

Understanding the Well-Being of LGBTQI+ Populations

LAW, PUBLIC POLICY, AND STRUCTURAL STIGMA

Over the past decade, there have been remarkable changes in the social, political, and legal status of lesbian, gay, bisexual, transgender, queer, intersex, and other sexual and gender diverse (LGBTQI+) populations. In 2020, the National Academies of Sciences, Engineering, and Medicine convened an expert committee to explore what is currently known about LGBTQI+ populations. The resulting report, *Understanding the Well-Being of LGBTQI+ Populations*, highlights the need for attention to the social and structural inequities that drive disparities affecting sexual and gender diverse populations and argues for new research on the full range of sexual and gender diversity, especially among LGBTQI+ people at the intersections of multiple marginalized identities.

This brief describes the changes in the social and legal position of LGBTQI+ people in U.S. society over the past decade. It also outlines how the challenges that arise from structural factors, such as law, public policy, and public attitudes continue to influence the well-being of LGBTQI+ populations in areas that include socioeconomic outcomes, experiences of victimization and violence, and mental and physical health.

LGBTQI+ Populations and The Legal System

LGBTQI+ people interact with the law in a number of areas, which include but are not limited to employment; health insurance and health care; housing; public accommodations; and encounters with the police and other parts of the criminal justice system. Some legal reforms over the past decade, including marriage equality and nondiscrimination protections in different domains and at various levels of government, have enhanced the well-being of LGBTQI+ populations. Because the U.S. legal system still does not require uniformly equal treatment of LGBTQI+ people, however, conflicts between different sources of legal authority—federal, state, and local—continue to result in discrimination being both prohibited and permitted, depending on the context and location. Gaps in the existence and enforcement of nondiscrimination protections mean that discrimination against LGBTQI+ people in various areas of everyday life remains frequent. These gaps disproportionately harm particularly marginalized groups within sexual and gender diverse populations, including people of color, low-income people, and transgender people.

Since the 2020 U.S. Supreme Court Decision in *Bostock v. Clayton County*, federal law protects against discrimination based on sexual orientation and gender identity in employment, a principle that is likely to be extended to education, housing, credit, and access to health care and health insurance. However, in some realms, such as public accommodations, federal law does not offer these protections. In addition, questions such as whether denial of access to bathrooms or school athletics programs based on one's gender identity constitutes discrimination have not been definitively resolved. The interpretation of federal and state laws related to religious exemptions from antidiscrimination laws is also uneven and likely to change further as the Supreme Court, Congress, and state legislatures continue to consider the issue. Another changing area of law is family law, which is almost entirely dependent on state rather than federal or local contexts and thus varies widely across the country. Several issues in family law that are particularly important in relation to sexual and gender diversity are the welfare of LGBTQI+ youth in the foster care system, the treatment of LGBTQI+ birth parents in child removal proceedings, and legal options available to LGBTQI+ people who seek to adopt children.

Mistreatment during interactions with the police is a common experience for LGBTQI+ people. In a 2015 study of transgender people, 58 percent of respondents who interacted with police officers reported experiencing verbal harassment, physical or sexual assault, or other forms of mistreatment. The criminalization of HIV exposure and criminalization of sex work disproportionately affect homeless youth and transgender women, especially transgender women of color. There is widespread agreement among public health professionals that decriminalization of sex work would contribute significantly to efforts to combat the spread of HIV.

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Public Policies and Public Opinion

The majority of U.S. adults support nondiscrimination protections for LGBT people in employment, public accommodations, health care and health insurance, and housing; and support for transgender people to serve openly in the military is also solidly in the majority. The public is more divided on such issues as gender identity protections in public accommodations, such as public restrooms, and businesses' right to deny services to LGBT people because of religious beliefs.

Tracking shifts in public opinion is important for understanding the policy environments around LGBTQI+ issues and for examining the processes and consequences of legal and policy changes. From a public opinion standpoint, the way issues are communicated affects how people come to understand them. For instance, personalizing LGBTQI+ people when placing them in context for poll respondents—i.e., highlighting a shared identity unrelated to sexual orientation or gender identity—can bolster support for protective laws and policies. Similarly, the shift in the public view of marriage equality away from a framework based on “civil rights” and toward a framework of “love and commitment” galvanized support for marriage equality for same-sex couples and had a profound effect on public policy. The pursuit of policies likely to garner public support, however, may stigmatize or erase certain LGBTQI+ groups, such as bisexual and transgender people, who continue to face discrimination and stigma both outside of and within LGBT communities.



