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That which is measured is funded:  
Human Development Indicators for Lesbians and Gay Men  
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I. A focus on human development is the next step in advocacy for lesbians and gay men.

Each year governments spend over 130 Billion dollars on overseas development assistance. Outside of military spending, this is one of the largest and most highly controlled funding systems in history. Organizations serving the global lesbian and gay community should take note this funding as one one-tenth of one percent of this amount would pay the expenses of the top ten global LGBT organizations for the next one hundred years. Lesbian and gay people themselves should take note of this funding because much of it goes towards school systems, healthcare providers and public employment systems which continue to exclude lesbians and gay men.

In this essay I propose that international development agencies, human rights agencies, governments and NGOs apply a development framework to lesbians and gay men and begin to measure the development of lesbians and gay men using well developed indicators already in place. In some instances indicators specific to lesbians and gay men would have to be developed. The simplest new measure which could be quickly employed would be a “sexual orientation equality index” to examine the legal status of lesbians and gay men. Other methods of determining the relationship between sexual orientation and barriers to development would require more effort but would be in keeping with the direction of the LGBT movement.

A focus on the human development is the next step in international programming to advance the well-being of lesbian and gay men. Years of documentation of individual and systemic discrimination have paid off in court, legislatures and at the United Nations. The lesbian and gay community has produced developed a body of evidence to demonstrate the disparate treatment of lesbian and gay men -- scholarly research, persuasive anecdotes and analysis to show the disparate treatment of lesbian and gay people by policy and normative regimes. This data has largely focused on substantiating claims of exclusion by lesbians and gay men.

As the global community looks toward implementation of the Millennium Development Goals and makes a shift from human rights norm-setting to implementation, the question the lesbian and gay community must ask is not only whether lesbian and gay people are excluded from development programs, but rather whether such programs are being deployed in a manner which accounts for the unique challenges faced by lesbian and gay people. Do the different family support structures, health and education needs of lesbian people result in unequal levels of human development for lesbians and gay men reached by such programs? These two different types of data, those about exclusion and stigmatization on the one hand and those about individual development and well-being on the other, not only arise out of different moments in a struggle for equality, but also arise out of different sets of skills and institutions.

I do not propose the development of completely separate indicators for lesbian and gay men. The ultimate goal is to make sure all people reach full development. But, like gender, a simple disaggregation of data between where lesbians and gay men, on the one hand, and heterosexual people, on the other, may be inadequate. First, current development indicators and methods of gather data may themselves assume heterosexuality. Definitions of household, family, health issue, etc, which affect the way indicators are measured may actually prevent lesbians and gay men from being visible at all. Second, lesbians and gay men have different issues. In the same

way that the international community has developed additional measurements for the development of women, the same must be done for lesbians and gay men. As will be seen, the simple gap measurement -- “are they equal” -- analysis may miss the point. Equality may exist where equity does not (for more detail on this regarding gender, compare the World Economic forum Gender Gap Index to the UNDP GDI, which is not a gap index of development).

Discussions about the intersection of sexual orientation and development have advanced significantly in the arena of health. The Global Commission on HIV and the Law is looking at one aspect of this issue. Nevertheless the squeamishness of some governmental agencies to approach the hot button issue of homosexuality is palpable. I appreciate the legitimate efforts of patient activists willing to work with the system, and strategic activists seeking to use the opening of health issues to raise awareness. But for other activists the primary concern is whether lesbians and gay men, as an identity group, are benefitting from development efforts in sectors such as education, labor, criminal justice, economic development, media and democracy. If this is what we want to know then we need to ask the question head-on. We need a set of lesbian and gay development indicators.

After briefly discussing the value of development indicators I look at the definition of human development. For the past two decades the human development index and UNDP human development reports have been based on the “capabilities approach,” which I set out and compare to a few theories of individual lesbian and gay identity development. Because of the similarities between the capabilities approach and identity development, I suggest that human development approach can be a good tool to evaluate the well-being of lesbians and gay men. I then give several examples of how specific dimension of human development can be applied to lesbian and gay people: health, education, income, legal status, violence and social inclusion. I briefly address issues concerning data collection and lastly I make some recommendations to advance thinking in this area.

My discussion focuses only on sexual orientation. To my knowledge a proposal to develop lesbian and gay development approach is novel. Also needed is a call for a set of indicators to evaluate the development progress of transgendered individuals. Discussion of transgendered development should take into account the well-developed theories of development of gender identity and expression. I also avoid a focus on men who have sex with men because, unlike lesbian, gay and transgendered people, that discussion is happening at an accelerated pace all over the world. The connections between all of these groups, along with the well-worn territory of gender and development, become obvious and all of the subgroups will benefit from the knowledge gained by research into any one of them.

II. The human development paradigm offers a potent method of inquiry.

A. The well-being of lesbians and gay men, as well as the effectiveness of development programs for lesbians and gay populations, should be measured

Most activists for lesbian and gay issues will be able to make a plausible argument as to why programs dealing with domestic violence, community safety, income generation, healthcare, and so on, are ineffective when it comes to reaching lesbians and gay men. The possibility that hundreds of billions of dollars in development assistance over the past few years is not reaching a portion of each country's population should be of grave concern to donor countries.

Nevertheless, the utter lack of focus, concern and funding faced by lesbian and gay populations at the hands of many international development agencies is undeniable. We simply do not know if millions of people are currently being missed. Efforts to measure the development of lesbians and gay men would help us answer this question. Indeed, accurate monitoring and systemic litigation of many human rights (from the civil rights such as voting, arbitrary detention to economic/social rights such as education, health, housing) all depend on measurements. Evidence gathered about indicators can help build a case more seriously.

Measurements of the well-being of lesbian and gay people can help planning and prioritization for government programs. Development professionals recognize the usefulness of being able to quantify the impact of a particular intervention on the real lives of lesbian and gay people. What kind of public health programs actually result in better health outcomes? How do curriculum changes or education policies actually affect the level of education obtained by lesbian and gay people? Do employment discrimination laws actually have a positive effect on household incomes of lesbian and gay people? Will a night in jail be more likely than counseling to deter a gay basher from future acts of violence? Development professionals seek to answer these types of questions for other subgroups and such questions should be posed regarding lesbian and gay people.

