ANNOTATED BIBLIOGRAPHY

LGBTIQ Information Controls

OutRight
ACTION INTERNATIONAL

THECITIZENLAB

OONI

OutRight Action International works at a global, regional and national level to eradicate the persecution, inequality and violence lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) people face around the world. From its offices in seven countries and headquarters in New York, OutRight builds capacity of LGBTIQ movements, documents human rights violations, advocates for inclusion and equality, and holds leaders accountable for protecting the rights of LGBTIQ people everywhere. OutRight has recognized consultative status at the United Nations.

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THECITIZENLAB

The Citizen Lab is an interdisciplinary laboratory based at the Munk School of Global Affairs & Public Policy, University of Toronto, focusing on research, development, and high-level strategic policy and legal engagement at the intersection of information and communication technologies, human rights, and global security.

We use a "mixed methods" approach to research combining practices from political science, law, computer science, and area studies. Our research includes: investigating digital espionage against civil society, documenting Internet filtering and other technologies and practices that impact freedom of expression online, analyzing privacy, security, and information controls of popular applications, and examining transparency and accountability mechanisms relevant to the relationship between corporations and state agencies regarding personal data and other surveillance activities.

An information booklet on the Citizen Lab can be found at https://citizenlab.ca/wp-content/uploads/2018/05/18033-Citizen-Lab-booklet-p-E.pdf

https://citizenlab.ca/about/
https://twitter.com/citizenlab
https://github.com/citizenlab

For general inquiries to the Citizen Lab, please email: inquiries at citizenlab.ca

For media inquiries, please email: media at citizenlab.ca

The Open Observatory of Network Interference (OONI) is a free software project that aims to empower decentralized efforts in increasing transparency of Internet censorship around the world. Our mission is to ensure a free and open Internet by increasing transparency of Internet censorship around the world. We believe that everyone should have equal and open access to information. We aim to help create and defend an Internet where human rights – particularly freedom of expression and access to information – are promoted and protected around the world. We know that we can't do this alone. This is why we have built a decentralized, citizen-led, Internet censorship observatory. We create free and open source network measurement tools that anyone can use to measure Internet censorship. We openly publish measurements to provide a public archive on network interference and to increase transparency of Internet censorship around the world.

All of our methodologies, tools, and measurements are entirely open, transparent, and peer-reviewed. By increasing transparency of internet censorship, we aim to support public debate on information controls and promote social justice on the Internet.

You can contact the OONI team by sending an email to contact@openobservatory.org.

Encrypted emails can be sent using the following PGP key:
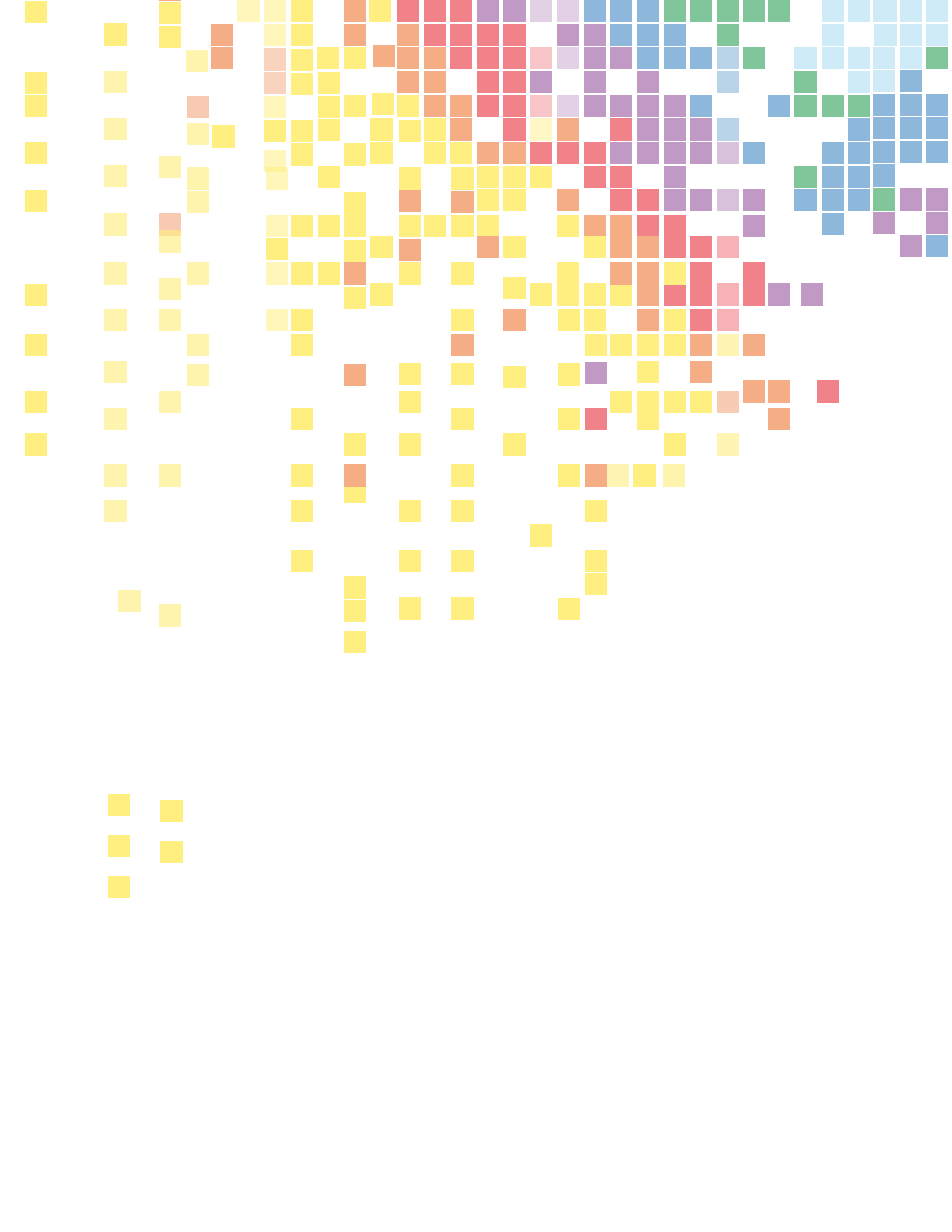
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Key fingerprint = 4C15 DDA9 96C6 C0CF 48BD 3309 6B29 43F0 0CB1 77B7
uid [ultimate] OONI - Open Observatory of Network Interference
sub 4096R/8EBD2087374399AB 2016-03-23

