

## Gay rights around the world: where are we at?

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### Abstract

*If the legal status of homosexuality is today a consensus in France, where it has been decriminalized since 1791, this is not the case in many countries around the world where same-sex relationships can be punished by various penalties, ranging from fines to prison time or even the death penalty. Other countries have legalized homosexuality but do not grant any rights or recognition to lesbians, gays, and bisexuals.*



Even today, the situation of LGBTQIA+ people is very unequal depending on their country of residence. Less than 25% of the world's countries recognize and protect LGBT<sup>1</sup> people. While homophobia is a form of discrimination that knows no borders, homosexuals' rights are nevertheless radically different in different national contexts. Laws are very different: while in some parts of the world, lesbian, gay, and bisexual (LGB) people can marry, adopt, and are legally protected from discriminations, many countries still penalize homosexuality through forced labor, torture, prison terms, and even the capital punishment. Although some of these sentences are no longer enforced, there are still condemnations in some parts of the world.

There have been many advances in LGBTQIA+ rights in recent decades, both nationally and internationally. As such, we can cite the removal of homosexuality from the list of mental illnesses in the International Classification of Diseases (ICD) in 1990, or the adoption of the Yogyakarta principles in 2007, which govern international law in matters of sexual orientation and gender identity. It was not until 2011, however, that the UN adopted a text on LGBTQIA+ rights for the first time.

It is important to note that in this article, we will discuss the jurisdictions concerning consensual same-sex relationships, taking place between adults and on an unpaid basis. We will also discuss the rights of LGB people and not transgender people specifically, which will be the subject of another article.

In addition, we must be careful not to essentialize certain countries or cultures as so-called “naturally homophobic”. Homophobia is not a natural phenomenon but a social phenomenon, created and maintained by humans. While the most repressive laws against homosexuality concern the African and Asian continents, they are very often laws inherited from colonization. British colonists, for example, imposed laws against sodomy, still in force in many English-speaking countries such as Ghana, Singapore, or Bangladesh. Before the arrival of the settlers and the imposition of their norms and religions, homosexual and even transgender people were sometimes well accepted in some pre-colonial societies. It is therefore incongruous to assert that homosexuality is Western and that homophobia originates from so-called “under-developing” countries: it is more homophobia than homosexuality that was inherited from the West.

This British condemnation of sodomy may also explain why male homosexuality is more criminally condemned than its female counterpart. In some countries, homosexuality is indeed legal for women while it is harshly punished for men. The lesbophobic and sexist invalidation of female homosexuality can also explain this paradox: lesbianism could not exist, a sexuality without men being unimaginable. Thus, in Lesotho, Nauru, or South Africa for example, homosexuality was decriminalized respectively in 2012, 2016, and 1998 for men, whereas it has always been legal for women.

## Countries where LGB people can marry, adopt and are protected from discrimination

As of 2020, 30 states allow same-sex marriage, of which three do not allow same-sex adoption, and 27 states allow full adoption by same-sex couples, of which two have not legalized marriage. Thus, only 27 out of the 197 countries recognized by the UN, or 14% of them, recognize both the right to adoption and marriage for homosexual persons.

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<sup>1</sup> The acronym “LGBT” is used here instead of “LGBTQIA+” because this statistic does not include the rights of intersex people or other members of the LGBTQIA+ community.

European countries were the pioneers in legalizing marriage and adoption. Europe is the continent where LGBTQIA+ rights are most recognized, respected, and protected, despite some resistance in Eastern Europe. Since the decriminalization of homosexuality in 2014 in Northern Cyprus, Europe is also the only continent where homosexuality is not illegal in any country or territory.

The first three countries to legalize same-sex marriage were European: the Netherlands in 2001, followed by Belgium in 2003 and Spain in 2005.

In France, same-sex marriage and same-sex adoption were both legalized on May 17, 2013 with the Taubira law, under François Hollande.