B. The "capabilities approach" to human development is highly applicable to the process of sexual orientation identity development in lesbians and gay men.

I focus on the Human Development Index as a good way to walk through the analysis of development approach and how it might be useful to lesbians and gay men. The Human Development Index is only one of the many rankings used by the development community to guide programming, funding and policy making. Tracing its evolution shows that its proponents have staked out a specific view on what we should seek as a global community to support well-being of our fellow humans. Statistically it is a composite score based on measurements of education, life expectancy and income, with other indicators included to measure particular aspects of development such as violence, civic participation or housing.

Conceptually the HDI is based on the assumption that flat measurements of supplies of commodities, household income, average domestic product, available calories and the like are not good indicators of whether someone has the opportunity for high levels of well-being. This distinction, while easy to grasp, deserves some attention. Development professionals could have adopted flat measurements to conclude that a person has reached a point of full development if

he or she has 1800 calories a day, can complete certain physical tasks, pass tests of reasoning and knowledge, reach a particular level of income and have specific commodities available to them. However, the concept of human development has taken a different tact based on a realization of differing needs of individuals.

A child will have lower calorie needs than a pregnant woman. A person with a physical disability may require extra resources to do some certain physical tasks. People in cold climates will require more resources to avoid freezing. A laborer will require more mobility than a desk worker. A person in a badly run healthcare system will require more resources to avoid dying from certain preventable diseases. Thus knowing only levels of income or numbers of commodities do not allow us to accurately compare well-being.

In 1991 the UNDP issued the first Human Development report which defined human development as the ‘process of enlarging people choices.’ The Human Development Index uses a “capabilities approach” which recognizes that people and societies differ in their capacity to convert income and commodities into valuable achievements. A well-developed person is one who has the capability to function well with the goods and services at their disposal.

Martha Nussbaum, a political philosopher who worked on the development of the human development index has proposed a list of capabilities which can be measured and which support a person’s potential achievements including: Life, Bodily health, Bodily integrity/autonomy, senses/imagination/thought, reason, affiliation, control over one’s environment and play. The report identifies three essential choices which should be available to every person: first, to lead a long and healthy life, second, to acquire knowledge and third to have access to resources needed for a decent standard of living. These three essential capabilities have been reflected in the inclusion of education, health and income in the human development index since it was launched. Additionally, the report noted that development also includes additional highly valued choices such as political, economic and social freedoms.

The capabilities approach rejects the utility approach which basically asks people how happy they are and whether they are able to make their own choices. The utility approach may not be able to distinguish between different sources of happiness, does not take into account the fact that individuals will choose options contrary to their economic interests, and that some people have ‘offensive’ pleasures – i.e. receive satisfaction in the misery of another person or group.

Most importantly, however, is the notion that the capability approach avoids endorsing a specific definition of the good life. It does not set out a set of functions and achievements that a person must obtain in order to be considered well-off (married, two children, five vegetables a day, 5 feet 7 inches, etc.). Rather, it seeks to identify a person’s ability to achieve a certain set of functions and achievements if they wish. As such the capabilities approach values the agency of each person to choose which skill to develop. This approach assumes that individuals will receive greater satisfaction if they choose their own path to development, even if the path is one that would have been prescribed anyway. For example, if we see that Jane is in good health, stably employed in a mill and married with a good income and diet we might attach a high value to the job, the household and the income. But what if we know that she was assigned to work at the mill by a government bureaucrat in a central office, her husband was chosen for her and she

is prohibited from having any children. From an economic standpoint the existence of freedom adds to the value of choices. The larger the number of options, the higher the value of the chosen option.

Annual Reports by the UNDP have made explicit a variety of “dimensions” of human development which include process and outcome elements. These include health (90 – 09), knowledge (90 – 09), political freedom (90, 91, 97, 04, 09), human rights (90, 95, 97, 99, 00), creativity and productivity, environment, self-respect (90, 95, 97, 99, 00), freedom of action and expression (92), participation (93, 94, 02, 05), being creative and productive (95, 97, 98, 99, 00), empowerment (98, 00), a sense of belonging to a community (98, 99, 00), cultural liberty (04), and others. Government’s response to human development is always in a context of changing economics, environment and cultural battles so there is no fixed list of dimensions. The UNDP Strategic plan, 2008 – 2011 has a similar list, “Central to the human development approach is the concept of human empowerment which, in addition to income, treats access to education and health care, freedom of expression, the rule of law, respect for diversity, protection from violence and the preservation of the environment as essential dimensions of human development and well-being.” (p6) More recently the Millennium Declaration highlights six fundamental values necessary for sustainable human development: equality, solidarity, freedom, shared responsibility, tolerance and respect for nature. (UNDP Strategic plan 2008 – 2011 p 10)

The choice of what dimensions a receive focus is no small issue for lesbian and gay people. Anti-gay advocates would quickly propose a set of human development goals which would exclude gays and lesbians from the notion of a well-developed person, as well prohibit gays and lesbians from benefitting from development activities. Natural law theorists argue, based allegedly on principles of human development going back to the ancient Greeks that gays and lesbians are incapable of complete human development and unable to be fully integrated members of society. In a little known moment in gay legal history two such philosophers, John Finnis of Oxford and Robert George from Princeton, went head-to-philosopher-head with Martha Nussbaum when they were all called as expert witnesses in Colorado courtroom. In that lawsuit, gay groups sued the state of Colorado when Colorado adopted a Constitutional Amendment forbidding any government in the state from adopting any law protecting lesbian and gay people from discrimination.

Finnis and George were called to testify on behalf of Colorado. They said that natural law, as a body of beliefs validated by cultures since ancient Greek times, justified the view that governments are justified in excluding lesbians and gay men from civic participation. George has gone on to argue that because gays and lesbians reject the ‘one-flesh union’ of man and woman, they can never have the capability to be ultimately full members of any community. For George, a well-developed person is one that is married, for life, having missionary sex without contraception.