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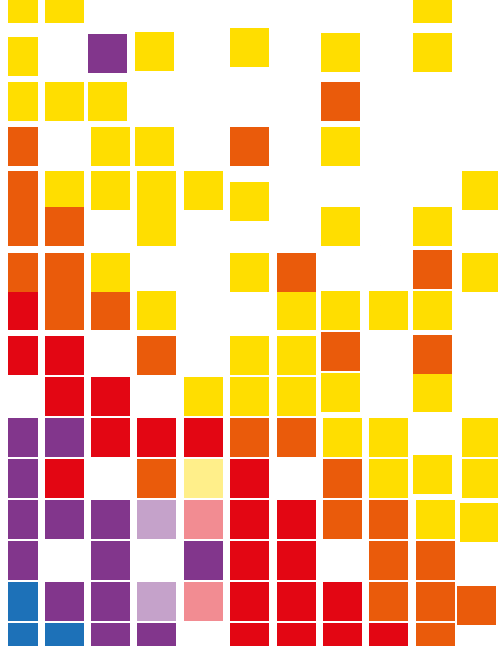
Contents
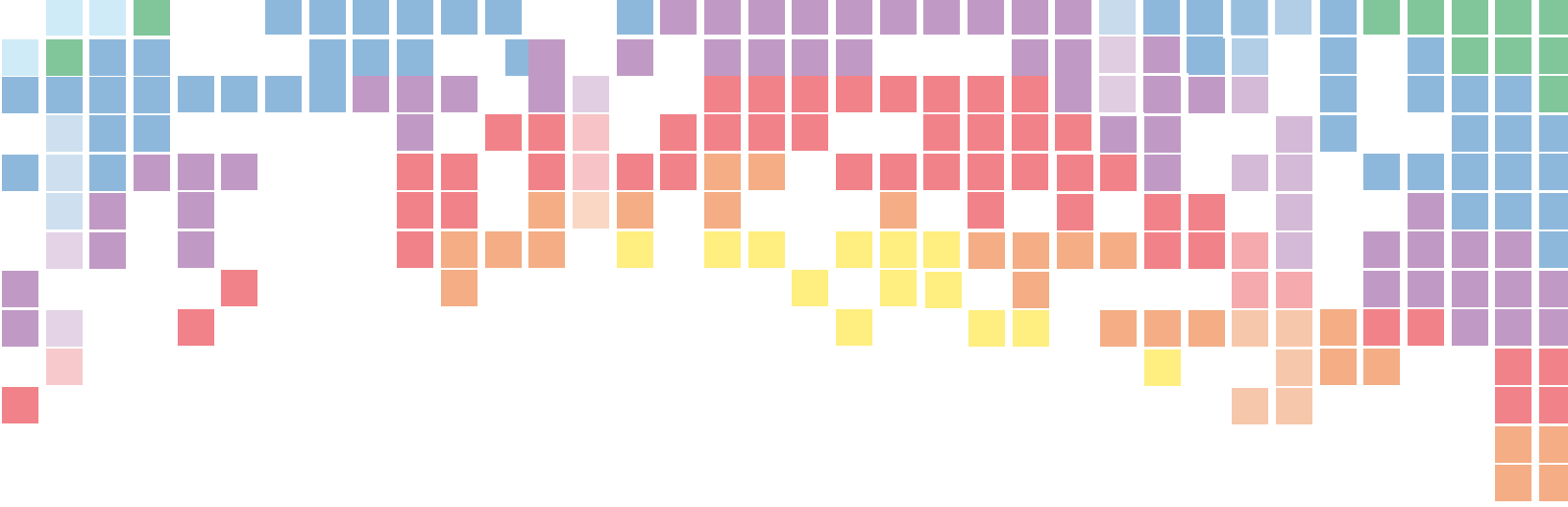
Introduction

This document serves as an introduction, reading list, and primer on LGBTIQ-related information controls issues in six countries: Indonesia, Malaysia, Russia, Iran, the United Arab Emirates, and Saudi Arabia. While not exhaustive, this bibliography pulls together relevant scholarship on issues related to digital rights and LGBTIQ tech-facilitied censorship, harassment, and abuse.

LGBTIQ information controls is a growing area of research and therefore outputs can appear uneven: while much has been written about these issues in Russia, literature is still developing in the United Arab Emirates. This disparity is reflected in the items included in this bibliography.

Finally, this document only serves as a snapshot at the time of writing and does not reflect the developments constantly being made in the field.

Indonesia

Rights Trends in Indonesia

Human Rights Watch

Human Rights Watch. "Rights Trends in Indonesia." In *World Report* 2020. Human Rights Watch, January 14, 2020. https://www.hrw.org/world-report/2020/country-chapters/indonesia.

Crux

In 2019, the Indonesian government continued to enact policies that limited digital freedoms and endangered LGBTIQ individuals, including: shutting down the Internet during a clash between migrants and police that left fifty-three dead; introducing legislation "that would violate the rights" of women and LGBTIQ peoples; prosecuting social media posts that were critical of government actions; and raiding private gatherings of the LGBTIQ community.

Highlights

- Over the years, militant Islamists have often assisted police during raids on LGBTIQ gatherings. These raids have impeded outreach efforts by public health officials to vulnerable populations in spite of their necessity, as "HIV rates among men who have sex with men (MSM) have increased five-fold since 2007 from 5 to 25 percent."

- Draft criminal code provision that punishes extramarital sex "would effectively criminalize all same-sex conduct" if passed.

- North Sumatra University administration shut down student newspaper Suara USU after "a lesbian love story" was published as it was "promoting homosexuality." A lawsuit from the student editor and publisher of the newspaper was rejected by North Sumatra's Medan court.

Freedom on the Net 2020: Indonesia

Freedom House

Freedom House. "Indonesia." In *Freedom on the Net* 2020. Freedom House, 2020. https://freedomhouse.org/country/indonesia/freedom-net/2020.

Crux

This report is part of Freedom House's global assessment of Internet freedom for 2020 in which it deems Indonesia as "Partly Free" for the reporting period of June 1, 2019 to May 31, 2020. Using a scoring system that is based on measurements related to "obstacles to access," "limits on content," and "violations of user rights," Indonesia scored a total of 49 out of 100 possible points. Internet freedom in Indonesia declined as a result of increased pro-government propaganda, disinformation, and judicial and technical attacks against activists, journalists, and civil society in retaliation for their online activity.

Highlights

- Internet access was repeatedly restricted (through throttling) in the Papua region during protests in August and September 2019. The Jakarta State Administrative Court declared this move as wrongful in June 2020, ruling that access to online content can only be restricted if the content is considered "unlawful." The court ruled that the Electronic Information and Transactions (ITE) law "does not provide authority to terminate access in its entirety."

- In Indonesia, "online content is frequently blocked for violating laws or social norms." Content that has been blocked in the past include "LGBT[IQ] sites, pornography, gambling, fraud, false information, hate speech, material deemed immoral, and criticism of Islam."

- The Ministry of Communication and Information (MCIT) has pursued a policy of blocking access to apps with LGBTIQ themes. In 2017, the MCIT removed access to the LGBTIQ dating app Grindr. In 2018, Google complied to a request made by the MCIT to remove seventy-three LGBTIQ-themed apps from its online store, including the popular gay dating app Blued.

- In 2016, the LINE messaging app complied to the MCIT's request to remove "emojis depicting LGBT[IQ] themes from its Indonesian store."

"Indonesia," in Access Contested: Security, Identity, and Resistance in Asian Cyberspace

Ronald Deibert, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain (eds.)

Deibert, Ronald, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain, eds. "Indonesia." In *Access Contested: Security, Identity, and Resistance in Asian Cyberspace*. MIT Press, IDRC, 2011. http://access.opennet.net/wp-content/uploads/2011/12/accesscontested-indonesia.pdf.

Crux

From the third book by the OpenNet Initiative[1] ("a collaborative partnership of the Citizen Lab at the University of Toronto's Munk School of Global Affairs, the Berkman Center for Internet and Society at Harvard University, and the SecDev Group in Ottawa"), this book section provides an overview of the Internet censorship infrastructure, practices, and regulations in Indonesia as of 2011. According to the OpenNet Initiative's technical analysis on seven Indonesian ISPs, Internet filtering was inconsistent across ISPs. Pornographic websites were heavily filtered, while political and religious content was selectively filtered.

Highlights

- The Indonesian government has grown more sensitive about anti-Islamic and pornographic online content.

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1   "Access Contested: Security, Identity, and Resistance in Asian Cyberspace," IDRC - International Development Research Centre, accessed November 6, 2020, https://www.idrc.ca/en/book/access-contested-security-identity-and-resistance-asian-cyberspace.

- Self-censorship is common in Indonesia as "those who speak out risk violent attacks and intimidations."
- Indonesian laws that regulate content online include the 2008 Electronic Information and Transaction Law and 2008 Anti-Pornography Law.

'These Political Games Ruin Our Lives': Indonesia's LGBT Community Under Threat

Kyle Knight and Shayna Bauchner

Knight, Kyle, and Shayna Bauchner. *'These Political Games Ruin Our Lives': Indonesia's LGBT Community Under Threat.* Human Rights Watch, August 10, 2016. https://www.hrw.org/report/2016/08/10/these-political-games-ruin-our-lives/indonesias-lgbt-community-under-threat.

