. Conversely, the country performed poorly on all but three of the TRIP indicators. Austria did not directly or indirectly criminalize transgender people, but no anti-discrimination laws protected these minorities. Further, individuals could change their legal gender markers only after meeting all prohibitive requirements.³¹ Austria also did not allow non binary gender markers.

Though South Africa did not ban conversion therapy or explicitly protect sexual orientation minorities against hate crimes, the country is one of the few to offer constitutional protections to LGB individuals (Mendos et al. 2020). Altogether, South Africa scored positively on nine LGB indicators but provided few rights for trans people. No laws directly criminalized diverse gender identities or expressions, but trans individuals faced indirect criminalization through laws policing offenses like public indecency and sex work.³² Further, South Africa allowed binary gender marker changes but conditioned these changes on physiological and psychological requirements.³³ Finally, there were no national anti-discrimination protections for trans people.

Taken together, the four cases demonstrate the issues of using rights measures for one group as a proxy for the other. Countries do not inherently treat sexual orientation and transgender rights equally and conflating the two measures may misrepresent the actual domestic legal situation. Though the extent varies, score discrepancies are not unique to the four cases. Nearly 36% of all countries had a 10% or greater difference in their LGB and TRIP scores for 2020. More specifically, TRIP scores were higher by 10% in 24 countries, while LGB scores were higher in 39 countries during that year.

TRIP versus LGB Indicators

While the indexes do not overlap completely, they share a few comparable indicators that demonstrate the divergences in rights for the two groups. For example, nearly twice as many countries have anti-discrimination protections for sexual orientation minorities. In 2020, 73 countries had at least one type of anti-discrimination law covering sexual orientation, compared to just 39 countries with a similar law for gender identity minorities. Further, all countries with constitutional protections for transgender people also include provisions for sexual orientation. However, the same is not true in reverse. Of the countries

in the TRIP dataset, constitutions in Kosovo, Portugal, South Africa, and Sweden prohibit discrimination against sexual orientation but not gender identity.

The measure of direct criminalization also demonstrates the wide gap in laws regarding these two groups.³⁴ As of 2020, laws explicitly criminalizing consensual same-sex sexual activity existed in 59 of the 173 countries. On the other hand, only 12 countries specifically outlawed diverse gender identities or expressions. Though transgender people are vulnerable to indirect criminalization in countries prohibiting same-sex sexual activity, there are considerable differences in the formal laws explicitly policing groups within the LGBT community. However, the increase in direct criminalization captured by the TRIP data could indicate that this trend is slowly shifting. Hostile states may become more likely to target trans individuals directly as political debates surrounding their rights gain traction and visibility.

Potential Correlates of Transgender Rights

This section uses the TRIP data to provide a preliminary look into the factors that may help explain variation in transgender rights throughout the world. Importantly, the analyses in this section are intended only as a first step, rather than the final word on the matter. Future research should build from these initial findings to further theorize about and empirically investigate why some countries offer more rights than others. Since previous data limitations constrained trans-specific research, I draw from existing studies related to sexual orientation minorities to identify three potential correlates of transgender rights. These include regime type, economic development, and religion.

In terms of regime type, research suggests a positive relationship between democracy and sexual orientation rights (Dicklitch-Nelson et al. 2019; Encarnacion 2014; Sommer and Asal 2014). While democratic elections do not guarantee equal rights for all, certain features of liberal democracy help create conditions that are favorable to advancing these rights. For example, the greater respect for freedoms of assembly and expression in more democratic countries allows minorities, like LGBT people, to live more openly and collectively advocate for their rights to an extent unparalleled in nondemocracies (Encarnacion 2014). However, these freedoms may also empower political opponents who seek to restrict these rights, thus limiting the benefits democracy provides.

I use two separate democracy measures to capture regime type, given the extensive and continued scholarly debate about how the concept should be measured (e.g., Alvarez et al. 1996; Boix, Miller, and Rosato 2013; Lindberg et al. 2014; Munck and Verkuilen 2002; Paxton 2000). For the first measure, I use the electoral democracy index (EDI) from V-Dem (Coppedge et al. 2022). This index includes indicators concerning the freeness and fairness of elections,

suffrage, freedom of association, and freedom of expression. The EDI works well for this analysis because it provides a fine-grained measure of democracy without including measures related to transgender rights.³⁵ Values for this variable range from 0 to 1, with higher values indicating greater levels of democracy.