Nussbaum testified in the same court case to refute George and Finnis. She sought to prove that homosexuality had been part of the human culture since ancient times and government should take a role in including lesbians and gay men. The courtroom debate between Nussbaum and George/Finnis was ultimately superseded by other issues in the case, but the event emblemizes

the extent to which competing philosophies of human development will be injected into human rights arguments if given space.

A review of Bush era international assistance policies is all that is necessary to see how the marriage preference can become a structural part of human development funding. The US has adopted various provisions for its funding programs over the years including a preference for programs that focus on abstinence and faithfulness to the exclusion of condom education, a prohibition on support for legal abortion counseling and services, and a ban on the distribution of condoms to youth under 15, and an emphasis on programs to support marriage. Federal and state legislatures have adopted “no-promo homo” laws forbidding funding to go to any school which permits discussion of homosexuality in a positive light.

Gay and lesbian activists need to enter into this arena in order to insure that gay and lesbian people are included in this important sector. Remember the theorist Robert George who testified about the meaning of human well-being in the Colorado case? He served as an advisor to George Bush, is credited with authoring the Defense of Marriage Act, and is the Chair of the Board of the National Organization for Marriage and emeritus Board member of the Institute for Religion and Democracy, a primary NGO helping to internationally promulgate the agenda of the American religious right. Far more is at stake for the lesbian and gay community than simply theory.

The values inlaid in the definition of human development are the same as values important to the development of identity in lesbians and gay men. For a lesbian or gay person the process of coming out, determining one’s sexual orientation or gender identity and living an open productive life is heavily wrapped up in issues of bodily autonomy, affiliation and control over one’s environment. The capability of a person to make advancements in each of the areas set out by Nussbaum mirror aspects of development needed by LGBT people.

The development of lesbian and gay people is obviously culturally specific. Developing an appropriate theory of human development for lesbian and gay people is the first task for development professionals. But for purposes of illustration let me simply walk through the analysis with using myself as an example, having come out as a young man reared in the suburbs of Washington, D.C, in a Franco-American family. Typical of such a case I encountered feelings of emotional and physical attraction toward other men, the expression of which was inappropriate for heterosexual men. The meaning of these attractions, how I compared myself to other young men, and what behaviors and choices I was permitted could be categorized according to the model developed by Australian psychologist Vivienne Cass in the late seventies. The Cass model, even with its flaws, shows us that the focus of research has been on the process of the development of same-sex orientation over time in one’s life, rather than on the outcomes reached as a single point in time. Cass identifies six stages of self-perception and behavior:

1. Identity Questioning: "What are these thoughts, feelings and attractions, Could I be gay?" The response could be positive or negative judgments, acceptance, denial, and/or rejection, inhibited behavior, exploration and testing of relationships, career and social identity, seeking or avoiding information about individual development.

2. Identity Comparison: "Maybe this does apply to me." Accepting the possibility of being gay or lesbian, the individual examines wider and longer term implications in the relevant context, focuses concern on possible isolation and a change and loss of previous expectations of heterosexual life, a distinction between private thoughts and public behavior, will seek out community and resources.
3. Identity Tolerance: "I am not alone" The individual acquires a language to talk about the issue, recognizes sets of options open to him or herself as a gay or lesbian, and solidifies beliefs about differences between himself/herself and heterosexuals. At this stage the individual can benefit from information and exploration of feelings about identities (heterosexism, internalized homophobia). Positive contacts with other lesbian and gay people will contribute to positive sense of self, negative contact will hamper development.
4. Identity Acceptance: "I will be okay." The task at this stage is to deal with inner tension of no longer subscribing to society's norms, attempt to bring congruence between private (positive) views of self and public (negative) views of self. The individual makes choices about coming-out, fitting in, disclosing, being associated with different segments of society.
5. Identity Pride: Establishes views of non-homosexual people and deals with anger, pride and incongruent treatment. A focus on gay people as sources of support, friendship, career and business connections develops coping skills.
6. Identity Synthesis: The person integrates their sexual identity with all other aspects of self, and sexual orientation becomes only one aspect of self rather than the entire identity. The task is to integrate gay and lesbian identity so that instead of being the identity, it is an aspect of self. Possible responses can be: continues to be angry at heterosexism, but with decreased intensity, or allows trust of others to increase and build. Gay and lesbian identity is integrated with all aspects of "self". The person feels "all right" to move out into the community and not simply define space according to sexual orientation

The human development model and the Cass model of sexual orientation share a structural approach in that they identify the issues to be addressed but they don't necessarily identify how one will address them. For example, both models reference being able to seek support from others but neither model specifies a benchmark of how much support is considered necessary. As will be discussed, both models reference belonging to a community but neither model requires a particular kind of community structure to achieve full well-being. The focus is on a process to allow the individual to make their own choices.

One headline concern of any model of development is that it endorses a definition of sexual orientation specific to a particular place and time. My experience as a young gay man on the east coast of the United States differs fundamentally from that of a young man elsewhere. How might the experience of physical intimacy be seen in different places? In Nepal, where a young man may customarily spend time in gender segregated spaces, the existence of same-sex physical bonds is not heavily indicative of same-sex orientation. Physically intimacy between men is seen as a supportive masculine behavior rather than a distinctively non-masculine behavior. An article published in the NAZ foundation newsletter points out that same-sex physical conduct documented by researchers in Kandahar might be considered "repressed homosexuality" if western definitions of such conduct were imposed. Rather, male intimacy is seen as ordinary. Similarly,



where a third gender is culturally recognized, sexual relations between men would be considered “gay” according to western standards but if one of the partners is expressing an inner gender that is not male, such relations are not “gay” according to a more appropriate model of development.

Consider also that when someone openly identifies as lesbian or gay this also has an impact on that person’s parents, siblings, neighbors and community. An inside joke amongst leaders of Parents, Friends of Lesbians and Gays (PFLAG) is that when a child comes out of the closet they pass their parents going in. The issue is how does a heterosexual mom or dad or sibling continue productive household and kinship relationships when their child identifies as lesbian or gay? Does the lesbian or gay person become an invisible or ejected or accepted? A complete picture of the development of lesbian or gay people should account for the development parents, sibling or colleagues. Research conducted by Caitlan Ryan identifies a list of behaviors by parents toward their lesbian and gay children and how each behavior affects the family relationship and the well-being of each of the family members. She places families on a continuum from “rejecting” to “celebrating” but recognizes that most families fall somewhere in between. Her research shows how well-being, measured by outcomes in health, education, involvement in conflict and other factors, can be affected by changes in behavior which nudge a family from one point of this spectrum to another.