According to the ILGA-Europe's Country Rating, which ranks European countries according to their laws and policies regarding LGBTQIA+ people in six categories (equality and non-discrimination, family, hate crime and hate speech, civil society space, asylum, legal gender recognition, and bodily integrity), Malta is the top country, followed by Belgium, Luxembourg and Denmark. France comes only 13th out of 49. The last countries on the list are Russia, Armenia, Turkey, and finally Azerbaijan.

As for adoption, it was the North American continent that was the precursor with the changes in the law of the first American states at the end of the 20th century (1993 in Massachusetts and Vermont, 1995 in Washington D.C, 1998 in New Jersey,...) and the first Canadian provinces (British Columbia in 1996, Ontario in 1999...). Canada became the fourth country to federally legalize same-sex marriage in 2005 despite provincial laws already in place in nine out of thirteen provinces since 2003. In addition, Quebec is one of the first places in the world where discrimination based on sexual orientation is prohibited, i.e. as early as 1977 in the Quebec Charter of Human Rights and Freedoms. As for the United States, it was not until 2015 that the legalization of marriage throughout the territory was obtained, although 37 states have already authorized it before federal law.

The situation and the rights of LGBTQIA + people have seen a lot of improvement in Latin America in recent years, except in the Caribbean countries, especially the former British colonies, which keep very tough laws on homosexuality. Homoparental adoption and same-sex marriage are allowed in Argentina (2010), Brazil (2010 and 2012 respectively), Uruguay (2009 and 2013), and Colombia (2015 and 2016).

In Mexico, there is no federal legalization: marriage is thus authorized in twenty states and the federal capital Mexico City, while same-sex adoption is possible in fourteen states as well as in Mexico City.

Despite the rights granted to LGBTQIA+ people in Brazil, the election of Jair Bolsonaro has caused the flight of several LGBTQIA+ people, with homophobia being very present in the speeches of the Brazilian president.

In Oceania, two countries allow adoption and marriage: New Zealand, where they were legalized in 2013, except for Tokelau, Niue, and the Cook Islands; and Australia, which legalized marriage for same-sex couples in 2017 and adoption between 2002 and 2017 depending on the territory, except in the Northern Territory.

Finally, the most repressive parts of the world concerning gay rights are Africa, the Middle East, and South Asia.

South Africa is an exception on the African continent with the legalization of adoption from 2002 and marriage from 2006. In 2006, it became the fifth country in the world to have authorized same-sex marriage, which was made possible thanks to the fight against apartheid, which has greatly advanced the

rights of racial minorities but also those of gender and sexual orientation. However, despite this permissive legislation, there is still a lot of homophobic violence in South Africa, including gang and corrective rapes<sup>2</sup> of lesbians.

We can rejoice in recent legalizations of same-sex marriage as in 2017 in Germany, Australia, Finland or Malta, in 2019 in Taiwan, Austria, and Ecuador, and recently in May 2020 in Costa Rica and in December 2020 in Switzerland.

However, we must not forget that obtaining fundamental rights does not make homophobia or discrimination that LGBTQIA+ people may experience on a daily basis disappear. Even the protection against discrimination based on sexual orientation, offered by this twenty or so countries, helps but is not sufficient to overcome non-legal obstacles to equality, such as entrenched homophobia and heteronormativity in mentalities. There is therefore sometimes a gap between the law and reality, as in South Africa.

Furthermore, some of the same countries offering same-sex couples to marry and adopt continue to deny them the right to serve in the military, the right to donate blood, or impose a different age of consent (sexual majority) for same-sex relationships than for heterosexual ones. In some countries where surrogacy or in vitro fertilization (IVF) are legal, they are voluntarily refused to lesbian couples.

Regarding blood donation, if not a total refusal, a period of abstinence is often imposed on homosexual and bisexual men on the pretext that they would be more exposed to the AIDS virus. However, it would be more rational to take into account the criterion of sexual behavior (multiple partners...), and not of sexual orientation. Many see this enforced abstinence as a hyper-sexualization of same-sex relationships more than a sensible precautionary measure.

