



# BREAKING THE SILENCE

Criminalisation of Lesbians and  
Bisexual Women and its Impacts

# Overview

- Consensual same-sex sexual conduct is criminalised in 78 jurisdictions worldwide or about 40 per cent of all countries, including 80 per cent of Commonwealth countries. Most of these criminal laws stem from British colonial rule. Others are founded in Sharia law.
- Of these 78 jurisdictions, at least 44 (56 per cent) criminalise same-sex conduct between women. Even in jurisdictions that clearly or likely do not criminalise women, lesbians and bisexual women have been subjected to arrest or threat of arrest.
- At least ten countries that previously only criminalised male same-sex sexual conduct have recently expanded their criminal codes to encompass sexual conduct between women.
- The criminalisation of lesbians and bisexual women is often amplified by other criminal laws that have a disproportionate impact on women, such as laws criminalising adultery, abortion and prostitution and laws that permit child marriage and rape within marriage.
- Countries that criminalise homosexuality in any form rank substantially lower in global indices of gender equality than countries that do not criminalise homosexuality. Improved gender equality is thus a positive indicator for abolishing criminalisation of homosexuality.
- Criminalisation, however framed, fosters a climate of State-sanctioned homophobia, resulting in abuse, discrimination and violence against the entire LGBT community. Maintenance of these laws is itself a human rights violation, and enables further human rights violations because of the stigma and culture of impunity these laws create.
- Lesbians and bisexual women experience human rights violations in both similar and different ways or to different degrees than gay men, because of the intersection between their gender and sexual orientation. They can be particularly vulnerable to certain forms of control and abuse given the fact that women in many countries continue to be subordinated by male-dominated societies.
- Women in general are disadvantaged economically in many societies, for example by inequality in family structures, labour markets and laws on property and inheritance, which in turn compound the human rights violations faced by lesbians and bisexual women as they are less able to live independently without male family members.
- This economic disadvantage combined with societal pressures on women to marry and found a traditional family creates an imperative for many lesbians and bisexual women to enter into heterosexual unions that they otherwise would not enter. In some countries, lesbians and bisexual women may be forced into a heterosexual marriage when their sexuality is revealed to their family.
- Women in such marriages are likely to have significantly less control over their own bodies and sexuality than gay men who enter sham heterosexual marriages, and may have little control over their sexual

and reproductive health and choices. They may be compelled, in effect, to endure a lifetime of invisible and undocumented sexual abuse.

- Lesbians and bisexual women are also particularly vulnerable to violence, control and abuse within their own families and by people they know. They frequently experience targeted rape, through which abusers purport to ‘correct’ a victim’s sexual orientation. The criminalisation of their sexuality means that lesbians and bisexual women are often afraid to report these crimes, or if they do, that the crimes are not investigated.
- Lesbians and bisexual women who dress or present in ways that do not conform to traditional notions of femininity may face particular vulnerability to stigma, harassment and violence as a result of their visibility and the beliefs of some men around male entitlement over the maintenance of gender hierarchies.
- Lesbians and bisexual women also face discrimination in education, employment, health and housing, making them further economically dependent on male relatives.
- The cumulative effects of family control, violence, economic dependency and pressures to enter a heterosexual marriage can contribute to suicides of young lesbian and bisexual women in particular.
- Criminalisation of homosexuality undermines the rights of lesbians and bisexual women to privacy, equality, dignity, physical and sexual autonomy, freedom from violence, an adequate standard of health and removal of gender stereotypes, contrary to various international treaties including the United Nations Convention on the Elimination of all forms of Discrimination Against Women, which virtually all criminalising countries have ratified.
- Much of the research, advocacy and legal discourse around the criminalisation and persecution of LGBT people worldwide has to date inadvertently focussed on the situation of gay and bisexual men. This means that the unique situation of lesbians and bisexual women has not been properly addressed in legal responses to criminalisation.
- This is, in part, due to the fact that lesbians and bisexual women are often less visible to researchers, that many instances of private sphere violence against women go unreported, and that women have a lower level of influence and agency in reform efforts in many societies.
- Therefore, legal and political efforts to tackle the global persecution of LGBT people need to ensure that responses are tailored to address the needs and circumstances of the entire LGBT community, including lesbians and bisexual women.

# What is the Human Dignity Trust?

The Human Dignity Trust is an organisation made up of international lawyers supporting local partners to uphold human rights and constitutional law in countries where private, consensual sexual conduct between adults of the same sex is criminalised.

Legal provisions that criminalise lesbian, gay, bisexual and transgender (LGBT) people put them beyond the protection of the law, fostering a climate of fear and violence. These provisions also violate constitutional and international human rights law, including a person's right to dignity, equality and privacy.

Same-sex sexual conduct between consenting adults in private continues to be criminalised in [78 jurisdictions](#) around the world. In most of these jurisdictions, the prescribed maximum punishment is a lengthy prison sentence. A few jurisdictions still retain the death penalty.

The Trust provides pro bono technical legal assistance and advisory services at the request of, and in collaboration with, local activists, their lawyers and other human rights defenders, who wish to use the courts to challenge these persecutory laws.

Our website offers a wide range of material on key issues relevant to laws that criminalise and persecute LGBT people: [www.humandignitytrust.org](http://www.humandignitytrust.org)

We are a registered charity No.1158093 in England and Wales. All our work, whatever country it is in, is strictly not-for-profit.



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