The capabilities approach is a particularly useful way to handle the diverse experiences of lesbian and gay people and their families. As a young American man or a young Nepali man the issue is not whether I can have same-sex intimacy but whether I have the capability to exercise my identity in a manner which allows me to have productive relationships and affinities, acquire knowledge about myself and others, and achieve a high level of health and longevity. The two bottom-line conclusions from the research of development of lesbian and gay people is that 1) development of lesbian and gay people is different from the development of non-lesbian and gay people but 2) not all lesbian and gay people are different in the same way. Here is the crux of the problem. How do we recognize the former while not disrespecting the latter? We need to engage in some specific theorizing to apply the capabilities concept to lesbian and gay people. What follows are several potential directions such work could take. I am not prescribing exactly how one might measure development of lesbian and gay people rather I am suggesting that there are options and possibilities on which to base some research.

- C. Researchers around the world are developing methods of collecting data about lesbians and gay men.

Lets be blunt. Many will cite data collection challenges as the reason to avoid this project. The irony is that the stigmatization that makes data collection difficult is the very reason why the data is needed in the first place. The existence of problems associated with data collection should be acknowledged by all. Initial efforts in this area may have to be small and experimental. However research into lesbian and gay people is by no means new. Complications associated with data collection are being addressed by researchers and governments all over the world.

Like any other data collection effort, researchers should comply with the highest standards of ethical research protocols and concerns for the safety of the participants. Local activists should be part of the design and implementation of data collection efforts. Similar ethical and safety

considerations have been confronted in surveys dealing with domestic violence, sex work and political belief serve as examples of how data collection should place safety of the participants as a primary consideration. Data collection in every country will not be possible, though neither will it be necessary. Take, for example, the World Health Organization multi-country survey on domestic violence. This survey is only conducted in 15 countries each year yet it yields rich results which are used by global institutions to determine programming.

Research regarding LGBT issues have already taken place in every region in the world. Public opinion data is collected in almost every country and continue to be part of data collection of major public opinion institutions. The travel industry, cell phone companies and global marketing corporations, for better or worse, have been among the most active in collecting data about gay and lesbian communities in the global south for decades. Many public institutions are beginning to confront issues dealing with lesbians and gay men and health in the context of programming surrounding HIV and in the research conducted by International Planned Parenthood Federation affiliates in the Caribbean and South America. One recent survey studied the relationship between sexual orientation and household income, education level, experience of discrimination, parenting, relationships and life goals in Argentina, Brazil, Chile, Ecuador, Mexico, Peru, Uruguay, and many other surveys on similar subjects have been conducted throughout Latin America and the Caribbean. The World Bank has commissioned studies of rates of violence against gay men in east Africa, and in the Philippines the government has studies the relationship between effeminacy and drop-out-rates in students. The Ghana Household Survey (sample size 100K) revealed 1% who self-identified as gay or lesbian. In North America data has been collected from tens of thousands of adolescents to show a connection between stigma based on sexual orientation and future health outcomes, earning potential and educational attainment. The conclusion is that data collection about lesbians and gay men is neither new nor out of the mainstream.

The issue of how one defines sexual orientation, and therefore how one selects the population of “gay men” and/or “lesbians” is central to this exercise. Researchers continue to develop tools to assess this issue. The classic Kinsey survey rates individuals on a scale of 0 (exclusively heterosexual) to 6 (exclusively homosexual). The Klein scale rates individuals using the axis of sexual attraction, sexual behavior, sexual fantasies, emotional preferences, social preferences, self-identification and lifestyle. The Shively scale evaluates an individual’s physical preference separately from affectional preference. The Sell Assessment of Sexual Orientation suggests a series of questions which address attraction, conduct and identity.

**Sell Assessment of Sexual Orientation (each question is answered by choosing from a list of possible answers which have been omitted to save space)**

**I. Sexual Attractions-** The following six questions are asked to assess how frequently and intensely you are sexually attracted to men and women. Consider times you had sexual fantasies, daydreams, or dreams about a man or woman, or have been sexually aroused by a man or woman.

1. During the past year, how many different men were you sexually attracted to?
2. During the past year, on average, how often were you sexually attracted to a man?
3. During the past year, the most I was sexually attracted to a man was?
4. During the past year, how many different women were you sexually attracted to?
5. During the past year, on average, how often were you sexually attracted to a woman?
6. During the past year, the most I was sexually attracted to a woman was (“not at all” to “extremely”)

**II. Sexual Contact-** The following four questions are asked to assess your sexual contacts. Consider times when you had contact between your body and another man or woman's body for the purpose of sexual arousal or gratification.

7. During the past year, how many different men did you have sexual contact with?
8. During the past year, on average, how often did you have sexual contact with a man?
9. During the past year, how many different women did you have sexual contact with?
10. During the past year, on average, how often did you have sexual contact with a woman?

**III. Sexual Identity-** The following two questions are asked to assess your sexual identity.

11. I consider myself (choose one answer):
  - a. Not at all homosexual.
  - b. Slightly homosexual.
  - c. Mildly homosexual.
  - d. Moderately homosexual.
  - e. Significantly homosexual.
  - f. Very homosexual.
  - g. Extremely homosexual.
12. I consider myself (choose one answer):
  - a. Not at all heterosexual.
  - b. Slightly heterosexual.
  - c. Mildly heterosexual.
  - d. Moderately heterosexual.
  - e. Significantly heterosexual.
  - f. Very heterosexual.
  - g. Extremely heterosexual.

Rather than seeking self-disclosure, researcher Angela Irvine asks adolescents about harassment (e.g. "have you been harassed by someone who thought you were too feminine or masculine") and then validates those responses by comparing those responses to similar respondents who self-identified as gender non-conforming. Other researchers have found that accuracy of data is influenced not by the wording of the survey but by whether it is administered in person, is recorded, in writing etc. The bottom line is that

### III. Dimensions of Development

The UNDP and other international development agencies issue reports focusing on particular dimensions of development. Any of these dimensions could be applied to lesbians and gay men, but for purposes of illustrating how one might choose questions relevant to lesbians and gay men I have chosen to discuss, health, education, income, legal status, violence, and social inclusion.