In France, blood donation by homosexual men has only been authorized since 2016 under the condition of twelve months of abstinence, a period revised downwards (four months) in 2019 and which should disappear completely following a law passed last July. A year without sex is also required to donate blood in other European countries: Belgium, Ireland, Sweden, Finland, Norway, Switzerland, Netherlands, Germany. It remains banned in Austria.

## Countries where LGB people are protected from discrimination but where adoption is legal and not marriage, or vice versa, marriage is legal but adoption is not

Of the 30 states that allow same-sex marriage, four do not allow same-sex adoption: Costa Rica and Ecuador in Latin America, Taiwan in Asia, and Switzerland in Europe.

Costa Rica became in May 2020 the first country in Central America to legalize same-sex marriage, and Taiwan the first country in Asia to do so in 2019. Legislation in Ecuador also dates from 2019. Switzerland just legalized same-sex marriage. In addition, anti-discrimination laws exist in all four countries.

Conversely, of the 27 countries in the world where full adoption is legal, two have not yet legalize same-sex marriage. These are Andorra in Europe and Israel in the Middle East. In Andorra,

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<sup>2</sup> Corrective rape is a homophobic crime whose intention is to “put back on the right path” (to understand: “to make” heterosexual) people whose sexuality is considered as deviant or whose gender expression does not fit into male or female gender stereotypes.

homoparental adoption has been legal since 2014 but not marriage, although a form of civil union has existed for same-sex couples since 2005. As for Israel, homoparental adoption was authorized in 2008, and same-sex marriages homosexuals are recognized when contracted abroad. A form of civil union (registered cohabitation) has also existed since 1994.

In addition to the 27 countries where it is legal without restriction, adoption is also allowed for same-sex couples by step-parent in some countries such as Estonia, Croatia, Italy, Taiwan, and Switzerland. For the latter two countries, adoption by single people, regardless of their sexual orientation, is also allowed, as in Cyprus. However, countries that have opened adoption to single people do not necessarily allow gay people to benefit from it. For example, in Kyrgyzstan, single people wishing to adopt are sometimes forced to produce a sworn statement that they are not homosexual.

## Countries offering some form of civil union other than marriage.

Civil union, whether it is called a “registered partnership”, “domestic partnership”, “civil cohabitation”, “life partnership” or “civil solidarity pact” in France, is a form of legal union, however not offering the same rights and duties as marriage to the couples who contract it.

In France, when marriage for all was legalized in 2017, “Le Pacte Civil de Solidarité”, better known under the name of PACS, had already been open to homosexual couples since 1999 but it did not provide the same rights as married couples in the fields of work, social security, income tax, property rights, or joint adoption.

Partnerships can therefore be a positive step forward in the recognition of same-sex unions, but granting civil union only and not marriage to same-sex couples is discriminatory since it does not generally allow them to access the same rights, especially concerning filiation rights. This is the case for 15 countries around the world.

Without allowing same-sex marriage, 13 European countries offer same-sex couples a form of civil union: Andorra (2005), Cyprus (2015), Croatia (2014), Estonia (2016), Greece (2015), Hungary (2009), Italy (2016), Liechtenstein (2011), Monaco (2019), Montenegro (2020), Czech Republic (2006), San Marino (2012), and Slovenia (2005). Estonia has recognized marriages performed abroad since 2016, and recently a petition forced the government to consider legalizing same-sex marriage.

All these countries except Liechtenstein protect homosexuals from discrimination based on sexual orientation, a paradoxical situation given their refusal to grant them the simple right to marry civilly.

In Croatia, Hungary, Monaco, and Montenegro, same-sex marriage is even constitutionally prohibited. In Slovenia, a referendum on this subject failed in 2015 with 63% of “no” votes. As for Italy, the country has been condemned by the European Court of Human Rights for its delay in authorizing same-sex marriage.

In the rest of the world, three other countries allow a form of civil union without having legalized marriage: Chile (2015), Israel (1994), and Bolivia (2020). In Chile, a law is underway to legalize same-sex marriage, but civil union alone is currently available for same-sex couples.

