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KENYA



# LGBTQI Human Rights Report Card

Prepared for the Summit for Democracy

## KENYA

2021

FRANKLIN & MARSHALL  
COLLEGE

The Council for



**Global Equality**

Advancing an American Foreign Policy  
Inclusive of Sexual Orientation and Gender Identity



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# Kenya

## Report Card on the Human Rights of LGBTQI Peoples

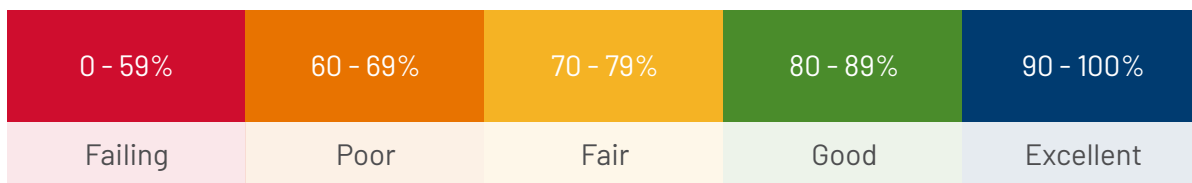
### OVERVIEW

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



### ADDITIONAL DEMOCRACY INDICATORS

<b>Democracy Index</b> Full Democracy 8-10   Flawed Democracy 6-8   Hybrid Democracy 4-6   Authoritarian 0-4	2020	5.05/10
<b>Freedom House Freedom in the World</b> Free 70-100   Partly Free 40-69   Not Free 0-39	2020	48/100
<b>Corruption Perceptions Index</b> Very Clean 100/100   Highly Corrupt 0/100	2020	31/100
<b>Global Acceptance Index</b> High Acceptance 10   Low Acceptance 0	2017-20	3.62/10
<b>Fragile States Index</b> Sustainable 0-30   Stable 30-60   Warning 60-90   Alert 90-100	2020	90.3/100
<b>UNDP Gender Inequality Index</b> Very High 0.0   Low 1.0	2019	0.518/1

The report card items are based on 2020 baseline data.

30%

## DIMENSION 1: BASIC HUMAN RIGHTS

	YES	NO
1 No criminalization of sexual orientation	<input type="radio"/>	<input checked="" type="radio"/>
2 No criminalization of gender identity or expression	<input checked="" type="radio"/>	<input type="radio"/>
3 Freedom from arbitrary arrest based on sexual orientation	<input type="radio"/>	<input checked="" type="radio"/>
4 Freedom from arbitrary arrest based on gender identity	<input type="radio"/>	<input checked="" type="radio"/>
5 Legal recognition of gender identity	<input type="radio"/>	<input checked="" type="radio"/>
6 No physiological alteration requirement for legal gender recognition	<input type="radio"/>	<input checked="" type="radio"/>
7 No psychiatric diagnosis requirement for legal gender recognition	<input type="radio"/>	<input checked="" type="radio"/>
8 LGBTQI organizations are allowed to legally register	<input checked="" type="radio"/>	<input type="radio"/>
9 LGBTQI organizations are able to peacefully and safely assemble	<input checked="" type="radio"/>	<input type="radio"/>
10 Security forces provide protection to LGBTQI pride participants	<input type="radio"/>	<input checked="" type="radio"/>

10%

## DIMENSION 2: PROTECTION FROM VIOLENCE

	YES	NO
11 Ban on gay conversion therapy	<input type="radio"/>	<input checked="" type="radio"/>
12 Hate crimes legislation includes sexual orientation	<input type="radio"/>	<input checked="" type="radio"/>
13 Hate crimes legislation includes gender identity	<input type="radio"/>	<input checked="" type="radio"/>
14 Hate crimes legislation includes sex characteristics	<input type="radio"/>	<input checked="" type="radio"/>
15 Hate speech laws include sexual orientation	<input type="radio"/>	<input checked="" type="radio"/>
16 Hate speech laws include gender identity	<input type="radio"/>	<input checked="" type="radio"/>
17 Equality body mandate exists	<input type="radio"/>	<input checked="" type="radio"/>
18 Prohibition of medically-unnecessary non-consensual medical interventions on intersex individuals	<input type="radio"/>	<input checked="" type="radio"/>
19 Gender affirming prison accommodations	<input type="radio"/>	<input checked="" type="radio"/>
20 Asylum for LGBTQI individuals is available within the country	<input checked="" type="radio"/>	<input type="radio"/>

0%

## DIMENSION 3: SOCIO-ECONOMIC RIGHTS

	YES	NO
21 Workplace non-discrimination laws include sexual orientation	<input type="radio"/>	<input checked="" type="radio"/>
22 Workplace non-discrimination laws include gender identity	<input type="radio"/>	<input checked="" type="radio"/>
23 Workplace non-discrimination laws include sex characteristics	<input type="radio"/>	<input checked="" type="radio"/>
24 Fair housing non-discrimination laws include sexual orientation	<input type="radio"/>	<input checked="" type="radio"/>
25 Fair housing non-discrimination laws include gender identity	<input type="radio"/>	<input checked="" type="radio"/>
26 Head of state supports marriage equality	<input type="radio"/>	<input checked="" type="radio"/>
27 State allows for marriage equality	<input type="radio"/>	<input checked="" type="radio"/>
28 State prohibits discrimination in healthcare based on sexual orientation	<input type="radio"/>	<input checked="" type="radio"/>
29 State prohibits discrimination in health care based on gender identity	<input type="radio"/>	<input checked="" type="radio"/>
30 Legal classifications (such as an X sex or gender marker) universally available	<input type="radio"/>	<input checked="" type="radio"/>

## 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 tracks 30 items, divided into three dimensions representing fundamental human rights:

Dimension I: Basic Rights

Dimension II: Protection from Violence

Dimension III: Socio-Economic Rights

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:

Corruption Perceptions Index 2020: *Transparency International*, <https://www.transparency.org/en/about>

Global Freedom in the World 2020: *Freedom House*, <https://freedomhouse.org/>

Fragile States Index 2020: *Fund for Peace*, <https://fragilestatesindex.org/>

Global Acceptance Index 2017-2020: *Williams Institute*, <https://williamsinstitute.law.ucla.edu/projects/gai/>

Democracy Index 2020: *Economist Intelligence Unit*, <https://www.eiu.com/n/campaigns/democracy-index-2020/>

Data reused with permission of the Economist Intelligence Unit.

Gender Inequality Index 2020: *United Nations Development Program*, <http://hdr.undp.org/en/content/gender-inequality-index-gii>

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