LGBTQI Human Rights Report Card

Prepared for the Summit for Democracy

INDIA

2021
India

Report Card on the Human Rights of LGBTQI Peoples

OVERVIEW

Inclusive democracies value the democratic, economic, and social contributions of all citizens. Indeed, democracy itself cannot thrive unless the human rights of all people are protected, and this must include protections for often marginalized lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) peoples. Advancing rights for the protection of LGBTQI people is also closely correlated to broader democratic dividends, including efforts to address democratic backsliding, fight corruption, and build resilient movements to fight authoritarianism. These themes of the Summit for Democracy are also themes of LGBTQI movements around the world.

This report card provides a concise measurement of the attainment of core human rights protections for LGBTQI individuals. It sets the collective standard for participating states’ core legal obligations toward LGBTQI peoples and consequently the ability of LGBTQI citizens to contribute to and benefit from democratic institutions. Countries are graded on three dimensions: Basic Rights, Protection from Violence, and Socio-economic rights. Only one state has achieved all benchmarks. The Summit for Democracy signals the start of a year of action when all states will have an opportunity to demonstrate progress in advancing the human rights and democratic participation of LGBTQI peoples.

The report card is based on 2020 baseline data and will be updated during the year of action to reflect advances over the coming year, culminating in a 2022 report at the end of the Summit process.

REPORT CARD SCALE

<table>
<thead>
<tr>
<th>0 - 59%</th>
<th>60 - 69%</th>
<th>70 - 79%</th>
<th>80 - 89%</th>
<th>90 - 100%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failing</td>
<td>Poor</td>
<td>Fair</td>
<td>Good</td>
<td>Excellent</td>
</tr>
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</table>

ADDITIONAL DEMOCRACY INDICATORS

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democracy Index</td>
<td>6.61/10</td>
</tr>
<tr>
<td>Full Democracy 8-10</td>
<td>Flawed Democracy 6-8</td>
</tr>
<tr>
<td>Freedom House Freedom in the World</td>
<td>71/100</td>
</tr>
<tr>
<td>Free 70-100</td>
<td>Partly Free 40-69</td>
</tr>
<tr>
<td>Corruption Perceptions Index</td>
<td>40/100</td>
</tr>
<tr>
<td>Very Clean 100/100</td>
<td>Highly Corrupt 0/100</td>
</tr>
<tr>
<td>Global Acceptance Index</td>
<td>5.28/10</td>
</tr>
<tr>
<td>High Acceptance 10</td>
<td>Low Acceptance 0</td>
</tr>
<tr>
<td>Fragile States Index</td>
<td>75.3/100</td>
</tr>
<tr>
<td>Sustainable 0-30</td>
<td>Stable 30-60</td>
</tr>
<tr>
<td>UNDP Gender Inequality Index</td>
<td>0.488/1</td>
</tr>
<tr>
<td>Very High 0.0</td>
<td>Low 1.0</td>
</tr>
</tbody>
</table>
The report card items are based on 2020 baseline data.

**DIMENSION 1: BASIC HUMAN RIGHTS**

- **1.** No criminalization of sexual orientation
- **2.** No criminalization of gender identity or expression
- **3.** Freedom from arbitrary arrest based on sexual orientation
- **4.** Freedom from arbitrary arrest based on gender identity
- **5.** Legal recognition of gender identity
- **6.** No physiological alteration requirement for legal gender recognition
- **7.** No psychiatric diagnosis requirement for legal gender recognition
- **8.** LGBTQI organizations are allowed to legally register
- **9.** LGBTQI organizations are able to peacefully and safely assemble
- **10.** Security forces provide protection to LGBTQI pride participants

**DIMENSION 2: PROTECTION FROM VIOLENCE**

- **11.** Ban on gay conversion therapy
- **12.** Hate crimes legislation includes sexual orientation
- **13.** Hate crimes legislation includes gender identity
- **14.** Hate crimes legislation includes sex characteristics
- **15.** Hate speech laws include sexual orientation
- **16.** Hate speech laws include gender identity
- **17.** Equality body mandate exists
- **18.** Prohibition of medically-unnecessary non-consensual medical interventions on intersex individuals
- **19.** Gender affirming prison accommodations
- **20.** Asylum for LGBTQI individuals is available within the country

**DIMENSION 3: SOCIO-ECONOMIC RIGHTS**

- **21.** Workplace non-discrimination laws include sexual orientation
- **22.** Workplace non-discrimination laws include gender identity
- **23.** Workplace non-discrimination laws include sex characteristics
- **24.** Fair housing non-discrimination laws include sexual orientation
- **25.** Fair housing non-discrimination laws include gender identity
- **26.** Head of state supports marriage equality
- **27.** State allows for marriage equality
- **28.** State prohibits discrimination in healthcare based on sexual orientation
- **29.** State prohibits discrimination in health care based on gender identity
- **30.** Legal classifications (such as an X sex or gender marker) universally available
METHODOLOGY

The LGBTQI Human Rights Report Card measures the extent to which countries attending the 2021 Summit for Democracy protect the human rights of lesbian, gay, bisexual, transgender, queer, and intersex people.

The report card utilizes the same methodology as the Franklin and Marshall Global Barometers: Items are scored on a binary scale, assigned a “1” or “0” based on a country’s positive or negative performance on each item. To receive credit, protections must be secured at the national level; partial protections in a limited number of states, cities, or sub-national jurisdictions will not receive credit.

Countries are assigned three subscores based on their performance on each dimension and are graded on a 5-point scale: Excellent, Good, Fair, Poor, and Failing. The binary scale enables consistent comparison between countries on a broad scale. Feedback is welcome and encouraged.

The report card items are based on 2020 baseline data.

Sources for related democracy indicators:

Queries:

Council for Global Equality:
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F&M Global Barometers:
Susan Dicklitch-Nelson, Ph.D.  Professor of Government & Founder of the F&M Global Barometers
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