- A. Health, Education and Income (the three pillars of the HDI) are prime issues of concern for lesbians and gay men.

Health, education and income are the mainstays of development indicators. Gay men and lesbians face unique issues with regard to access to the healthcare system, different risks for disease, and exhibit different health outcomes. At its most severe, the medical system pathologizes lesbian and gay people and requires treatment for homosexuality. Aside from overt stigmatization and exclusion, health systems may not account for diverse family structures when it comes to providing benefits, taking an individual's case history, or supporting lesbian and gay

families in times of health crises. Data show that gay and lesbian people have different health outcomes than others including depression, addiction and STIs.

As many gay and lesbian people come out during their school years education is a universal issue. Data show that non-heterosexual youth face violence, punishment and expulsion at higher rates than their peers and drop-out rates amongst gay and lesbian youth are higher. As the average age of coming out is dropping in all parts of the world development professionals should be very concerned about whether gay and lesbian youth are participating in development efforts to increase education and knowledge.

Income has become a politically loaded issue as anti-gay groups seek to perpetuate the “myth of affluence,” claiming that lesbian and gay people are rich and therefore undeserving of legal protections. The reality is that lesbian and gay people, particularly those who are more openly honest about their orientation, are excluded from employment and inheritance. Data concerning income would help a deeper understanding.

- B. Legal status of lesbians and gay men, particularly the law’s demand to convert, cover and pass, is a significant dimension of the development of lesbians and gay men.
  - 1. More than just criminalization, the legal status of lesbians and gay men includes a variety of rights from privacy to expression to civic participation.

From the perspective of human rights activists, the most familiar dimension of the development of lesbian and gay people is legal status. Any government which criminalizes homosexual conduct or non-normative gender expression would be seriously hampering lesbian and gay development. Also, laws that specifically names LGBT people for exclusion from fundamental rights would be considered damaging. What about laws that are written neutrally, or that deal with occasional public benefits? Additionally, the legal environment can set the stage for more private activities such as person-to-person violence, harassment in private employment and abuse within the family. The choice of what legal norms to examine becomes complex.

One method to determine how to categorize legal structures and their effect on the development of lesbian and gay people would be to ask how such a law burdens the identity of a lesbian and gay person. Legal structures can make one of three demands (I take these categories from the work of Kenji Yoshino). The first and most strident is the demand to convert. The conversion demand occurs when the law criminalizes homosexual behavior or status, where curative rape and conversion therapy is permitted, or where immigration laws explicitly exclude lesbian and gay people from entry. It is not a foregone conclusion that criminalizing homosexuality or homosexual acts is damaging to the development of a homosexual. The demand to convert is often based on the view that same-sex conduct is the result of a contagion spread by foreign culture, recruitment by homosexuals, permitted by bad parenting or lack of personal discipline. Given these assumptions the requirement to convert is not seen as aggressive or coercive rather it

is a healing act, in defense of culture, and a compassionate measure to uphold human development.

Basically, you can't fully develop if your life is structured around becoming someone you are not. We have to continue to make the quantitative links between criminal laws and lower rates of well-being, decreased rates of educational achievement, depressed rates of income, increased rates of suicide and health issues, etc.

The second is the demand to pass, hiding the identity from others and behaving as though one were not lesbian or gay. This is where lesbian and gay people are not put in jail but, if they don't stay in the closet, they are denied employment or military service, they are denied police protection if they are beaten up for indicating their status to others or they are prohibited from forming organizations or conducting advocacy. Someone who lives at home with a partner of the same sex may be foreclosed from participating productively in family benefit programs, trade unions, or even the day-to-day workplace camaraderie which can be necessary to obtaining promotions. Employment as teachers, licensed professionals, and members of armed services are often contingent on a presentation of heterosexuality. Individuals engaged in same-sex conduct are often seen as too disruptive to be given access to educational opportunities, sports or public accommodations. Providers of housing may prohibit unrelated individuals of the same sex to stay in the same room. Passing inhibits development because you can't develop if you are constantly seeking to escape discovery. Engaging in reason and the acquisition of genuine knowledge about your own circumstances is impossible. Keeping productive employment and getting an education may not be options for the open lesbian or gay person.

The last is the demand to cover, downplaying the identity enough so that others don't have to deal with it. A demand to cover is reflected in the instruction "I don't mind if you are gay, just don't be obvious about it." Gay parents in custody cases have their kids taken away because their relationships with people of the same gender are considered "flagrant". In some cases lewdness or public disorderliness laws may be applied disproportionately, appearance standards may be imposed requiring gender specific attire, medical staff only ask questions relevant to opposite sex relationships. Culturally this demand may be reflect in unwritten rules that professionals stick with gender stereotypes, refrain from activism and expression, stay away from the gay angle, maintain alliances with mainstream organizations, churches, music and sports, remain single or celibate in order to be fully accepted by colleagues or family. From the Cass perspective, development is hindered because covering prevents an individual from having authentic associations with others. Honest participation with the community and the formation of support systems to survive a health or financial crises is cut off.

Having concluded that criminalization/conversion laws are not the only indicators to be measured, the next step is to figure out what, exactly, are the appropriate indicators. Do we examine every legal rule of every legal system to determine its impact on development? Such an effort is impossible, but we have several general models. The World Justice Forum's Rule of Law index measures the de facto operation of law in each country according to several dozen subcategories including civilian control over police and military, government information publically disclosed, freedom of thought and religion protected, proposed administrative rules available to the public, police given adequate training, safe and accessible courts, attorneys

independent and accountable, and others. The index is based on i) a general population poll conducted of 1,000 respondents in three cities per country and ii) a qualified respondents questionnaire complete by in country practitioners and experts in law. Transparency International, Freedom House and the World Bank all have their own sets of indicators and rankings which could be used as models.