Crux

Between September 2015 to June 2016, Human Rights Watch conducted seventy interviews with sexual and gender minorities and human rights activists across Indonesia. Using information gathered from these interviews and more, this report provides details on the increasing violence and threats faced by LGBTIQ NGOs, activists, and individuals in Indonesia. The report also documents and contextualizes the increased anti-LGBTIQ rhetoric in early 2016 by militant Islamists, government officials, and mass religious groups. As a country with a decentralized legal system, some regions in Indonesia have passed local ordinances that classify homosexual behaivor as immoral and punishable. These local laws are part of a "broader pattern of Sharia-inspired local ordinances in recent years." Some view "Islamicization" as being the main driver for the rise in Sharia by-laws since conservative religious groups tend to lead the push for such ordinances; however, other researchers view "opportunistic local political elites" as playing a key role as they embrace "convervative values" out of political self-interest.

Highlights

- *Waria* (sometimes translated into English as "transgender women") is used to describe individuals who are assigned the male sex at birth and later identify with the female gender.
- With a "semi-independent legal system," the Aceh province has passed several Sharia provisions which are largely enforced by municipal Sharia police, or *Wilayatul Hisbah* (known as WH). The WH has repeatedly surveilled and targeted LGBTIQ people in public spaces.
- In late 2015 and early 2016, domestic intelligence agencies reportedly directed several international NGO representatives to "cease all LGBT-related activities for the sake of 'national security,'" justifying that doing so would "avoid provoking religious groups to commit violence."
- During a January 26, 2016 press meeting, the mayor of Bandung said LGBTIQ people were risking being censored by the government if they "express their identities on social media."
- LGBTIQ groups have seen increased attacks by religious extremists, coincided by inadequate protection by the police.

- Institutional calls for restrictions on LGBTIQ content in 2016 include:
  - On February 12, 2016, the National Broadcasting Commission (KPI) issued a statement banning information related to LGBTIQ people from being broadcast on television and radio.
  - On March 3, 2016, Commission I of the People's Representative Council recommended that the Ministry of Information and Communication and KPI "close the online sites that promote and propagate Lesbian, Gay, Bisexual and Transgender (LGBT) content and make regulations for the aforementioned."

Queering Internet Governance in Indonesia: An Exploratory Research in Indonesia

Kamilia Manaf, Dewi Nova Wahyuni, and Ikram Baadila

Manaf, Kamilia, Dewi Nova Wahyuni, and Ikram Baadila. *Queering Internet Governance in Indonesia: An Exploratory Research in Indonesia.* Institut Pelangi Perempuan, 2014. https://www.apc.org/sites/default/files/Queering_Internet_Governance_in_Indonesia_final_research_book_.pdf.

Crux

This report published by Institut Pelangi Perempuan (IPP, or Indonesian Young Queer Woman Organization) provides findings from the organization's exploratory qualitative research on LGBTIQ rights as it relates to Internet governance in Indonesia. Research participants were activists from various civil society organizations who participated in interviews and focused group discussions. The report describes the human rights situation for LGBTIQ individuals in Indonesia and the dual role of the Internet in advancing, but also threatening, LGBTIQ rights and LGBTIQ activism.

Highlights

- Queering Internet governance: a concept that views the Internet as "a political and public sphere [that] is influenced by multi-stakeholder[s] with diversity and various gender identity and sexual orientation[.]"[2] IPP views this theory as beneficial for "developing strategy and advocacy" against "cyber-homophobia" and LGBTIQ content-censorship.

- Cyber-homophobia is "harassment and homophobic bullying, which include online delivery of hate speech against the LGBTIQ."[3] It is a common occurance that also targets heterosexual people whose gender expression look contradictory to traditional gender conceptions. For instance, activists who work for NGO Ourvoice (OV) reported that they often face bullying on their Facebook accounts, ranging from intimidation to death threats.

- Since 2011 several ISPs have blocked LGBTIQ websites. This blocking process tends to involve both ISPs and the Ministry of Communication and Informatics Republic of Indonesia without consultation to website owners.

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2   Kamilia Manaf, Dewi Nova Wahyuni, and Ikram Baadila. *Queering Internet Governance in Indonesia: An Exploratory Research in Indonesia.* Institut Pelangi Perempuan, 2014: 13. https://www.apc.org/sites/default/files/Queering_Internet_Governance_in_Indonesia_final_research_book_.pdf.

3   Ibid., 1.

- The Internet helps advance the LGBTIQ movement in three ways: firstly, it acts as a safe medium of communication for organization, and for people to safely expose their gender identity and sexual orientation. Secondly, the Internet helps disseminate advocacy and education. Thirdly, it helps extend advocacy spaces to include other human rights issues, allowing for the promotion of collective identities and overlapping concerns. For instance, the Internet allows the work of LGBTIQ activists to extend beyond networks of activists, "but also gays from different backgrounds including students, professionals, artists, and so on."[4]

- Discrimination based on sexual orientation and gender identity has been institutionalized in Indonesia through both State and Region laws. An example includes the 2008 Act on Pornography, in which article 4 (1a) defines homosexuality as deviant sexual behavior. Consequently, all forms of media related to LGBTIQ issues are considered pornographic content. This has subsequently led to the blocking of LGBTIQ websites.

- In March 2014 the Ministry of Communication and Informatics launched a draft Ministerial Regulation on the Control of Negative-content internet websites. The objective was to define "negative websites" and to set the roles of the government and ISPs in blocking these sites.

- The Trust Positive program is used by ISPs to help filter Internet content that includes pornography (which LGBTIQ-related content is categorized as), "gambling, and other illegal content upon request from authorities." Under the Law on Anti-Pornography, ISPs that fail to block websites will face sanctions.

Attacks on LGBT Rights Defenders Escalating in Indonesia

Front Line Defenders

Front Line Defenders. *Attacks on LGBT Rights Defenders Escalating in Indonesia.* Front Line Defenders, December 2017. https://www.frontlinedefenders.org/sites/default/files/indonesia_report_0.pdf.

Crux

This report by Ireland-based human rights organization, Front Line Defenders, details the increased violence and threats faced by human rights defenders (HRDs) in Indonesia who work on issues related to sexual orientation and gender identity and expression (SOGIE). Twenty-five human rights defenders were interviewed for this report. Reports of "unprecedented attacks on SOGIE rights" were made in early 2016, during which high-level government officials and religious bodies engaged in anti-LGBTIQ rhetoric. This coincided with increased "police raids and physical attacks from religious extremists on LGBT[IQ] gatherings and events." The rise in threats have restricted the capacity of HRDs and civil society organizations to perform their activism and community engagement work. The report includes several personal testimonies of both online and offline harassment faced by intereviewed HRDs.

Highlights

- The social media accounts of Islamist groups have "increasingly posted photos or videos of activists with public calls to attack them." This has forced several HRDs to "delete, deactivate, or rename their social media profiles," in turn hindering them from online organizing work.

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4   Ibid., 25.

- Every HRD interviewed "reported that at least one of their colleagues had stopped or greatly reduced their activism as a result of the crackdown, threats to activists and families, and impunity for attacks."[5]

- Aside from two people, almost every HRD interviewed by Front Line Defenders "had received death threats since the start of 2016." This includes online threats, "blog posts, Facebook statuses, and online magazines that publish rights-related poetry or writings of SOGIE rights defenders."

- Since 2016, HRDs from the Arus Pelangi network (based in Jakarta) have reportedly "evacuated at least five SOGIE rights defenders from the Aceh province after their photos and alleged sexual or gender identities were posted online with calls to attack them."

- As a result of security concerns, activists have adopted enhanced security protocols, including RSVPing to events through encrypted messaging services. However, this move has received criticism from within their communities as some view these measures as "overly complicated."

- The majority of HRDs interviewed reported censoring themselves offline and online as a result of the threats that they face compounded by the lack of protection by the state.

Human Rights and the LGBTI Movement in Indonesia

Khanis Suvianita

Suvianita, Khanis. "Human Rights and the LGBTI Movement in Indonesia." *Asian Journal of Women's Studies* 19, no. 1 (January 1, 2013): 127–38. https://doi.org/10.1080/12259276.2013.11666145.