For the second measure, I use the revised combined Polity score (Polity2) from Polity V (Marshall and Jaggers 2020). This variable focuses more narrowly on the institutional aspects of democracy and includes measures related to the competitiveness and openness of executive recruitment, constraints on the executive, and competitiveness of political participation. For easier comparisons with other estimates, I rescaled the variable so that values range between 0 and 1. As an additional robustness check, [table A3](#) in the online appendix presents models with regime type measures from Regimes of the World (Luhmann, Tannenber, and Lindberg 2018) and Boix, Miller, and Rosato (2013, 2018).³⁶

Greater economic development has also been linked to more progressive sexual orientation rights (Badgett et al. 2014; Sommer and Asal 2014). Theoretically, as countries become more economically developed, they can turn their attention to “post-materialist” concerns such as expanding minority rights (Corrales 2017; Inglehart and Baker 2000). Higher levels of economic development also encourage more social tolerance towards minority groups, potentially providing more favorable conditions for rights advancements (Adamczyk and Pitt 2009). I use GDP per capita data from the World Bank (2022) to measure the level of economic development for each country-year. Following previous research, the models include the logged values of this measure given the skewed distribution (Asal, Sommer, and Harwood 2012; Frank, Camp, and Boutcher 2010; Velasco 2018, 2020).

Unlike democracy and economic development, existing studies suggest that religion impedes the advancement of sexual orientation rights (Corrales 2017; Dicklitch-Nelson et al. 2019). This negative relationship is perhaps unsurprising since current interpretations of foundational texts across several major religions condemn same-sex sexual activity (Asal and Sommer 2017; Plante 2022). For example, in Christianity, passages in Leviticus (18:22 and 20:13) deem sexual relations between men as an “abomination” punishable by death (Plante 2022; Sanders 2009). Therefore, as traditional religious ideals concerning sexuality and gender identity exert a stronger influence over society and government, countries may be less likely to protect the rights of an unfavorable minority (Asal, Sommer, and Harwood 2012; Corrales 2017; Kollman 2007).

To measure religion, I use estimates from the Pew Research Center (2015) to calculate the percentage of a country’s population that identifies as religious as opposed to unaffiliated (Dicklitch-Nelson et al. 2019). Since Pew

only provides estimates for every 10 years, I used the average change between decades to impute annual values. For a robustness check, [tables A4](#) and [A5](#) in the online appendix include models using data from the Religious Characteristics of States (RCS) Dataset (Brown and James 2017). Unlike Pew, the RCS provides annual-country year data without requiring additional calculations. However, I do not use this data for the main models because the dataset ends in 2015, which drops observations from the last six years of the TRIP data. The models utilizing RCS data include one variable measuring the overall percentage of the population that is religious (like Pew), and additional variables disaggregating the percentage of adherents by Christianity, Islam, and non-religious in case differences persist between specific religions.³⁷

As a control, I include regional dummy variables, with Western countries serving as the base for comparison.³⁸ This helps account for differences between countries that may stem from the influence of regional conditions or norms (Asal, Sommer, and Harwood 2012; Dicklitch-Nelson et al. 2019; Frank, Camp, and Boutcher 2010). Regional classifications are based on the politico-geographic regions provided by V-Dem (Coppedge et al. 2022). The TRIP scores (as percentages) serve as the dependent variable in all the models. [Table 4](#) presents descriptive statistics for the key variables.

As standard deviations in [table 4](#) demonstrate, within-country variance is low for most variables due to their slow-moving nature. This has implications for which estimation strategy is most appropriate to use. For example, fixed-effects and random-effects may produce unreliable estimates since these models take into account within-country variance (Beck 2001; Hill et al. 2020; Plümper and Troeger 2007). Therefore, I instead run one OLS model with country-clustered standard errors and another with panel-corrected standard errors (PCSE) to analyze the variation in transgender rights protections. The PCSE models serve as a robustness check against potential heteroskedasticity that may bias results when using cross-national time series data (Beck and Katz 1995, 1996).³⁹ All models include one-year lagged independent variables and a lagged dependent variable on the right-hand side to account for a country’s TRIP score in the previous year.