We are already on our way to creating a set of indicators specific to the legal status of lesbian and gay people. Such data is currently gathered on a national level by the International Lesbian Gay Association in a series of questions they answer for all countries:

- Is homosexuality, as an assigned or declared status, legal?
- Is consensual, adult, same-sex activity legal?
- Is non-normative gender expression legal?
- Is the age of consent for same-sex acts different than opposite sex-acts?
- Is discrimination based on SO/GI prohibited?
- Is assault motivated by anti-SOGI intent prohibited?
- Is incitement to hate motivated to anti-SOGI intent regulated?
- Are same-sex relationships recognized?
- Are the rights of LGBT people to parent recognized (including adoption, second-parent adoption, insemination, custody and support)?
- Are LGBT people able to serve openly in the military or national service?

Each of these questions in the ILGA survey asks whether sexual orientation and gender identity are explicitly singled out for worse treatment under legal norms. This does not provide the full picture of the relationship between LGBT people and the law and does not uncover the demands to convert, pass and cover. One reason, also familiar, is that neutral laws may be applied more harshly, or rights granted more sparingly, to lesbian and gay people. While the issue of disparate impact or uneven application of laws may be highly contextual and complex, the Yogyakarta Principles provide a well-vetted starting point for a categorization of currently recognized human rights that are of particular concern to the well-being of lesbian and gay people. In 2006 a group of international human rights experts met in Yogyakarta Indonesia to outline how international human rights treaties applied to lesbian and gay people. The Yogyakarta Principles reference all major human rights treaties (at that time) and list obligations in the following areas:

1. The Right to the Universal Enjoyment of Human Rights
2. The Rights to Equality and Non-discrimination
3. The Right to recognition before the law
4. The Right to Life
5. The Right to Security of the Person
6. The Right to Privacy
7. The Right to Freedom from Arbitrary deprivation of liberty
8. The Right to a Fair Trial
9. The Right to Treatment with Humanity while in Detention
10. The Right to Freedom from Torture and Cruel, Inhuman or Degrading Treatment or Punishment
11. The Right to Protection from all forms of exploitation, sale and trafficking of human beings
12. The Right to Work
13. The Right to social security and to other social protection measures
14. The Right to an adequate standard of living
15. The Right to Adequate Housing
16. The Right to Education
17. The Right to the Highest Attainable Standard of Health
18. Protection from Medical Abuses
19. The Right to Freedom of Opinion and Expression

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|---|---|
| 20. The Right to Freedom of Peaceful Assembly and Association | 24. The Right to Found a Family                 |
| 21. The Right to Freedom of Thought, Conscience and Religion  | 25. The Right to participate in public life     |
| 22. The Right to Freedom of Movement                          | 26. The Right to Participate in Cultural Life   |
| 23. The Right to seek Asylum                                  | 27. The Right to Promote Human Rights           |
|   | 28. The Right to Effective Remedies and Redress |
|   | 29. Accountability                              |

Each of the Twenty-nine principles lists measures that governments should be taking to fulfill the rights of all their citizens all their citizen but in are of particular concern to lesbian and gay people. For instance the principles call on governments to “[t]ake all necessary legislative, administrative and other measures to ensure that all persons under arrest, regardless of their sexual orientation or gender identity, are entitled, on the basis of equality, to be informed of the reasons for arrest and the nature of any charges against them, and whether charged or not, to be brought promptly before a judicial officer and to bring court proceedings to determine the lawfulness of detention (Principle 7). Several of the principles note that states should take special care to insure that notions of public order, public morality, public health and public security are not employed to restrict any exercise of the rights to opinion and expression (Principle 19) peaceful assembly and association (Principle 20).

In the same way that the World Justice whatever surveyed each country about the legal indicators outlines in its index, the Yogyakarta Principles provide a basis for a set of indicators for a lesbian and gay equality index. Similarly, the American Bar Association Central and Eastern European Law Initiative has developed an assessment tool to examine a countries de jure and de facto legal system to determine whether it is in compliance with the UN Convention on the Elimination of Discrimination Against Women.

Comparative data would give the international community a stronger basis to develop effective approaches. Most obviously the data would tell us where the most egregious need is. But we may also find out more complex comparative information to help identify opportunities. Let’s assume that we find out that in a number of countries police are ignoring anti-gay violence. Survivors tell us that violence is an issue and there is no specific law, no training on this issue and no prosecution of perpetrators. Other development indices tell us more of a story. In half of the countries (group A) we also know that there is little rule of law, the police force is not a presence in people’s lives, police are rarely trained on anything and indices measuring ethnic and gender based violence tell the same story. In the other half (group B) we see that generally rule of law has been increasing, gender based violence decreasing, the police are receiving support and training. In this case there may be a strong argument that interventions specific to lesbian and gay people will have a better chance of effectiveness in group B.

2. Creating a global LGBT legal equality index is a immediately possible, using currently available data.

The power of global indexes is their ability to communicate multi-layered data on, essentially, a single sheet of paper, particularly to the general public and policy makers. Indeed, the visibility of indexes may be even higher than the NGOs and agencies that issue them. An LGBT equality index would signal that LGBT people have a defined set of rights to which governments are accountable and about which civil society is concerned.

As a thought experiment, and to show the ease with which a plausible index could be developed, I have constructed such an index by applying a series of legal indicators and ranking and re-ranking countries. I adopted the broader structure used in “Review of Legal Frameworks and the Situation of human Rights related to Sexual Diversity in Low and Middle Income Countries” by Carlos Caceres, et. Al., Commissioned by UNAIDS, December 2009, where he relied on data from human rights NGOs, websites, informants, and others to establish a framework to evaluate legal systems according to five broad categories:

Highly Prohibitive, less prohibitive – countries whose laws prohibit sexual intercourse.  
Neutral – countries which do not have any legal prohibition nor address sexual diversity  
Protective and recognizing – countries whose laws prohibit discrimination against sexual diversity

I group countries according to these categories. Caceres only included low-income countries and I limited the index to this list, removing a few countries where data was irreconcilable. I then re-ranked the countries within each of those groups according to whether it appeared on the most recent ILGA legal survey has having a constitutional prohibition on discrimination. marriage open to same-sex couples. This produced a larger number of subgroups. I then reranked the countries in each of those groups by whether it appeared on the most recent ILGA survey offering most or all rights of marriage to same-sex couples. I continued re-ranking, ad seriatum, applying the following indicators from the same ILGA survey