Crux

This 2013 journal article by Chinese Indonesian LGBTIQ activist, Khanis Suvianita, contextualizes the modern-day LGBTIQ movement in Indonesia within the work of waria, women's rights, and gay rights organizations that began in the 1970s-1980s. Suvianita discusses how several women's rights groups in Indonesia transitioned over time to incorporate gender identity and sexual orientation into their movements. In one section on the barriers and dynamics of the LGBTIQ movement in Indonesia, Suvianita writes about the different ways LGBTIQ groups separated themselves from one another. This discussion is followed by an outlining of the efforts made by LGBTIQ organizations and activists who have worked to bring human rights violations against LGBTIQ individuals into the mainstream human rights discourse.

Highlights

- The creation of *waria* groups in the 1960s helped empower the LGBTIQ movement in Indonesia.

- During the 1970s, *waria* (transgender women) were more accepted in society than they are today, as they now face discrimination and violence on behalf of "the government, communties, and their families."

5   Front Line Defenders. *Attacks on LGBT Rights Defenders Escalating in Indonesia*. Front Line Defenders, December 2017. https://www.frontlinedefenders.org/sites/default/files/indonesia_report_0.pdf.

Malaysia

Freedom on the Net 2020: Malaysia

Freedom House

Freedom House. "Malaysia." In *Freedom on the Net* 2020. Freedom House, 2020. https://freedom-house.org/country/malaysia/freedom-net/2020.

Crux

This report is part of Freedom House's global assessment of Internet freedom for 2020 in which it deems Malaysia as "Partly Free" for the reporting period of June 1, 2019 to May 31, 2020. Using a scoring system that is based on measurements related to "obstacles to access," "limits on content," and "violations of user rights," Malaysia scored a total of 58 out of 100 possible points. According to Freedom House, Internet freedom continues to be threatened in the region as individuals face "criminal prosecutions and investigations for social media posts and other forms of online expression." In 2020, people have been arrested for sharing "fake or unverified news" about COVID-19. Moreover, changes in the government have "produced uncertainty" on the future of freedom of expression in the region. The Alliance of Hope (PH) government, a reformist coalition that was elected in 2018, abolished the Anti-Fake News Act in December 2019, which was a "sweeping law [that] threatened to restrict free expression online." While in power, the PH government also removed blocks that used to restrict "popular news sites and critical blogs," but certain LGBTIQ websites remained blocked. The PH government was replaced in February 2020 with a new ruling coalition, the National Alliance (PN), which includes "political veterans" who ruled prior to 2018. With the rise of the PN, "observers fear that previous patterns of blocking access, especially of critical news portals, will return."

Highlights

- The country's largest telecommunications company, Telekom Malaysia, is partly state-owned, with the government having a 27 percent stake in the company as of July 2020. According to Freedom House, "The fact that one partly state-owned company controls so much of the Internet infrastructure provides a path for authorities to restrict connectivity in the future."

- Websites that remained blocked during the coverage period include those that address LGBTIQ issues, as well as websites that include "pornography, piracy and scams." Also, "gay dating site Planet Romeo, the LGBT[IQ] news site Gay Star News, and the travel guide Utopia were all reportedly unavailable in the country."

- Websites and social media platforms have repeatedly been directed by the Malaysian Communications and Multimedia Commission (MCMC) to remove content. For instance, "Blog owners and Facebook users have been told to remove content that touches on sensitive issues involving race, religion, and the monarchy."

- Malaysian officials made 163 requests to Facebook between July and December 2019. As a result, "Facebook restricted access in Malaysia to 78 items alleged to violate blasphemy

laws, 12 items alleged to constitute illegal hate speech, and one alleged to violate the ban on spreading false information." Out of 25 requests from Malaysian authorities to remove content during the same time period, Twitter complied with 40 percent of the requests.

- Online, LGBTIQ users face "harassment, homophobic slurs, and hateful content." For instance, "activist Numan Afifi experienced significant online harassment after speaking at the UN Human Rights Council about LGBT+ rights in Malaysia in April 2019."

Cybertroopers and Tea Parties: Government Use of the Internet in Malaysia

Julian Hopkins

Hopkins, Julian. "Cybertroopers and Tea Parties: Government Use of the Internet in Malaysia." *Asian Journal of Communication* 24, no. 1 (2014): 5–24. https://doi.org/10.1080/01292986.2013.851721.

Crux

This paper builds upon Cherian George's (2003) argument that the Internet has posed problems to the Malaysian government's 'narrow tailoring' policy, whereby it seeks "to control the media for political purposes, but not so much as to 'smother their economic priorities.'" Hopkins looks at three instances of political social media use as a way to build upon George's framework, focusing on a bloggers' association, the use of cybertroopers by the dominant governing party, and former Prime Minister (PM) Najib Razak's social media use during the time of writing.

Highlights

- Mainstream media has traditionally been tightly controlled by the Barisan Nasional (BN), "an ethnically based coalition dominated by the United Malay National Organisation (Umno), which has controlled the government since independence in 1957."[6]

- Former Prime Minister Mahathir Mohamad's "goal of achieving 'developed status' in 2020" helped influence the creation of a 'Bill of Guarantees,' which promised to refrain from censoring the Internet. Despite this, websites have been blocked including file-sharing and pornography websites.

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6   Although BN was replaced in 2018, they have since returned to power as of February 2020. "Malaysia." Freedom on the Net 2020. Freedom House, 2020. https://freedomhouse.org/country/malaysia/freedom-net/2020.

Politics in Cyberspace: New Media in Malaysia

Meredith L. Weiss

Weiss, Meredith L. *Politics in Cyberspace: New Media in Malaysia.* Germany: fesmedia Asia, 2012. https://library.fes.de/pdf-files/iez/09068.pdf.

Crux

In this report, Weiss examines how new media (or "Internet-based media") has been adopted for political purposes between the late 1990s until 2012. Weiss provides overviews on the political landscape, demographic patterns, and history of media ownership and regulation in the region. Weiss lists three key patterns of political impacts of new media in Malaysia. The first is media for information, whereby new media provides information that otherwise would not be accessible to the general public. The second key area of political impact is identity-building as the Internet allows communities and collective identities to develop. Weiss provides the example of the Malaysian LGBTIQ community, which "has gained coherence and voice through vibrant online forums, beginning with earlier tools such as IRC (internet relay chat) and listservs, then extending to websites[.]"[7] The third key role of the Internet is for mobilization, as new media supports activities inherent to collective organizing such as recruitment, networking, and agenda-setting. Three case studies are provided to emphasize the key political roles played by new media in the region: The dissemination of information by nonpartisan news outlet, *Malaysiakini*; the successes in identity-building by NGO Coalition, Berish 2.0; and the active political engagement and mobilization seen during the 2008 general elections.

Highlights

- In 2010, gay Malay-Muslim man Azwan Ismail received death threats and online harassment after posting a YouTube video as part of a local LGBTIQ campaign coordinated by Seksualiti Merdeka (Sexuality Independence).

- There are several cases of individuals facing charges for "rumor-mongering" through the Internet or SMS. For instance, five people in 2007 were detained "for allegedly spreading rumors via text message about unrest in Johor[.]"[8] In 1998, one of Malaysia's two ISPs at the time (Mimos) worked with the police to find Internet "rumor-mongers" who were raising fears of riots in Kuala Lumpur.

- In 2003, the police raided the offices of news site *Malaysiakini*, confiscating their computers and servers.

- Bloggers have been charged for their speech online, such as Jeff Ooi and Ahirudin Attan in 2007, and Irwan Abdul Rahman in 2010.

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7   Weiss, Meredith L. *Politics in Cyberspace: New Media in Malaysia.* Germany: fesmedia Asia, 2012. https://library.fes.de/pdf-files/iez/09068.pdf.

8   Ibid., 32.

'The Deceased Can't Speak for Herself:' Violence Against LGBT People in Malaysia

Neela Ghoshal and Thilaga Sulathireh

Ghoshal, Neela, and Thilaga Sulathireh. "'The Deceased Can't Speak for Herself:' Violence Against LGBT People in Malaysia." *Georgetown Journal of International Affairs*, June 25, 2019. https://www.georgetownjournalofinternationalaffairs.org/online-edition/2019/6/23/the-deceased-cant-speak-for-herself-violence-against-lgbt-people-in-malaysia.