[Table 5](#) presents results from the main models in the analysis. In all models, both measures of democracy (EDI and Polity2) and GDP per capita share a positive and statistically significant relationship with the TRIP score. In other words, greater levels of democracy and economic development appear to be associated with an increase in a country’s transgender rights. However, coefficients for these variables are incredibly small, suggesting that the magnitude of this relationship is not substantial despite being significant. [Figure 7](#) demonstrates how an increase from the minimum to the maximum values for democracy or GDP per capita (logged) correspond with a less than one

Table 4
Descriptive statistics

Variable	Min.	Max.	Mean	Standard Deviation		
				Overall	Between	Within
TRIP score	0	0.923	0.159	0.157	0.122	0.099
Electoral democracy	0.015	0.924	0.521	0.263	0.254	0.070
Polity2 (rescaled)	0	1	0.684	0.317	0.303	0.093
GDP per capita (logged)	4.603	11.803	8.275	1.558	1.489	0.479
Religiosity (%)	0.215	1	0.912	0.138	0.138	0.006

Table 5
Regressions of TRIP scores

Models	(1)	(2)	(3)	(4)
	OLS	OLS + PCSE	OLS	OLS + PCSE
Electoral democracy	0.00815*** (0.00244)	0.00815** (0.00334)		
Polity2 (rescaled)			0.00600*** (0.00191)	0.00600*** (0.00172)
GDP per capita (log)	0.00120** (0.000504)	0.00120* (0.000701)	0.00187*** (0.000607)	0.00187** (0.000770)
Religiosity (%)	-0.00318 (0.00675)	-0.00318 (0.00953)	-0.00588 (0.00736)	-0.00588 (0.0105)
Lagged TRIP score	0.989*** (0.00575)	0.989*** (0.0197)	0.989*** (0.00713)	0.989*** (0.0225)
Regions				
Asia & Pacific	-0.01000*** (0.00376)	-0.01000** (0.00437)	-0.00938** (0.00411)	-0.00938** (0.00465)
E. Europe & C. Asia	-0.00511 (0.00359)	-0.00511 (0.00448)	-0.00442 (0.00393)	-0.00442 (0.00480)
L. America & the Caribbean	-0.00852** (0.00379)	-0.00852* (0.00462)	-0.00678 (0.00414)	-0.00678 (0.00493)
Middle East & N. Africa	-0.0146*** (0.00339)	-0.0146*** (0.00488)	-0.0142*** (0.00355)	-0.0142*** (0.00527)
Sub-Saharan Africa	-0.0127*** (0.00332)	-0.0127** (0.00515)	-0.0114*** (0.00361)	-0.0114** (0.00556)
W. Europe & N. America	<i>Base</i>	<i>Base</i>	<i>Base</i>	<i>Base</i>
Constant	0.00540 (0.00857)	0.00540 (0.0139)	0.00180 (0.00956)	0.00180 (0.0152)
Observations	3548	3548	3033	3033
Countries	172	172	164	164
R-Squared	0.927	0.927	0.907	0.907

Note: Models 1 and 3 are estimated using pooled OLS with country-clustered standard errors shown in parentheses. Models 2 and 4 are estimated using OLS with panel corrected standard errors shown in parentheses.