- ✓ same-sex couples offered some rights of marriage
- ✓ joint adoption by same-sex couples
- ✓ Law on gender recognition after gender reassignment treatment
- ✓ Prohibition of discrimination in employment based on sexual orientation
- ✓ Prohibition of discrimination in employment based on gender identity
- ✓ Hate-crimes
- ✓ Equal age of consent for homosexual and heterosexual acts
- ✓ Un-equal age of consent for homosexual and heterosexual acts (ranking points assigned for countries lacking such a law)
- ✓ A UN vote in support of amending the recent resolution (December 2010) on extra-judicial execution to include sexual orientation and gender identity.
- ✓ Whether the country has positively referenced the Yogyakarta Principles as reported in “The Impact of the Yogyakarta Principles on International Human Rights Law Development,” Etlebrick and Zeran, 2010
- ✓ On the theoretical assumption that a free press is an indicator of the potential for success of LGBT legal advocacy, I applied the country rankings according to the Freedom House Press



Freedom Index. One could also have prioritized the relationship between LGBT and national NIV plans, the status of women, the amount of funding to legal LGBT advocacy organizations, or a variety of other measures.

The result is a ranking of 147 countries as follows:

1	Nepal	41	Russian Fed.	79	Chad	113	Grenada
2	Estonia	42	Cuba	80	Gabon	114	Bangladesh
3	Argentina	43	Vanatu	81	Niger	115	Mauritius
4	Paraguay	44	Vietnam	82	Surinam	116	Solomon
5	Romania	44	Equatorial	83	Northern	Islands	
6	Croatia	Guinea		Mariana		117	Pakistan
7	Armenia	46	Kazakhstan	84	Lesotho	118	Uganda
8	Georgia	47	Kyrgyz	85	American	119	Botswana
9	Bosnia and	Republic		Samoa		120	Sao Tome
Herz		48	Thailand	86	Eritrea	and Principle	
10	Poland	49	Azerbaijan	87	Turkmenistan	121	Belize
11	Bulgaria	50	Congo Dem.	88	Syria	122	Palau
12	Panama	51	Honduras	89	Uzbekistan	123	Angola
13	Colombia	52	Cambodia	90	Tunisia	124	Nigeria
14	Hungary	53	Jordan	91	Senegal	125	Tonga
15	Bhutan	54	Tajikistan	92	Somalia	126	Iraq
16	Mexico	55	Mongolia	93	Swaziland	127	Barbados
17	Moldova	56	Haiti	94	Morocco	128	Egypt
18	Macedonia	57	Czech Rep.	95	Guinea	129	Antigua and
19	Brazil	58	Namibia	96	Algeria	Barbuda	
20	Ukraine	59	Turkey	97	Cameroon	130	Kiribati
21	Timor-Leste	60	Bolivia	98	Oman	131	Maldives
22	Korea South	61	Albania	99	Zimbabwe	132	Zambia
23	Micronesia	62	Venezuela	100	Samoa	133	Malaysia
24	Slovak Rep.	63	Latvia	101	Marshall	134	Myanmar
25	Guatemala	64	Madagascar	Islands		135	Libia
26	India	65	Togo	102	Trinidad and	136	Sri Lanka
27	Burkina Faso	66	Cote d'Ivoire	Tobago		137	Malawi
28	Mali	66	Rwanda	103	Tanzania	137	Ethiopia
29	Cape Verde	66	Congo Rep.	104	Papua New	139	Gambia
30	Fiji	66	Comoros	Ginea		140	Afghanistan
31	China	66	Central	105	Phillippines	141	Benin
32	Chile	African Republic		106	Guyana	142	Iran
33	Mauritania	66	Burundi	107	Sierra Leone	143	Sudan
34	Peru	66	Belarus	108	St. Vincent	144	Mozambique
35	Ecuador	73	Djibouti	and Grenadines		145	Guinea-
36	Yemen	74	Lituania	109	Nicaragua	Bissau	
37	Indonesia	75	Costa Rica	110	Kenya	146	Ghana
37	Saudia Arabia	76	Liberia	111	Seychelles	147	Jamaica
39	El Salvador	77	Lebanon	111	St. Kitts and		
40	South Africa	78	Uruguay	Nevis			

- C. Public attitudes, specifically sexual stigma, heterosexism and sexual prejudices, constitute measurable barriers to the full development of lesbians and gay men.

Data show that public attitudes towards homosexuality may be correlated with wellness of lesbian and gay men. The objects of stigmatization face higher rates of illness, suicide, drug use and alienation from institutions which provide care, education and support. Public attitudes also promote violence and overt discrimination. The question that is more important is how changes in public attitudes affect wellness outcomes, and what interventions are most effective.

In recent years anti-gay attitudes have been lumped under the concept of homophobia. This term, first introduced by psychologist George Weinberg in the mid-sixties, helped restructure the thinking about conflict between homosexual and heterosexual people by locating the source of the problem with those exhibiting prejudice, rather than with gay and lesbian people. The concept has its limits, because it treats all anti-gay attitudes as the same and as an aspect of fear and hostility. Researcher Gregory Herek has suggested refining the analysis to ask three different questions. First, what is the extent of sexual stigma, defined as shared knowledge of society's negative regard for non-heterosexual behavior, people, identity or groups? Second, how strong is a society's heterosexism, defined as an adherence to the belief that traditional (probably masculine) culture is superior? Third, what are the sexual prejudices, defined as an individual's negative attitudes about a person based on sexual orientation? Herek notes that all of these questions can be asked of the hetero and non-heterosexual people, recognizing the corrosive effects of what is commonly referred to as internalized homophobia.

Individual data in many countries is accumulating at a fast pace, but global data on such issues is currently very inadequate. The World Values Survey includes homosexuality in a question asking whether a list of behaviors are justifiable on a scale of one (never) to ten (always). Questions about lesbians and gay men could be added to current surveys on a variety of issues as a beginning point to building global attitudinal benchmarks.