Crux

This short piece discusses the violence perpetuated by both civilians and the State against the transgender community in Malaysia. Despite historical political changes in the region with the 2018 election of a new coalition government led by the Pakatan Harapan party (which promised to improve the country's human rights record), there is still resistance against LGBTIQ rights recognition by political leaders. As opposed to implementing policies preventing violence against LGBTIQ people, the State operates a solely "punitive approach [that] also raises its own human rights concerns," such as the use of the death penalty.

Highlights

- Numerous activists and LGBTIQ individuals reported an increase in online hate speech against LGBTIQ people after the 2018 elections.

Legal Gender Recognition in Malaysia: A Legal & Policy Review in the Context of Human Rights

Asia Pacific Transgender Network and SEED Malaysia

Asia Pacific Transgender Network, and SEED Malaysia. *Legal Gender Recognition in Malaysia: A Legal & Policy Review in the Context of Human Rights*. Bangkok: APTN, 2017. https://www.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/Malaysia-APTN_Publication_OnlineViewing.pdf.

Crux

This report is written by two trans-led civil society organizations: Asia Pacific Transgender Network (APTN) and Pertubuhan Pembangunan Kebajikan dan Persekitaran Positif Malaysia (SEED Malaysia). The piece examines how the lack of legal gender recognition of trans people in Malaysia has contributed to making the trans community more vulnerable to violence, harassment, and discrimination. It provides an overview of the country's legal system, and examines the laws that have either helped defend or violate the human rights of trans people in Malaysia. The role of *fatwas* (religious edicts) is also examined, as both non-binding *fatwas* and gazetted *fatwas* (legally enforceable depending on jurisdiction) have been used to justify discrimination against trans people.

Highlights

- The Constitution of Malaysia (also known as the Federal Constitution) does not include a direct reference to the right to privacy; however, "case law has stated, albeit in dicta, that it is 'patently clear' that the right to personal liberty also includes the right to privacy."[9]

- There are no laws in Malaysia that "expressly" prevent a trans person's sex assigned at birth from being "made public or searchable."[10]

"I'm Scared to Be a Woman"

Neela Ghoshal

Ghoshal, Neela. '*I'm Scared to Be a Woman*.' Human Rights Watch, September 25, 2014. http://features.hrw.org/features/HRW_reports_2014/Im_Scared_to_Be_a_Woman/index.html.

Crux

This report published by Human Rights Watch details the human rights abuses that transgender people in Malaysia face as a result of their trans identity. Findings from this report are derived from field research undertaken in January 2014 in four states of Malaysia, where sixty-six people in total were interviewed. Discrimination and abuse against transgender individuals has been perpetuated "from a range of state officials and agents—including police officers, state Religious Department officials, public sector health workers, prison guards, and public school teachers and administrators." The report describes the current transgender rights movement in Malaysia as "vibrant," with trans activists and allies publically campaigning for trans human rights. Online activism and advocacy work for trans rights is mentioned, including the 2013 "Be a Trans Ally" campaign that featured video testimonies of trans Malaysians.

Highlights

- Despite being held annually for the past three years, the Seksualiti Merdeka (Sexuality Independence) festival organized by LGBTIQ rights activists was banned by police in 2011 with the claim that the festival was threatening public order.

- Malaysian transgender women face "double stigmatization" as a result of both their trans identities and the public perception of being sex workers.

- Multiple interviewees born in the 1950s and 1960s shared recollections of the past, when Malaysia was more tolerant and accepting of trans people compared to the present day. The researchers describe "The political context since the 1980s in Malaysia" as being "marked by increasing regulation of the body, sexuality, and gender identity, and, in parallel, an increasing Islamization of domestic politics."[11]

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9   Asia Pacific Transgender Network and SEED Malaysia. *Legal Gender Recognition in Malaysia: A Legal & Policy Review in the Context of Human Rights*. Bangkok: APTN, 2017: 15, https://www.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/Malaysia-APTN_Publication_OnlineViewing.pdf.

10   Ibid., 52.

11   Ghoshal, Neela. "'I'm Scared to Be a Woman.'" Human Rights Watch, September 25, 2014: 10. http://features.hrw.org/features/

Freedom of Assembly and Association Online in Malaysia: Overview and Case Studies

Tan Jun

Jun, Tan. *Freedom of Assembly and Association Online in Malaysia: Overview and Case Studies.* APC-IMPACT Project. Kuala Lumpur: Persatuan Kesedaran Komuniti Selangor (EMPOWER), September 2016. https://www.apc.org/sites/default/files/APC_IMPACT_FOAA_Malaysia.pdf.

Crux

This report examines the state of freedom of assembly and association (FoAA) in Malaysia as it pertains to the Internet. It provides an overview of Malaysia's policies and practices regarding FoAA both online and offline, and subsequently delves into five case studies of online campaigns undertaken by various civil society groups: the Bersi 4 rally; #Solidarity4AzmiSharom campaign for academic freedom; the I AM YOU: Be a Trans Ally campaign (also known as the #MyTransAlly Campaign); Baram Dam protest; and the #KitaSemuaPenghasut campaign. The study states that the "[I]nternet's power as a democratic space is gradually shrinking due to the government's co-option of blogs, the deployment of cybertroopers," and the State's clampdown on online speech through legal mechanisms and intimidation.

Highlights

- Civil society in Malaysia use the Internet in four main ways: "for organizational and logistical purposes," "direct expression of dissent and protest," "identity formation and reinforcement," and "information dissemination."

- Threats to online activism and digital FOAA include: increased Internet censorship, "overt and covert surveillance" by the state, hacking and cyber attacks, misinformation and propaganda through cybertroopers, hate speech, online harassment, and the culmination of these threats leading to self-censorship.

- Two months after the creation of the Special Committee to Combat Abuse on Social Media in 2016, fifty-two websites were blocked by the Ministry of Communications and Multimedia (MCMC) and fourteen "social media abuse cases" were investigated.

- #MyTransAlly Campaign was organized by a grassroots group, Justice for Sisters, to promote knowledge and acceptance towards trans people. The main platforms used by the campaign were "Facebook, Twitter, Youtube, Instagram, and a blog."[12] Various precautions were taken by organizers of the campaign to prevent hate crimes, including limiting discussions to gender identity, and concealing identities and locations of interviewees.

HRW_reports_2014/Im_Scared_to_Be_a_Woman/index.html.

12   Jun, Tan. "Freedom of Assembly and Association Online in Malaysia: Overview and Case Studies." APC-IMPACT Project. Kuala Lumpur: Persatuan Kesedaran Komuniti Selangor (EMPOWER), September 2016: 48. https://www.apc.org/sites/default/files/APC_IMPACT_FOAA_Malaysia.pdf.

Social Media Roles in Spreading LGBT Movements in Malaysia

Muhammad Faiz, Mokhtar Wan, Allef Elfi, Danial Wan, Sukeri Zulkifli, and Abd Latiff

Crux

This paper examines the role of social media within the LGBTIQ movement in Malaysia. The study adopts the uses and gratification theory (from the field of mass communications studies) to analyze how individuals choose and utilize specific media platforms based on both their needs and the fulfillment that they receive from using such media. The research findings are based on ten interviews with individuals who are involved in the LGBTIQ movement in Malaysia. Informants shared that the accessibility of social media has allowed the LGBTIQ movement to disseminate information on LGBTIQ issues, with the hashtag function further facilitating LGBTIQ community and awareness building. The study concludes that social media plays a significant part in building awareness on LGBTIQ issues in Malaysia, as well as enabling the formation of networks of LGBTIQ communities.

Russia

Affective Resistance Against Online Misogyny and Homophobia on the RuNet

Tetyana Lokot

Lokot, Tetyana. "Affective Resistance Against Online Misogyny and Homophobia on the RuNet." In *Gender Hate Online*, 213–32. Cham: Springer International Publishing, 2019. https://doi.org/10.1007/978-3-319-96226-9_11.

Crux

Lokot argues that "personalized, affective micro-activism" is a key tactic of resistance to counter online abuse and harassment, particularly by feminist and LGBTIQ communities.