## Countries where homosexuality is legal but offering no recognition of same-sex couples

What about countries that could be said to be “neutral”, i.e. where homosexuality is legal, but where same-sex couples cannot access civil union, marriage, and adoption? In fact, this is about half of the countries in the world.

Some decriminalization’s of homosexuality are recent, such as in 2020 in Gabon, in 2019 in Angola and Botswana, in 2018 in India, Lebanon and Trinidad, and Tobago, or in 2016 in Nauru and Seychelles. These laws often find their origin in colonization, such as Angola, which in January 2019 removed an article introduced by the Portuguese colonization condemning “unnatural vices”. For other countries, homosexuality has never been illegal, such as Laos, Vietnam, Cambodia, or Poland.

In Europe, some twenty countries, six of which are part of the European Union (Bulgaria, Latvia, Lithuania, Poland, Romania, Slovakia), still do not recognize any form of union for people of the same sex.

Some of these countries even constitutionally prohibit same-sex marriage, such as Bulgaria, Latvia, Lithuania, Poland, Belarus, Moldova, Serbia, and Ukraine.

In Belarus, homosexuality was punishable by five years in prison before it was decriminalized in 1994. Despite this, homosexual people face severe discrimination and the expression of LGBTQIA+ rights is considered terrorism.

Russia has seen a decline in LGBTQIA+ rights in recent years under Putin. In 2013, a law was adopted banning “homosexual propaganda” among minors. Chechnya was also talked about in 2017 for its strong repression (arrests and even torture) of LGBTQIA+ people. Russia has trouble officially recognizing LGBTQIA+ associations and uses the “Foreign Agent”<sup>3</sup> policy to be able to find them. Russia has also been condemned by the European Court of Human Rights for its bans on LGBTQIA+ protests. In fact, this crackdown on homosexuality is viewed by Putin’s Russia as a way to resist Western and European mores.

Many of these countries paradoxically protect LGBTQIA+ people from discrimination even though they are not granted any rights or recognition, as if the state had some kind of monopoly on legitimate discrimination.

About half of the countries in Africa as well as five countries in the Middle East (Bahrain, Iraq, Jordan, Lebanon, Turkey) are also in this in-between, homosexuality being legal but not other rights such as marriage and adoption. Most do not protect LGB people from discrimination either, and homophobia is often common there. Discrimination is thus less legislative than social or religious. Homosexuality may not be condemned by the law, but it is not socially accepted and verbal and physical assaults on LGBTQIA+ people take place daily without governments reacting. Many of these countries also prohibit same-sex marriage in their constitutions, such as Burkina Faso, the Democratic Republic of the Congo, and Rwanda. In the latter, Christian churches very explicitly affiliate homosexuality with a sin.

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<sup>3</sup> The expression “foreign agent”, as the name suggests, refers to the defense of the interests of a foreign country. It is used here by Vladimir Poutine to denounce a so-called “infiltration” or “espionage” on the part of Western governments or associations. Since a law in 2012, foreign associations must declare themselves in Russia as “foreign agents”, which has led to various fines and restrictions.

Also, some of the laws on homosexuality are unclear and could be used to explicitly condemn it. In Mali, for example, homosexuality is not mentioned in the penal code, but there is a ban on “association for an immoral purpose” or even “public indecency”. The latter refers to any act performed in public likely to offend the decency of witnesses or disturb public order, and is punishable by three months to two years in prison and/or a fine of 20,000 to 200,000 francs. The ban on association for an immoral purpose was used in 2005 by the district governor of the capital city Bamako to refuse official recognition of an association fighting for homosexual rights. Generally speaking, homosexuality is considered immoral in Malian society, affiliated with sin and extreme debauchery.

In the Democratic Republic of Congo, homosexual relations are not criminalized or mentioned in the penal code, but according to article 172, any act or offense “against nature” can be punished with a sentence of three months. to five years in prison.