The news and entertainment media are significant drivers of public attitudes. Efforts to document and measure the extent of negative media images have been conducted in Latin America and Eastern Europe in order to seek inclusive media responses. The UNDP has recognized the value of indexing media freedom as a method of predicting how well a government will be held to account for the development of its citizens. A lesbian or gay development approach should include considerations of media fairness as well as a measurement of defamatory images.

- D. Violence against lesbians and gay men is a pervasive and quantifiable barrier to the full development of lesbians and gay men.

Anti-gay violence is an issue in all regions. Rates of violence are often measured by looking at the number of complaints to authorities and NGOs as well as numbers of investigations and prosecutions. The perceived difficulty in gathering such data is based on the assumption that victims of violence do not want to report. Studies of domestic violence serve as a model on how to deal with disclosure issues. Studies of prevalence, health outcomes and responses of lesbians and gay men should also be examined in a manner similar to studies on gender-based violence

undertaken by the World Health Organization. The Multi-country Study on Women's Health and Domestic Violence against Women established definitions of violence that were meaningful in diverse settings. Women were interviewed by trained interviewers who observed defined protocols about how to conduct the study in a manner which held the safety of the respondent as the first priority. The study identified particular factors that put women at risk or protected women such as level of education, employment status, level of mobility, the extent to which friends and family intervene, as well as level of injury, and the response of women. A similar survey could be constructed to measure violence against lesbians and gay men.

- E. The social inclusion perspective of development can help examine how well lesbians and gay men are a part of government and household decisions.

Social inclusion is a relatively new concept which denotes the extent to which those at risk of poverty and social exclusion are able to access the opportunities and resources necessary to participate economic, social and cultural life. It is based on the normative belief that an individual should have the opportunity to be a member of a community and on factual assumption that membership in a community serves to decrease threats to health, education and income. Social exclusion amongst gay people may be indicated when someone leaves education early, cannot maintain employment, does not have desired/similar patterns of attendance at community and church functions, is excluded from kin relationships or interfamily transfers of resources. Examining social inclusion favors governments which enact inclusion policies, policies to correct negative outcomes of exclusion.

This concept can be a powerful recognition that the closet is simultaneously oppressive and protective for a gay person. Lesbian and gay people may actively avoid relationships where disclosure of orientation is necessary even though they forego the benefits of the support structures those relationships might provide. Measuring exclusion and inclusion can help bring light to how the closet hinders the development of lesbian and gay people.

Measurements of exclusion are best conducted by measuring one group's situation relative to another. The problem with gathering relative data regarding lesbians and gay men are obvious. In places where homosexuality is criminalized the process of gathering data would endanger the researchers and the respondents. But in almost any place in the world, data gathering would face the triple challenge that being gay or lesbian is a status which can be fluid over one person's lifetime, can be different from culture to culture, and can be closeted from one moment to the next.

Nevertheless, researchers can overcome these issues with carefully designed and validated studies. Rather than asking young men whether they self-identify as gay, some researchers ask whether youth have ever been harassed because they were perceived as effeminate. Some researchers ask about household arrangements and desires for opposite-sex relationships. In many countries in the world researchers will be able to find enough of a sample of LGBT people to initiate meaningful research. Social inclusion is also measured by looking at the efforts a government makes in its legal system. Are there laws to clarify the fitness to parent, to give access to health care, to permit joint property rights to housing and leases, to define families in a manner that permits for elder care and parental leave for lesbian and gay people, etc.

#### IV. Recommendations

1. Development agencies and governments should establish methods to assess the extent to which lesbians and gay men are benefitting, or being excluded, from human development programs currently in operation. Lesbian and gay advocates should seek inclusion of lesbians and gay men in development programs and hold governments and agencies accountable when lesbians and gay men are not included. As a short term measure, governments and development agencies could develop a method to track or estimate the amount of funding to LGBT organizations or to benefit LGBT individuals.
2. Development agencies, NGOs and governments should establish a “sexual orientation equality index” to evaluate the legal status of lesbians and gay men. As a short term measure development agencies, governments and NGOs should convene for the purpose of determining which legal indicators would be useful in such an index.
3. Development agencies and governments should begin to apply development indicators to lesbians and gay men. More specifically, development agencies should begin by choosing a small number of indicators for lesbians and gay men to begin to develop a knowledge base on how to do this. Possible entry points into this field might be to conduct country level studies to determine income and educational attainment for lesbians and gay men.
4. Governments and human rights NGOs should conduct research into the inclusion of lesbians and gay men in educational systems, healthcare systems and civic participation in order to insure compliance with human rights obligations. Human Rights advocates should use development data to help evaluate whether governments are meeting human rights obligations for lesbians and gay men. As a short term measure, relevant entities could choose a small set of projects within their larger programs through which to develop best-practices for reaching lesbians and gay men.
5. Development agencies should track development indicators and include lesbians and gay men when issuing reports on human development and various dimensions of development. As an initial effort agencies should continue to examine current indicators to assess their relevance to lesbians and gay men, their family and household structures, etc. Researchers should continue to clarify through convenings, the issuance of reports and the funding of field programs, the notion of full development from the perspective of a lesbian or gay man. Lesbian and gay advocates should articulate benchmarks and definitions for the concept of human development as it applies to lesbians and gay men, and should advocate for the adoption of those benchmarks and definition by governments and development agencies.
6. Researchers should investigate the relationships between development (such as education, health and income), legal status, public attitudes/stigma and violence. As a short term measure, development agencies and governments should conduct research to determine the rates and effect of violence directed at lesbians and gay men, as well as the public attitudes which serves as a basis for such violence. With regard to stigmatization and public attitudes, development agencies and NGO’s should seek to refine the notion of homophobia and investigate the issues of whether heterosexism affects the capacity of lesbians and gay men to reach full development, and how sexual prejudices and sexual stigma serve as barriers to the full development of lesbians and gay men.

7. Development agencies and governments should articulate a criteria for what types a of organizations should be supported at the local level. This list should prioritize LGBT groups which advocate for the inclusion of LGBT people in development programs, which seek an evidence base on which to base programming, and which empower LGBT people for civic participation.

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