Highlights

- Information controls in Russia include technical elements (e.g., filtering, digital surveillance) as well as policies and regulations that attempt to influence online debate and expression. Such regulations are often intentionally vague, creating an environment of uncertainty about appropriate online behaviour and the potential consequences for violating prescribed norms.

- This climate of normative uncertainty, coupled with systematic development of regulatory policies and technical solutions to curtail dissent on the Russian Internet, while preserving a modicum of free expression, has led to the emergence of what scholars term "networked authoritarianism."

Foreign Agents and Gay Propaganda: Russian LGBT Rights Activism Under Pressure

Lucy Pakhnyuk

Pakhnyuk, Lucy. "Foreign Agents and Gay Propaganda:Russian Lgbt Rights Activism Under Pressure." *Demokratizatsiya: The Journal of Post-Soviet Democratization* 27, no. 4 (2019): 479–96. https://muse.jhu.edu/article/734518.

Crux

This paper examines two modern and decisive legislative maneuvers in Russia: the foreign agent law and the gay propoganda law. The foreign agent law requires any non-government organization that receives international funding to register itself as a "foreign agent," which serves to introduce both increased government oversight and public distrust. The gay propoganda law prohibits the promotion of "non-traditional sexual relations" and serves as legal justification for censorship of pro-LGBTIQ activities, materials, and expression. This paper interviews seven activists and

demonstrates that these two laws have resulted in "declining levels of political opportunity and organizational strength in the LGBT rights movement" but also highlights circumvention efforts of groups to effectively operate despite increased obstacles.

Highlights

- The Russian government has portrayed the LGBTIQ rights movement as a Western intervention into domestic affairs, thereby framing criticisms of the anti-gay propoganda law as a "threat to national unity."

- The combination of the foreign agents and the gay propoganda laws have created unique but complimentary systems of oppression for LGBTIQ organizations: "While the foreign agent law limits organizational strength, the gay propaganda law limits the range of activity available to LGBTIQ organization, resulting in the contraction of political opportunity."

- A consequence of the gay propoganda law is restricted access to information, which the paper cites as being particularly crucial for LGBTIQ youth, and is evidenced by the shutting down of popular LGBTIQ websites.

- Respondents also indicate that there are many divisive issues within the Russian LGBTIQ community, including: overrepresentation of gay males; lack of support for transgender members; low levels of motivation, organization, and professionalization; lack of basic skills and resources; and challenges with involving international funders who lack crucial contextual understanding of operating in Russia.

- Respondents indicated that they've embraced specific circumvention tactics in reaction to their shrinking political and organizational power. Many have adopted a strategy of informalization, whereby power is divested from traditional organizations and instead operate as "initiative groups," outpacing the reach of the foreign agent law. Groups have also begun to adopt an intersectional approach to social activism and build connections with non-LGBTIQ groups to foster support and collectively fight broadly for human rights.

- Despite the observed challenges faced, some respondents stated that coordinated efforts by the government to crack down on LGBTIQ rights have actually served to unite, rather than fracture, the community: "By actively excluding and pushing against the LGBT community, the government has contributed to the crystallization of a shared grievance, which may also have had the effect of strengthening cognitive liberation within the LGBT rights movement."

Expression Abridged: A Legal Analysis of Anti-LGBT Propaganda Laws

TrustLaw, Thomson Reuters Foundation, and IGLYO (the International Lesbian, Gay, Bisexual, Transgender Queer & Intersex Youth & Student Organisation)

Thomson Reuters Foundation and IGLYO. *Expression Abridged: Legal Analysis of Anti-LGBT Propaganda Laws*. Thomson Reuters Foundation and IGLYO, April 24, 2018. https://www.iglyo.com/wp-content/uploads/2018/04/IGLYO-Report_A4_digital.pdf.

Crux

This report, overseen by the Thomson Reuters Foundation and the International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth & Student Organisation, reviews various legislative attempts to ban LGBTIQ propaganda in Belarus, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Poland, Russia, and Ukraine. It provides an analysis of the legislation in each country, reviews existing human rights doctrines that such legislative restrictions might contravene, and makes recommendations to lawmakers on how to best protect LGBTIQ identity and expression.

Highlights

- The paper suggests that restrictive legislation does not even need to be passed to be successful: the process itself creates negative public discourse that can adversely affect the lives of LGBTIQ individuals.

- Reviewing the International Covenant on Civil and Political Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms, and the United Nations Convention on the Rights of the Child, the authors find that LGBTIQ propaganda laws likely violate various aspects of all three treaties, specifically in relation to freedom of expression and freedom of association.

- The authors make three recommendations for states on creating legislation to protect LGBTIQ individuals:
1) include specific provisions which prohibit discrimination on the grounds of a person's sexual orientation or gender identity or expression;
2) the specific personal characteristics that would be included in the anti-discriminatory legislation; and
3) create an equity body to police and enforce such policies.

LGBT Rights Activism and Homophobia in Russia

Radzhana Buyantueva

Buyantueva, Radzhana. "LGBT Rights Activism and Homophobia in Russia." *Journal of Homosexuality* 65, no. 4 (March 21, 2018): 456–83. https://doi.org/10.1080/00918369.2017.1320167.

Crux

This article provides an analysis of LGBTIQ rights, homophobia, and political activism in Russia, based on qualitative interviews. The author finds Russian LGBTIQ communities' perception of wider societal acceptance of queer identities has been a contributing factor in the willingness of LGBTIQ individuals to participate in activism. There exists a paradox of repression and acceptance that greatly influences this: both a decrease in repression and the *possibility* of an increase in repression might enable activism, but an actual strengthening of repression is likely to diminish activism.

Highlights

- In providing a survey of the history of LGBTIQ rights in Russia, the author cites the expansion of the Internet as a key factor in establishing and building queer communities and activist networks. The expansion of the Internet in Russia also meant the diffusion of LGBTIQ communities from large cities into smaller and more rural areas.

- One interviewee commented that online activist events are preferred to street-based political action, since "it is possible to say what you want, nobody is going to misquote or distort." While this respondent believes that online activities are inherently safer, the author identifies the possibility of online abuse moving to real-life harm.

- The Internet, social networks, and various digital methods have also been used to express homophobic sentiment in the country. Occupy Pedophilia, for example, would often catfish victims—often gay men—online lure them under the pretext of a date, only to assault them and post the video afterwards.

- Organized crime groups have also used similar tactics to extract money from individuals. The Russian LGBTIQ Network reported that groups would use dating apps such as Hornet to entrap gay men and then extort money from them. These groups, however, do not claim to be homophobic in nature. Instead, the presence of widespread homophobic attitudes creates a financial incentive to exploit LGBTIQ individuals through digital blackmail.

A Psychological Firewall? Risk Perceptions and Public Support for Online Censorship in Russia

Erik C. Nisbet, Olga Kamenchuk, and Aysenur Dal

Crux

This article investigates Russian Internet censorship and its relation to the psychological factors of free expression. Through a national survey, it draws the following conclusions: 1. Perceptions of risk of the Internet influences support for censorship; 2. Frequent use of the Internet will decrease risk perceptions about the Internet; 3. Reliance on Russian TV increases the risk associated with the Internet.

Highlights

- Typically, countries rely on technical, legal, and/or physical means to control Internet usage. Russia also employs psychological means—a "psychological firewall"—that frame the Internet as a threat, thus increasing public support for censorship.

- Russia has consistently maintained high levels of press censorship and initially paid little mind to websites. However, as Internet usage began to grow in the country, so too did web censorship.

- The authors cite a Pew study that shows support for Internet freedom is relatively low in Russia, which has an effect on how they use digital tools. "The attitudes also influence behavior, motivating Russians to use designated "safe" online platforms and resources that have been co-opted by the Russian government rather than foreign or independent social media platforms, websites, or news aggregators."

- Much of the existing literature on censorship overlooks its psychological components, possibly because it is rooted in American research where freedom of expression is high; a cross-cultural investigation might reveal that this is the exception, not the norm.

Freedom of the Net 2019: Russia

Freedom House

Freedom House. "Russia." In *Freedom on the Net* 2019. Freedom House, 2019. https://freedom-house.org/country/russia/freedom-net/2019.