In the Central African Republic, homosexuality is not illegal per se, but article 85 of the penal code is sometimes used to arrest and convict homosexual persons, punishing so-called “unnatural” acts committed in the public sphere, punishable by six months to two years in prison and a fine of 150,000 to 600,000 CFA francs.

Finally, in Mauritius, male and female homosexuality is legal, but the practice of sodomy (whether in heterosexual or homosexual relations) is prohibited, punishable by imprisonment (up to five years). Female homosexuality is therefore permitted, as is male homosexuality without sexual intercourse.

On the Asian continent, we can cite Cambodia, which had its first Pride march in 2003. LGBTQIA+ people are nevertheless in no way protected from discrimination and same-sex marriage is constitutionally prohibited, although marriages contracted abroad are recognized.

In China, sodomy was decriminalized in 1997, and homosexuality was removed from the list of mental illnesses in 2001. However, there is no law protecting against discrimination, nor the possibility of marriage or adoption for couples of the same. sex. Worse, conversion therapies<sup>4</sup> are promoted by the government, and homosexuality remains highly stigmatized in Chinese society.

In North Korea, homosexuality is not illegal, but Articles 193 and 262 of the Obscenity and Decency Laws can be used to punish homosexuality in public. Homosexuality is associated with capitalism and there have been cases of executions of homosexual people for this reason.

The Republic of South Korea does not officially recognize the rights of LGBTQIA+ people in its territory, and homosexuality is criminalized in the South Korean military by the military penal code.

In Japan, there is increasing pressure on the government to legalize same-sex marriage. “Registered partnerships” have been set up at the local or departmental level in nine towns. Likewise, there are legal protections as well as anti-discrimination laws to protect LGBTQIA+ people in some cities, from local governments (ban on discrimination in hiring in Tokyo, for example) but no national law on this subject. Homosexuality is more and more accepted in Japanese society but remains very hidden and taboo. According to a TBS<sup>5</sup> television program, a quarter of young Japanese homosexuals are out of school because of the humiliation and harassment they suffer at school.

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<sup>4</sup> CHIQUER, L. COTTAIS, C. KASANGA, DC. OUATTARA, N. PAVARD, J. (2020). “Conversion therapies” around the world: a still unknown torture. Generation for Rights Over the World. *growththinktank.org*. [online] Oct. 2020. Available at: <https://www.growththinktank.org/en/conversion-therapies-around-the-world-a-still-unknown-torture/> [Accessed 2 Feb. 2021].

<sup>5</sup> TBS, Issue of May 1, 2013.

Finally, in the Philippines, homosexuality has been legal since 1933 except in the city of Marawi where it is illegal for Muslims (liable to a fine), and in Vietnam, where homosexuality is not considered a crime as long as relationships remain private. However, the Vietnamese Criminal Code remains vague prohibiting anything that can go “against public morals”, which can be invoked to persecute homosexual people. Until 2002, homosexuality was presented by the Vietnamese government as something to be eradicated, and was described as a “social scourge”. Arrests of same-sex couples and re-education centers were rife.

In Latin America, discrimination persists despite the legality of homosexuality in all countries except Guyana. Many Catholic countries are hostile to the presence of LGBTQIA+ people in the military.

In Belize, male homosexuality was decriminalized in 2016 after a Supreme Court decision, but homosexual immigrants are still barred from entering the country.

In Haiti, same-sex marriage is not only impossible, but it is also illegal since a decision of the Haitian Senate in 2017, making same-sex marriage punishable for its “authors, co-authors and accomplices” with three years in prison and a fine of 500,000 gourdes (approximately 7,000 euros). Moreover, this law “for the protection of the family” prohibits “any public manifestation of support for homosexuality and proselytism in favor of such acts”.

In Peru, LGBTQIA+ people suffer a lot of violence, especially by the police. Homosexuality remains a taboo subject in this reputedly very conservative and Catholic country. Same-sex marriage is still illegal despite two attempts to legalize it in 2015 and 2017.

