

Criminalising Homosexuality: Indicators

In addition to the criminalisation of homosexuality being an indicator of poor governance and poor human rights in and of itself, countries that criminalise tend to rank poorly on other indicators too.

This is one in a series of notes produced for the Human Dignity Trust on the criminalisation of homosexuality and good governance. Each note in the series discusses a different aspect of policy that is engaged by the continued criminalisation of homosexuality across the globe.

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

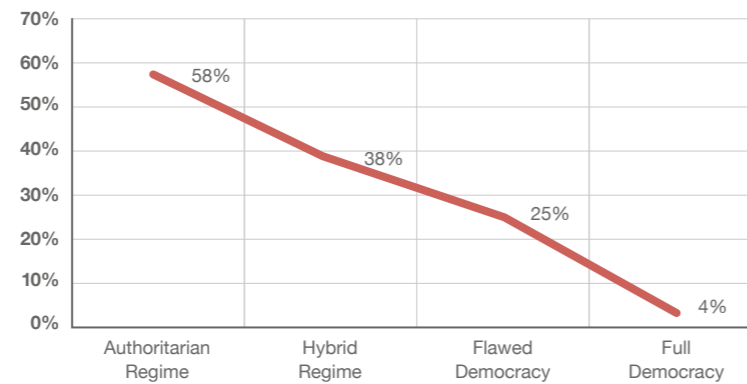
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1. Democratic credentials

- Of the world's 24 **Full Democracies**, only one criminalises homosexuality (Mauritius). I.e. only 4% of Full Democracies criminalise homosexuality.
- Of the world's 52 **Flawed Democracies**, 13 criminalise homosexuality (25%).
- Of the world's 39 **Hybrid Regimes**, 15 criminalise homosexuality (38%).
- Of the world's 52 **Authoritarian Regimes**, 29 criminalise homosexuality (58%).¹

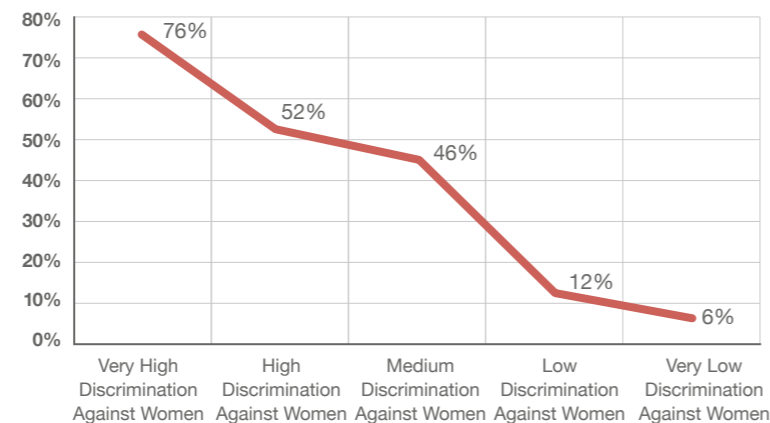
Propensity to criminalise homosexuality by regime type



2. Gender equality

- Of the 16 countries with **Very Low Levels of Discrimination Against Women**, only one country criminalises homosexuality (Trinidad & Tobago). I.e. only 6% of countries with Very Low Levels criminalise homosexuality.
- Of the 25 countries with **Low Levels of Discrimination Against Women**, three of these criminalise homosexuality (12%).
- Of the 28 countries with **Medium Levels of Discrimination Against Women**, 13 criminalise homosexuality (46%).
- Of the 21 countries with **High Levels of Discrimination Against Women**, 11 criminalise homosexuality (52%).
- Of the 17 countries with **Very High Levels of Discrimination Against Women**, 13 criminalise homosexuality (76%).²