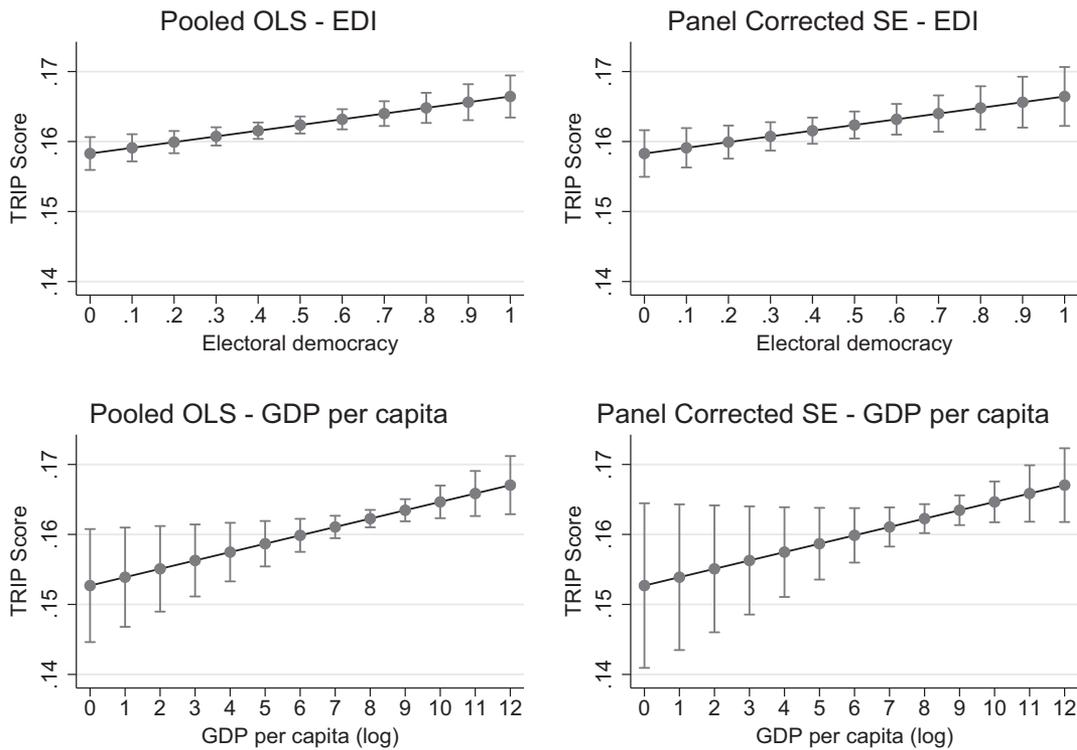
* $p < 0.1$,
 ** $p < 0.05$,
 *** $p < 0.01$

percentage point increase in TRIP scores. These findings also persist across the robustness models in the online appendix (table A3).

While in the expected direction, coefficients for the percentage of the population that is religious are not statistically significant in any model in table 5. However, this null result does not necessarily imply the absence of a relationship between religion and transgender rights. The

measure in this analysis does not account for the extent to which religious beliefs influence individuals and their policy preferences, nor does it consider the role that religion plays in government. Though beyond the scope of this article, future research should carefully consider these additional ways religion and trans rights may be connected and how this differs from the impact religion has on sexual orientation rights.

Figure 7
Predicted margins with 95% confidence intervals



In the robustness models shown in the online appendix, the overall percentage of the population that is religious remains insignificant even when using the RCS data (table A4). This finding also persists when distinguishing between specific religions. As table A5 shows, the variables measuring the percentage of the population that is Christian, Muslim, or not religious are all insignificant. On the other hand, the EDI and GDP per capita variables continue to be significant and positive regardless of the religious measures.

Turning to the region dummies, coefficients for Asia and the Pacific, the Middle East and North Africa, and Sub-Saharan Africa were negative and statistically significant in every model in table 5. Thus, countries in those regions are less protective of trans rights than countries in the Western Europe and North America region. Results for Latin America and the Caribbean were less consistent, as the significance disappears in Models 3 and 4 where Polity2 served as the democracy measure. Finally, coefficients for Eastern Europe and Central Asia were not significantly different from the West in any of the models.

Though additional research is needed to investigate these relationships more adequately, the overall findings highlight potentially interesting differences between correlates of sexual orientation and transgender rights. For

example, democracy and economic development were significant throughout this analysis, as the literature on sexual orientation rights suggests. However, the magnitude of their effects is modest, meaning increases in these variables only correlate with minor rights improvements. This finding helps make sense of the incredible advancements in countries that have historically had low levels of democracy (e.g., Pakistan) or economic development (e.g., Argentina) but also raises questions about what factors are more pertinent to understanding variation in trans rights protections. Future research should build from these preliminary findings to further examine the role of these and other institutional and cultural factors in promoting transgender rights.

Conclusion

Transgender rights are an important, but often neglected, component of cross-national LGBT studies in political science. Therefore, I introduced a new dataset that is among the first to provide a collection of trans-specific measures on a global scale. The Trans Rights Indicator Project (TRIP) enables researchers to conduct more in-depth analyses of transgender rights separately from the broader LGBT community. TRIP also complements

existing data sources that center around sexual orientation rights, allowing researchers to study the differences between these two groups.