## Countries where homosexuality is punishable by imprisonment

Many countries include a prison sentence for homosexuals in their penal codes, but it is not enforced or has not been enforced for several years or even decades.

In Africa, homosexuality is very frequently referred to as “unnatural” or as a “sexual deviance” in legal texts or the penal code; and compared to rape or relations with animals, as in Algeria, Ethiopia, Malawi, Guinea, and Senegal. In addition to this strict legislation, there is a strong cultural, religious, and social stigma, which refers in particular to an ideal of masculine virility constructed in opposition to femininity and homosexuality.

Very strict laws are still in force on the continent: up to 17 years in prison in Egypt, life imprisonment in Uganda, 10 years in South Sudan, life imprisonment and forced labor (for men) in Sierra Leone, 30 years to life imprisonment in Tanzania, up to 14 years in prison in Zambia...

In The Gambia, where homosexuality is punishable by 14 years in prison, President Yahya Jammeh demanded in 2008 that all homosexuals leave the country. In 2015, he also said he wanted to slaughter all homosexuals wishing to get married. Amnesty International accused the Gambian authorities in 2014 of torturing arrested homosexuals.

As mentioned in the introduction, legal texts are often stricter with male homosexuality than female one, which is rarely cited. In Ghana, for example, male homosexuality is punishable by up to three years' imprisonment (criminalization of “unnatural sex” in the same way as rape or zoophilia), while it is legal for women. In 2013, lawyer John Ndebugri said that he did not believe the law applied to female homosexuality, based on the argument that lesbian sex does not involve penetration or a penis. Same



male sentence but not female in Malaysia where men face fines, lashes and 10 to 20 years in prison, or in Uzbekistan where male homosexuality is punishable by three years in prison.

It is also sometimes sodomy that is criminalized and not homosexuality in itself, hence the legality of female but non-male homosexuality, as in Namibia, Tonga, Tuvalu, or Papua New Guinea. In Bangladesh, sodomy and oral sex are prohibited regardless of sexual orientation and punishable by life imprisonment. The society is very conservative and there is a lot of discrimination and homophobia. In Singapore too, sexual relations and not homosexuality are condemned (two years in prison for men), although the law has not been enforced since 1999.

In some countries, such as Zimbabwe, institutional homophobia allows homosexuals to be scapegoated in order to distract attention from other issues in the country. It also allows politicians to secure the support of their conservative electorate.

Homosexuality is also seen in some countries as a Western, white, anti-African practice. Perceived as cultural, it is politically instrumentalized: opposing it is used as a means of resisting the influence of the West. In Zimbabwe, where the government has waged anti-gay and anti-lesbian campaigns since 1995, the crackdown on homosexuality is displayed as a means of combating a sort of Western decadence. Homosexuality but also the fact that two people of the same sex hold hands, hug, or kiss has been a crime since 2006. In Syria and Iraq, executions of homosexuals have taken place in order to mark the hatred of the West and other civilizations in general. As developed above, Russia also follows this logic. In Egypt and the Comoros archipelago, LGBTQIA+ people are accused of perverting local values by importing so-called Western mores.

Furthermore, the prevalence of HIV fuels a climate of homophobia, with the epidemic being blamed on LGBTQIA+ people even as the virus is also transmitted between heterosexual people.

In Asia, many laws are still in force but are no longer applied in practice, as in Burma (ten years) or in Sri Lanka (up to ten years in prison and fines) where the law is still in place despite a conviction by the Supreme Court and even though no one has been convicted since 1948. An attempt at decriminalization in 2017 was unsuccessful. Sexual assault and homophobic discrimination, especially by the police and the government, are frequent.

In Indonesia, there is no explicit law on sodomy (a criminalization project failed in 2003) but homosexuality is punishable by imprisonment in provinces or cities where Islamic Sharia law is applied, i.e. is to say in the province of Aceh, in the city of Palembang (Muslims only) and in that of Pariaman. Homosexuality is there punishable by flogging (100 lashes), imprisonment (up to 100 months), or a fine (one million Indonesian rupees). The rest of Indonesia allows consensual and private homosexual relations, but homosexual people are victims of discrimination and even violence on the part of civil society and the police, and the government censors films and content considered to be promoting homosexuality. A 2006 law prohibits writings, videos, and audios depicting same-sex sexual relations, under a penalty of seven years in prison.