Propensity to criminalise homosexuality by level of discrimination against women



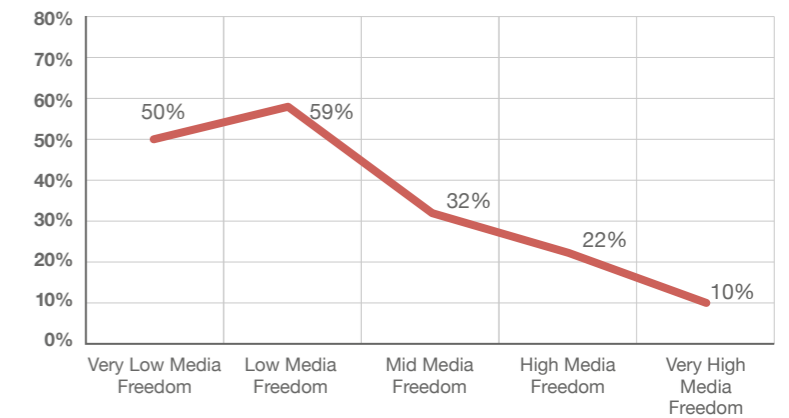
¹ Regime classifications are from the Economist Intelligence Unit's *Democracy Ranking 2014*. Available at: http://www.eiu.com/public/topical_report.aspx?campaignid=Democracy0115; criminalisation information is from the Human Dignity Trust. In its report, the Economist identified the level of democracy in a state by examining the following categories: Electoral process and pluralism, civil liberties, the functioning of government, political participation, and political culture.

² Organisation for Economic Cooperation and Development (OECD) Social Institutions and Gender Index (SIGI) 2014 <http://www.genderindex.org/ranking>. The SIGI measures discrimination against women in social institutions through formal and informal laws, social norms and practices on a state-by-state basis. In determining the level of discrimination in each state, the SIGI examined the following factors: Discriminatory Family Code, Restricted Physical Integrity, Son Bias, Restricted Resources and Assets, and Restricted Civil Liberties.

3. Press freedom

- Of the 21 countries with **Very High Media Freedom**, only two criminalise homosexuality (Jamaica and Namibia). I.e. only 10% of countries with Very High Media Freedom criminalise homosexuality.
- Of the 31 countries with **High Media Freedom**, seven criminalise homosexuality (22%).
- Of the 62 countries with **Medium Media Freedom**, 20 criminalise homosexuality (32%).
- Of the 46 countries with **Low Media Freedom**, 27 criminalise homosexuality (59%).
- Of the 20 countries with **Very Low Media Freedom**, 10 criminalise homosexuality (50%).³

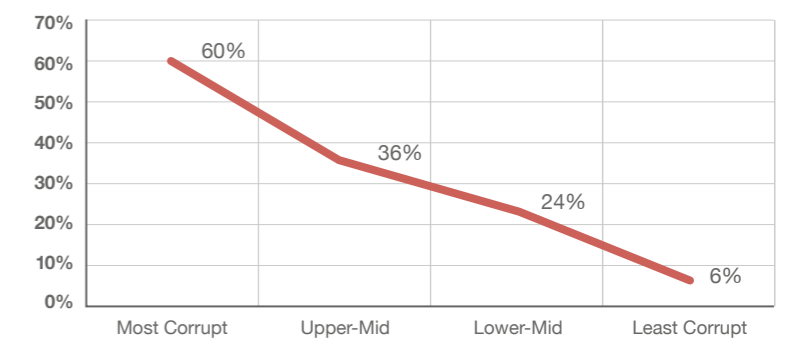
Propensity to criminalise homosexuality by media freedom classification



4. Corruption

- Of the 17 countries that scored **76 to 100 (Least Corrupt)**, only one criminalises homosexuality (Singapore). I.e. only 6% of the Least Corrupt countries criminalise homosexuality.
- Of the 34 countries that scored **51 to 75 (Lower-Mid Corruption)**, 8 criminalise homosexuality (24%).
- Of the 85 countries that scored **26 to 50 (Upper-Mid Corruption)**, 31 criminalise homosexuality (36%).
- Of the 30 countries that scored **0 to 25 (Most Corrupt)**, 18 criminalise homosexuality (60%).⁴

Propensity to criminalise homosexuality by levels of corruption



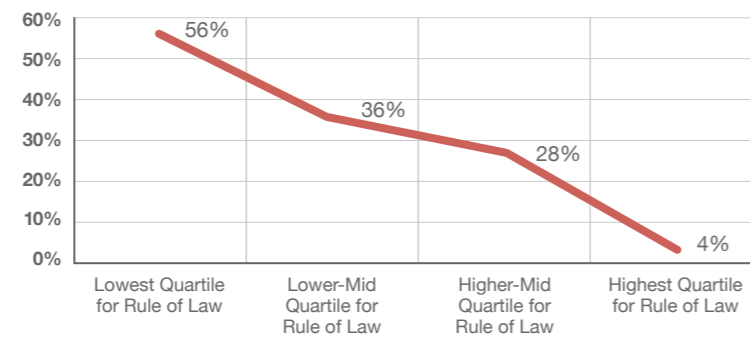
³ Media freedom classifications from Reporters Without Borders, *2015 World Press Freedom Index*. Available at: <https://index.rsif.org/#/>. In order to determine the level of press freedom in each state, Reporters Without Borders examined the following factors: Pluralism, Media Independence, Environment and Self-Censorship, Legislative Framework, Transparency, and Infrastructure.