Crux

Identifies Russian Internet as "not free" with a score of 31/100, citing service interruptions in the Republic of Ingushetia, imprisonment of users for their online activities at a rate of one person every eight days, continued attempts to block the encrypted messaging app Telegram, rising prices of Internet connections, and government-introduced legislation that intensified content removal and criminal penalties.

Highlights

- Notes that members of the LGBTIQ community are subject to both online harassment as well as physical violence, including death. Authorities in Chechnya arrested the administrator of a gay chat group, which led to the further arrest of 40 individuals, two of whom died in police custody. Likewise, an activist was stabbed to death after her name was included on a "death list" that was circulated online.

- Self-censorship is noted as being the result of vaguely worded laws and arbitrarily enforced punishments. Topics that are often self-censored include LGBTIQ content, corruption, poor governance, and human rights violations.

Discourse in Danger: Attacks on Free Expression in Putin's Russia

PEN American Center

PEN American Center. *Discourse in Danger: Attacks on Free Expression in Putin's Russia.* PEN American Center, January 25, 2016. https://pen.org/sites/default/files/PEN_Discourse_In_Danger_Russia_web.pdf.

Crux

This report reviews Russia's legal framework–including its constitution, anti-extremism laws, and LGBTIQ propaganda laws–international human rights treaties, and its information regulator to demonstrate the country's "worsening climate for free expression in several key areas, including censorship of online speech, restrictions on information available to children, growing pressure on cultural institutions, and the crackdown on non-governmental organizations."

Political Homophobia as a State Strategy in Russia

Nikita Sleptcov

Sleptcov, Nikita. "Political Homophobia as a State Strategy in Russia." *Journal of Global Initiatives: Policy, Pedagogy, Perspective* 12, no. 1 (2017): 140–61. https://digitalcommons.kennesaw.edu/cgi/viewcontent.cgi?article=1234&context=jgi.

Crux

The article investigates state-sponsored homophobia as a tool to foster solidarity by illustrating LGBTIQ individuals as foreign agents. Such "political homophobia" is directly linked to weakening relations with Western countries and attempts to bolster the current political regime at the expense of marginalizing LGBTIQ Russians.

Highlights

- While Russia is not the only country to pass anti-LGBTIQ legislation, it stands unique in that its domestic laws are directly linked to the Duma's relationship with outside countries, creating a situation where "Russian homosexuals are hostages of complicated foreign policy games between Russia and the West."

The Tightening Web of Russian Internet Regulation

Andrey Tselikov

Tselikov, Andrey. "The Tightening Web of Russian Internet Regulation." *Berkman Center Research Publication No.* 2014-15, November 2014. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2527603.

Crux

This article provides an overview of actions undertaken by Russia to tighten control over the Internet between 2012-2014, during which time Russia's Internet regulation increased at the highest rate in the world. Tselikov likens Russian control over the Internet to a frog being slowly boiled alive (i.e., a series of gradual changes whose combined force only becomes apparent over time).

Sexual Identity, Stigma, and Depression:

The Role of the 'Anti-Gay Propaganda Law' in Mental Health among Men Who Have Sex with Men in Moscow, Russia

Emily Hylton, Andrea L. Wirtz, Carla E. Zelaya, Carl Latkin, Alena Peryshkina, Vladmir Mogilnyi, Petr Dzhigun, Irina Kostetskaya, Noya Galai, and Chris Beyrer

Hylton, Emily, Andrea L. Wirtz, Carla E. Zelaya, Carl Latkin, Alena Peryshkina, Vladmir Mogilnyi, Petr Dzhigun, Irina Kostetskaya, Noya Galai, and Chris Beyrer. "Sexual Identity, Stigma, and Depression: The Role of the 'Anti-Gay Propaganda Law' in Mental Health among Men Who Have Sex with Men in Moscow, Russia." *Journal of Urban Health* 94, no. 3 (June 1, 2017): 319–29. https://doi.org/10.1007/s11524-017-0133-6.

Crux

This paper measured social stigma and depression rates in MSM in relation to the passage of anti-gay propaganda laws in Russia. The researchers found that 36.7% of respondents qualified as "probably" depressed and that the "interaction between stigma and the propaganda laws was significant." Bisexual respondents were less likely than gay respondents to qualify as depressed, suggesting that opposite-sex attraction created "psychological refuge" from internalizing negative societal views about one's sexuality.

No Support: Russia's 'Gay Propaganda' Law Imperils LGBT Youth

Michael Garcia Bochenek and Kyle Knight

Garcia Bochenek, Michael, and Kyle Knight. *No Support: Russia's 'Gay Propaganda' Law Imperils LGBT Youth*. Human Rights Watch, December 11, 2018. https://www.hrw.org/report/2018/12/11/no-support/russias-gay-propaganda-law-imperils-lgbt-youth.

Crux

This report, produced by Human Rights Watch, focuses specifically on the effects that anti-LGBTIQ legislation has on Russian youth. It pays particular attention to the negative mental health consequences of sustained state-sponsored homophobia, as well as provides an overview of the various legal human rights infringements such legislation violates.

Highlights

- The report highlights the necessity of access to information, particularly for youth who do not feel safe asking questions about sexual orientation or gender identity with their parents or teachers. Many respondents cited the Internet as being a "critical resource."

- Russian officials have denied that there is any discrimination against LGBTIQ youth,

arguing that youth can't experience issues related to non-normative gender or sexuality, which therefore negates the possibility of discrimination. In 2016, the St. Petersburg children's rights ombudsperson affirmed this sentiment, saying "due to specific Russian mentality, sexual orientation turns on after 18."

- The gay propaganda laws also create chilling effects of self-censorship for mental health providers, many of whom fear online entrapment and attempts to "ensnare mental health providers for violating the "gay propaganda" law."

- The right to free expression is a human right for everyone, including children, and includes the right to seek out information online.

Online and On All Fronts: Russia's Assault on Freedom of Expression

Yulia Gorbunova

Gorbunova, Yulia. *Online and On All Fronts: Russia's Assault on Freedom of Expression.* Human Rights Watch, July 18, 2017. https://www.hrw.org/report/2017/07/18/online-and-all-fronts/russias-assault-freedom-expression.

Crux

This Human Rights Watch report from 2017 details the various legislative, judicial, and political moves that have been made to tighten free expression in Russia.

Highlights

- Provides an overview of restrictive legislation that has been passed in regards to free expression, including laws that prohibit gay propaganda and offending religious feelings, as well as calls for mass riots and separatism. Laws have also been passed that target Internet infrastructure, service providers, and content creators, forcing ISPs to block banned content with 24 hours notice, requiring any bloggers with more than 3,000 unique visits per day to register with the government, demanding any website operator to store information collected about Russian inside Russia, forcing telecommunication providers to store the contents of all communications for six months, and banning the use of VPNs.

Iran

Iranian Queer Watch

International Railroad for Queer Refugees

International Railroad for Queer Refugees. *Iranian Queer Watch Report*. Toronto: Planet Romeo Foundation, September 2018. https://irqr.net/wp-content/uploads/2018/09/IQW-Report.pdf.

Crux

This report examines the lives of queer Iranians in the context of the law, media, Internet, and immigration/asylum-seeking. As noted through individual testimonials, case studies, and analysis, the Internet has become more rigorously policed by the Iranian state in its efforts to monitor and control the behavior of its citizens. Although Iran initially only censored material deemed indecent, it has now expanded to include limitations on individual self-expression. The Iranian government recently passed legislation prescribing a sentence of either extreme punishment or execution for those caught hosting or distributing content that is anti-religious, pornographic, or uncomplimentary to government officials. Websites that contained any reference to homosexuality were the first to be shut down, and their moderators were prosecuted and intimidated. Yahoo chat rooms—initially popular places of bonding and communication between queer Iranians—became unsafe spaces of surveillance after the authorities began cracking down on users who frequented their domains.

Highlights

- The interviews and testimonials are powerful and graphic, depicting a harsh and dangerous environment for queer Iranians, who must increasingly be wary of online communication and Internet use.