Finally, in Turkmenistan, male homosexuality is punishable by imprisonment (up to two years) while it is legal for women. Homosexuality is considered a mental disorder and the punishment for homosexual acts (real or perceived) between men can include placement in mental institutions, to be “cured” of their sexual preferences.

In Latin America, Guyana is the only country where homosexuality is still illegal. Although the law is not enforced, male homosexuality is theoretically punishable by life imprisonment.

In Oceania, only male homosexuality is penalized and the laws are not enforced, if they ever were: up to 14 years in prison in the Cook Islands, Kiribati, Papua New Guinea, and the Islands Solomon, up to seven years in Samoa and ten in Tonga. The non-mention of female homosexuality in the law of these countries does not prevent lesbians from being victims of stigma and homophobia. Note the irony of Samoa, which penalizes homosexuality while prohibiting discrimination in its territory.

Finally, we can celebrate the first candidacy of a homosexual man in an Arab country, Mourir Baatour, in the 2019 presidential elections in Tunisia. However, all Maghreb countries still penalize homosexuality: two years in prison and a fine in Algeria, one month to two years in prison and a fine in Morocco, up to three years in prison in Tunisia and up to five years in Libya, where many people are leaving the country and seeking political asylum to escape homophobic violence. Finally, in Mauritania, homosexuality is theoretically still punishable by the death penalty, although no case of capital punishment has been pronounced since 1987.

## Countries where homosexuality is punishable by death

Capital punishment still concerns 12 countries in the world, all located on the African and Asian continents: Afghanistan, Saudi Arabia, Brunei, United Arab Emirates, Iran, Mauritania, Nigeria (in the 12 northern states that have adopted Sharia law), Pakistan, Qatar (applies only to Muslims), Somalia (in states which have adopted Sharia law, i.e. the Islamic emirates of Al-Shabbaab), Sudan and Yemen.

In Sudan, men are sentenced to death the first time around, while the death penalty does not apply to women until the fourth repeat of the crime (the sentence is 100 lashes for the first three times).

In Nigeria, the sentence in states that have adopted Sharia law is 100 lashes and one year in prison for unmarried Muslim men, while married or divorced Muslim men are sentenced to death by stoning. Also, participating in or organizing same-sex marriages has been criminalized since 2009, punishable by 10 years in prison. The law also criminalizes demonstrating for gay rights as well as public displays of same-sex affection.

In Afghanistan, there appear to have been no death sentences since the end of the Taliban regime in 2001.

In Brunei finally, considered by OutRight Action International as the most worrying Southeast Asian country in terms of LGBTQIA+ rights<sup>6</sup>, homosexuality is punishable, since the application of Sharia law in 2014, of imprisonment, corporal punishment amounting to torture, or the death penalty by stoning.

The judicial system in most of these states is based on Islamic Sharia law. Corrective rapes of lesbians are also common.

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<sup>6</sup> MOSBERGEN, D. (2015). Brunei's LGBT Community Faces Terrifying Future. Huffington Post. [online] 15 oct. Available at : <https://urlz.fr/dO7V> [Accessed 27 Aug. 2020].

## Conclusion

There is still a long way to go before LGB people around the world can finally claim the same rights and protections as heterosexual people. The law is of paramount importance in recognizing LGBTQIA+ rights and protecting people from LGBT-phobias. Even when laws criminalizing homosexuality are not applied, their very existence creates a climate of insecurity, discrimination, and even persecution, in both the private and public spheres, of LGBTQIA+ people who cannot in return rely on the law to protect them. Of course, the law is not enough, and discrimination persists even in countries with the most advanced legislation. The right to marriage, adoption or even anti-discrimination laws do not make homophobia go away.

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