⁴ Transparency International, *Corruption Perceptions Index 2015*. Available at: <https://www.transparency.org/cpi2015/#results-table>. 58 countries that criminalise homosexuality were reviewed (alongside 110 other countries) for Transparency International's *Corruption Perceptions Index 2015*. This index measures the perceived levels of public sector corruption on a global scale.

5. Rule of law

- Of the 26 countries in the **Highest Quartile for Rule of Law**, only one criminalises homosexuality (Singapore). I.e. only 4%.
- Of the 26 countries in **Higher-Mid Quartile for Rule of Law**, seven criminalise homosexuality (28%).
- Of the 26 countries in the **Lower-Mid Quartile for Rule of Law**, nine criminalise homosexuality (36%).
- Of the 26 countries in **Lowest Quartile for Rule of Law**, 15 criminalise homosexuality (56%).⁵

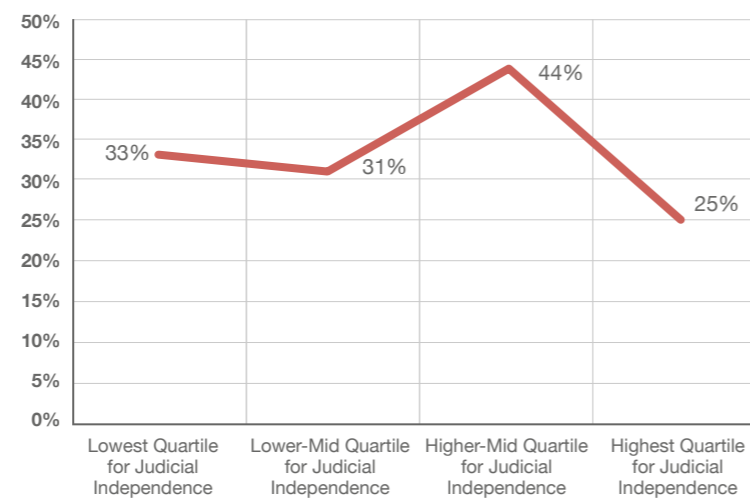
Propensity to criminalise homosexuality by adherence to the rule of law



6. Judicial independence

- Of the 36 countries in **Highest Quartile for Judicial Independence**, nine criminalise homosexuality (Singapore, UAE, Barbados, Saudi Arabia, Oman, Mauritius, Botswana, Malaysia) (25%).
- Of the 36 countries in **Higher-Mid Quartile for Judicial Independence**, 16 criminalise homosexuality (44%).
- Of the 36 countries in **Lower-Mid Quartile for Judicial Independence**, 11 criminalise homosexuality (31%).
- Of the 36 countries in the **Lowest Quartile for Judicial Independence**, 12 criminalise homosexuality (33%).⁶

Propensity to criminalise homosexuality by judicial independence classification



⁵ World Justice Project *Rule of Law Index 2015*. Available at: http://worldjusticeproject.org/sites/default/files/roli_2015_0.pdf 32 countries that criminalise homosexuality were reviewed (alongside 70 other countries) for the World Justice Project's Rule of Law Index 2015. In its review, the World Justice Project identified the level of adherence to the rule of law by examining the following factors: Constraints on Government Powers, Absence of Corruption, Open Government, Fundamental Rights, Order and Security, Regulatory Enforcement, Criminal Justice, and Civil Justice.

⁶ World Economic Forum *Global Competitiveness Report 2014-2015*. Available at: http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2014-15.pdf 48 countries that criminalise homosexuality were reviewed (alongside 96 other countries) for the World Economic Forum *Global Competitiveness Report 2014-2015*. Among the categories under review was judicial independence. The preliminary research asked each country the following: 'In your country, to what extent is the judiciary independent from influences of members of government, citizens, or firms?'

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