After introducing the data, I outlined the global evolution of transgender rights from 2000 to 2021. Though many countries appeared to be improving, the average global TRIP score remained low at only 23.5% by the final year covered in the data. The next section compared the TRIP and LGB indexes, revealing that countries are not always uniform in the rights they provide to sexual orientation and transgender minorities. Cases like Pakistan illustrate how conflating measures of LGBT rights can lead to a substantial misunderstanding of the actual legal rights that countries offer. I concluded with an initial look into the effects of regime type, economic development, and religion on countries' trans rights protections. The results suggest that greater levels of democracy and economic development are marginally associated with more rights, while the percentage of religious adherents in a country has no significant impact.

While this article presents several preliminary findings, additional research is necessary to understand the complex dynamics that shape transgender rights globally. This research is especially critical as pushback against these rights spreads. Future research can use the TRIP data and build from this article to further investigate the causes and consequences of this resistance. Moreover, scholars should carefully consider the potential interplay between previous LGB(T) rights advancements and the subsequent backlash against trans rights. For example, the number of anti-trans bills in the United States nearly tripled the year after the Supreme Court ruling legalized same-sex marriage and roughly doubled following the *Bostock* decision that expanded anti-discrimination rights to LGBT individuals (Trans Legislation Tracker 2023). Future work should examine these connections more closely to determine whether and how certain advancements might inadvertently trigger a negative response to transgender rights.

One limitation of the TRIP dataset is that it currently only includes legal indicators. As discussed, measures capturing societal violence and discrimination would allow for a more complete understanding of transgender rights, but this data is limited and suffers from underreporting. Further, laws still provide crucial insight into the conditions individuals may face within a country (Htun and Weldon 2012; Velasco 2018). In the future, I plan to build on the TRIP dataset by using expert surveys to capture de facto measures. Additionally, I plan to expand on the current set of legal measures to better capture the wide range of rights relevant to trans individuals. For example, future versions of the dataset will ideally include indicators pertaining to parental rights (e.g., adoption, surrogacy), eligibility for military service, and trans-specific hate crime protections.

Overall, this article sheds light on an important but otherwise understudied topic in political science. Future work can utilize the TRIP data to conduct much-needed research on some of the most vulnerable minorities in the world. Beyond research, TRIP provides essential information to advocacy organizations and policymakers. Trans rights advocates can use this data to identify where trans minorities may be the most at risk and allocate resources accordingly. Finally, policymakers can benefit from understanding the differences between gender identity and sexual orientation rights to ensure that LGBT-based policies adequately include transgender individuals.

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Supplementary Material

To view supplementary material for this article, please visit <http://doi.org/10.1017/S1537592723002827>.

Notes

- 1 LGBT stands for lesbian, gay, bisexual, and transgender.
- 2 While an essential methodological task on its own, these “merely descriptive” analyses also lay the groundwork for future studies to investigate causal relationships concerning transgender rights (Gerring 2012).
- 3 People who are intersex are born with some combination of biological sex characteristics that do not fall exclusively in the category of “male” or “female” (Stryker 2008).
- 4 Scholars and medical practitioners alike have long debated the distinction between sex and gender identity, but those arguments fall beyond the scope of this article. For further discussion of the conceptual differences and evolution of the terminology, see Beemyn (2014), Hines (2020), Meyerowitz (2002), and Stryker (2008).
- 5 “Transgender” also includes non-binary or third-gender identities (i.e., gender identities that fall outside of or between male and female).
- 6 As with gender identity, language describing sexual orientation is diverse, and examples within this article may be representative of only one understanding of these concepts.
- 7 *Bostock v. Clayton County, Georgia, 590 U.S., 140 S. Ct. 1731, 1737 (2020)*.
- 8 Given this project's focus on cross-national data on legal rights, this section does not discuss data unrelated