The presence of LGBTQI+ elected officials also affects the adoption of public policies related to sexual and gender diverse populations. Openly LGBTQI+ elected officials often work to advance policies that are inclusive of sexual and gender diverse populations, but they still make up a small minority of elected officials in the United States. Policy makers overall are more likely to vote in support of gay rights when their constituencies have a larger share of same-sex couples, though this may be conditioned by local attitudes.

Effects of Structural Stigma on LGBTQI+ Populations

Structural stigma—which includes institutional policies and practices, as well as public attitudes—contributes to inequalities for LGBTQI+ populations across numerous domains that are essential for living healthy, productive, and fulfilling lives, including socioeconomic well-being, physical and mental health, and physical safety.

There is now a growing body of evidence that structural stigma affects the health and well-being of people of diverse sexualities and genders, but there has been little research on the ways in which structural stigma develops and evolves over the life course. Furthermore, most structural stigma research has focused on gay men and lesbian women and has not considered intersectional characteristics, such as race, ethnicity, gender identity, geography, and socioeconomic status.

In looking at the effects of structural stigma, studies have also begun identifying mediating pathways, such as stress and psychosocial mechanisms, but work is needed to understand whether other factors underlie the established associations between structural stigma and the well-being of LGBTQI+ people. Research is also needed to expand beyond the study of large social institutions and federal and state policies to include less-studied institutions, such as health care settings and criminal justice systems.



KEY RESEARCH AREAS

- The effects of legislation and other policies around the following topics:
 - » Prohibiting discrimination against LGBTQI+ people and families in areas of everyday life, such as housing, education, health care, and public accommodations
 - » Providing transgender and nonbinary people access to identity documents with appropriate names and gender markers
 - » Legislating discrimination against LGBTQI+ people or families
 - » Religious exemptions from antidiscrimination laws
 - The scope of variations from state to state regarding LGBTQI+ family law
 - Causes, consequences, and solutions for the overrepresentation of LGBTQI+ youth in homeless youth populations and in the foster care system
 - Strategies for improving the treatment of LGBTQI+ birth parents in child removal proceedings and of LGBTQI+ people who seek to adopt
 - Ramifications of applying Title IX protections in higher education, specifically around questions related to transgender and other gender diverse students in athletics
 - Strategies for including marginalized groups in policy discussions
 - Longitudinal tracking of public policy and opinion about LGBTQI+ identities and issues
 - Associations between structural stigma and LGBTQI+ population well-being
 - Manifestations of structural stigma at different ages and stages of life and in specific settings, such as health care and criminal justice systems
 - Intersections between anti-LGBTQI+ stigma and stigma related to characteristics such as race, ethnicity, and socioeconomic status
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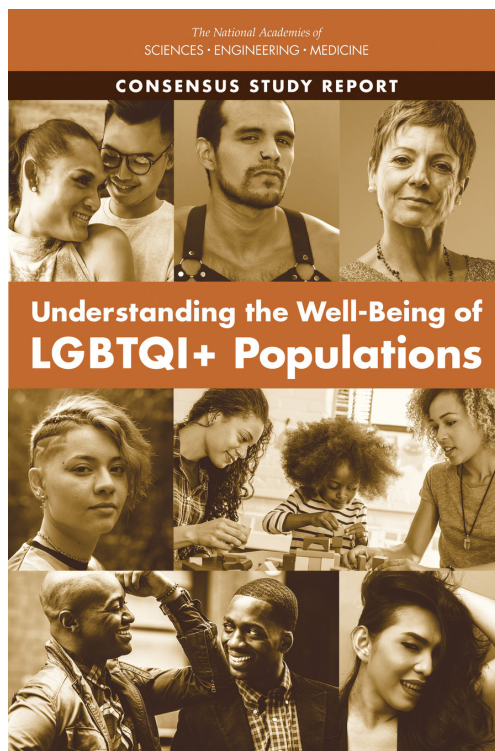
Resources

Read the report highlights and the full report online, download a free PDF, or order the paperback publication today.

[Understanding the Well-Being of LGBTQI+ Populations](#) (2020)

View the project's interactive [resource](#), highlighting the key findings of the report.

Learn more about the Committee on Population [#PopulationResearch](#)



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