- to rights (e.g., public opinion surveys) or data sources limited to a single country.
- 9 The five “LGBT” advocacy rights measures are not necessarily trans-specific as the variables appear to be duplicated in the gay rights and trans rights barometers.
 - 10 See ILGA Europe’s “Rainbow Map” at rainbow-europe.org.
 - 11 See the “The Global Status of Transgender Rights, 2000–2021” section for specific examples of direct criminalization.
 - 12 EU data from the European Union Agency for Fundamental Rights (FRA) is available at: <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>. For information on the U.S. survey, see James et al. (2016).
 - 13 Yogyakarta Principles 12, 15, 16, and 17 refer to non-discrimination for employment, housing, education, and healthcare, respectively (ICJ 2007).
 - 14 Full text of the law available from Rainbow Europe is available at <https://rainbow-europe.org/#8650/0/0>.
 - 15 The full text of Bolivia’s (2009) constitution is available from the Constitute Project, https://www.constituteproject.org/constitution/Bolivia_2009?lang=en.
 - 16 Despite the medicalization the term imposes, I include gender “reassignment” given the possible usage of the word in laws.
 - 17 Organizations are listed in alphabetical order.
 - 18 “Transsexual” traditionally refers to someone “who sought medical interventions to change their physical bodies (that is, their ‘sex’),” whether that be through surgery, hormone replacement, or other means (Stryker 2008, 18). “Transvestite” and “cross-dresser” evolved to carry similar meanings, typically describing “people who wear gender-atypical clothing but do not engage in other kinds of bodily modification” (Stryker 2008, 17).
 - 19 Guyana: Summary Jurisdiction (Offenses) Act, Section 153(1)(xlvii); Jordan: Penal Code, Article 307; Lebanon: Penal Code, Article 521; Malawi: Penal Code, Section 180(g); Malaysia: state-enacted Islamic laws (varies by state); Nigeria: Sharia Penal Code (various states), Section 376(2e-f); Kano State Prostitution and Other Immoral Acts (Prohibition) Law, Section 9; Saudi Arabia: national implementation of Sharia law; United Arab Emirates: Penal Code, Article 359.
 - 20 Indonesia: see Chiam et al. (2020) and Egerton-Peters et al. (2018); Kuwait: Penal Code, Article 198; Oman: Penal Code, Article 266; South Sudan: Penal Code, Section 379; The Gambia: Criminal Code, Section 167.
 - 21 See the CCJ’s press release, <https://ccj.org/ccj-declares-guyanas-cross-dressing-law-unconstitutional/>.
 - 22 Act on the Establishment of Sex (gender designation) 1972, 119.
 - 23 Law No. 18.620 Right to Gender Identity and to Change Name and Sex on Identification Documents.
 - 24 Identidad De Genero Ley 26.743.
 - 25 Additional countries include Belgium, Brazil, Colombia, Costa Rica, Denmark, Ecuador, France, Iceland, Ireland, Luxembourg, Malta, Norway, Pakistan, and Portugal.
 - 26 Latin America: Argentina and Uruguay. Asia: Bangladesh, India, Nepal, and Pakistan. Europe: Iceland and Malta.
 - 27 Following TRIP, criminalization accounts for national and subnational laws.
 - 28 Penal Code (Act XLV of 1860), Section 377 and Section 294.
 - 29 *Khaki v. Rawalpindi* 43/2009 (Supreme Court case).
 - 30 *NALSA v. Union of India* 2014 (Supreme Court case); Transgender Persons Act (2019); Rules for Transgender Persons Act (2020).
 - 31 The Civil Status Act (as amended in 2016).
 - 32 Sexual Offences Act 23 of 1957, Sections 12A and 19-20.
 - 33 Alteration of Sex Description and Sex Status Act 49 of 2003.
 - 34 Comparisons of indirect criminalization are not possible since the LGB index does not include this indicator, and the TRIP indicator includes laws criminalizing same-sex sexual activity.
 - 35 For example, Freedom House (2022) includes considerations of LGBT groups in their political rights and civil liberties scores.
 - 36 Regimes of the World classifies regimes as closed autocracies, electoral autocracies, electoral democracies, or liberal democracies. Boix, Miller, and Rosato (2013) provide a binary classification distinguishing between democratic and non-democratic regimes.
 - 37 Since LGB-rights literature primarily focuses on Christianity and Islam, I include these measures in the robustness models. Future research should extend these analyses to incorporate additional religions.
 - 38 “Western” countries are those V-Dem codes as *Western Europe and North America*, which includes Australia and New Zealand.
 - 39 Tests for serial correlation and multicollinearity determine that neither issue is present in the OLS model. Results from these tests are available in [tables A1 and A2](#) in the online appendix.

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