- In particular, the report provides examples of how Iranian authorities have attempted to restrain the country's ever-growing community of bloggers. To reduce their numbers, Iranian authorities require bloggers to obtain licenses from the government. In addition, authorities require Internet providers to install filters in order to control online traffic. Further, Iranian bloggers may be arrested for "publishing stories and articles containing obscene and unethical sexual relationships," or for referring to extra-marital and same-sex relationships.

- Although these restrictions affect all Iranians, the author points out that they have a particularly detrimental impact on the network of queer activists both within and outside of Iran who rely on the Internet for the vast majority of their communication and activism.

Sexual Orientation and Gender Identity: Iran's Human Rights Obligations

Catherine Bevilacqua, Elizabeth Harper, and Catherine Kent

Bevilacqua, Catherine, Elizabeth Harper, and Catherine Kent. *Sexual Orientation and Gender Identity: Iran's International Human Rights Obligations*. University of Essex, Human Rights in Iran Unit, June 2014. https://www1.essex.ac.uk/hri/documents/briefing-sexual-orientation.pdf.

Crux

This paper is part of a series of studies on human rights in Iran. This briefing considers the legal status of persons with regard to their sexual orientation and gender identity in the Islamic Republic of Iran with respect to the State's obligations under international human rights law. The analysis notes that non-heterosexual orientation and gender identities in Iran are viewed as an illness to be cured. It also demonstrates that the criminalization of same-sex relations within the Islamic Republic of Iran violates several key obligations imposed by international human rights law. While it does not address online censorship, it provides a thorough description of the legal context in which censorship is occurring.

Highlights

- The report provides extensive detail regarding how the Islamic Penal Code criminalizes queer Iranians, depending on their sex, the sexual act, their marital status, etc.

- This report goes into substantial detail regarding how Iran is clearly in violation of its obligations under international human rights law- specifically the rights to health, information, and informed consent.

The True Depth of Iran's Online Repression

Amy Slipowitz

Slipowitz, Amy. "The True Depth of Iran's Online Repression." Freedom House, December 2, 2019, https://freedomhouse.org/article/true-depth-irans-online-repression.

Crux

Slipowitz describes the aftermath of the November 2019 Internet shutdown—the worst in Iranian history, affecting 95% of users—and discusses the implications for future digital freedom. The article describes how this shutdown signals an acceleration in controlling the Internet by limiting access to VPNs and other proxy tools and in moving towards a national "closed" internet system (SHOMA), which will deeply restrict Internet freedom in the country.

Highlights

- While not addressing LGBTIQ activists or the Iranian movement per se, the article notes that "as authorities increase surveillance capabilities, they have continued to hand down

harsh punishments to activists and others who express dissent online."

- The unelected security establishment in Iran shows no signs of easing its suppression of basic freedoms; on the contrary, it is likely to worsen.

- Any international technology companies that still operate in the country should evaluate how their products and business activities affect user rights, while international donors and civil society organizations should support local groups that seek to raise awareness about state censorship and surveillance.

Breaking the Silence: Digital Media and the Struggle for LGBTQ Rights in Iran

James Marchant, Shadi Amin, Zeynab Peyghambarzadeh, and Soudeh Rad

Marchant, James, Shadi Amin, Zeynab Peyghambarzadeh, and Soudeh Rad. *Breaking the Silence: Digital Media and the Struggle for LGBTQ Rights in Iran.* Small Media, 2018. https://smallmedia.org.uk/media/projects/files/BreakingTheSilence_2018.pdf.

Crux

Intended as a follow-on to Small Media's 2012 report called "LGBT Republic of Iran: An Online Reality?", this current report provides a comprehensive analysis of urgent digital freedom and security issues facing LGBTIQ people in Iran. The report is based on interviews, focus groups, desk research, online surveys, and social media monitoring occurring between November 2017 and March 2018. Testimonies from queer Iranians both inside and outside the country are also provided. While the authors point to some positive trends in social acceptance of LGBTIQ people, they caution that no progress has been made on legal recognition of LGBTIQ Iranians, that discrimination in state-provided services—especially health and mental health care—is pervasive, and that substantial gaps exist regarding use of safe online practices, leaving the community at risk of surveillance, harassment, and entrapment.

Highlights

- The report provides a detailed review of Iranian Penal Code's Articles criminalizing LGBTIQ Iranians, analyzes how the Computer Crimes Law and its Articles affect digital freedom specifically for LGBTIQ people, and provides detailed examples of how discrimination and exclusion continue to hamper LGBTIQ people's safe access to online information and services.

- Despite the lack of progress on LGBTIQ legal recognition, social attitudes are progressing and technologies continue to be leveraged by vulnerable communities to create safe spaces, create connections, and share community-specific resources. These advances, however, are put at risk as the Iranian government continuously increases its capacity to monitor and crackdown on dissent and perceived "deviants."

- The report provides important data from the survey on the continued lack of access to sexual and mental health services for LGBTIQ people.

- The survey also found that half of respondents reported experiencing online harassment and 20% reported being entrapped by state or non-state actors on dating apps.

- Despite a complete lack of political will to recognize the rights of LGBTIQ citizens, gradual progress is being made in the quest for broader public acceptance. Positive representations of LGBTIQ people are being beamed to Iran via satellite, social media 'influencers' are becoming key community allies, and LGBTIQ spaces continue to develop online to provide safe havens for sexual and gender minorities.

- The report provides recommendations for supporting LGBTIQ rights in Iran, including recommending that: anti-LGBTIQ rhetoric from the state should be actively challenged through development of visible online campaigns and resources to debunk their claims; digital rights organizations, technology companies, and existing community hubs should take a leading role in supporting LGBTIQ populations to use privacy tools to counter the threat of online surveillance, including the exploration of integrating such tools into dating apps; and digital rights organizations, technology companies, and community groups should develop localized and comprehensive resources to inform LGBTIQ people about information sharing and online safety, with a focus on dating apps, Instagram, and Telegram.

Iranian's Queer Internet: Human Rights Successes and Setback
A Chapter from Lesbian, Gay, Bisexual and Transgender Rights in Iran: Analysis from Religious, Social, Legal and Cultural Perspectives

Mani Mostofi

Mostofi, Mani. "Iranian's Queer Internet: Human Rights Successes and Setback." In *Lesbian, Gay, Bisexual and Transgender Rights in Iran: Analysis from Religious, Social, Legal and Cultural Perspectives*. International Gay and Lesbian Human Rights Commission, 2015. https://outrightinternational.org/sites/default/files/LGBTRightsInIran_0.pdf.

Crux

Mostofi's article is a chapter in a larger compendium of essays that address the question of LGBTIQ rights in Iran, which IGLHRC solicited in advance of a 2014 conference convened in Germany to explore new approaches to improve the human rights situation for LGBTIQ Iranians. Drawing from 48 interviews with LGBTIQ Iranians, Mostofi's piece outlines the significant role that the Internet plays in the exercise of key rights for LGBTIQ people, namely facilitating identity formation, access to information, access to community and association, and individual expression.

Highlights

- At the time of publication (2015), the author posits that the Internet plays a pivotal role in identity formation of LGBTIQ Iranians, providing them with access to reliable information on sexual orientation, gender identity, and gender expression; in creating community; in learning about sexual health and rights; and for self-expression and online activism.

- The article provides an analysis of Iran's criminalization of same-sex relations and also

discusses the 2009 Computer Crimes Law, which criminalizes content deemed "immoral" or sexually "obscene," and the implications for safe online communication. Although the CCL never mentions restrictions on LGBTIQ content specifically, rights groups have warned that the broad language about "immorality" and "chastity" would directly apply to LGBTIQ content in the Iranian context. The CCL also contains provisions that could be used to target civil-political discourse on SOGIE issues or LGBTIQ rights.

- Further, the report reflects on the ways that circumvention tools are used to get around filtering and censorship but notes that government's persistent and evolving Internet restrictions in the from of censorship, regulating connection speeds, arrests and prosecutions, and criminalization of content all undermine the ability of LGBTIQ Iranians to access their human rights.

Evolution of Iranian Surveillance Strategies Toward the Internet and Social Media
A Chapter from The Digital Age, Cyber Space, and Social Media – The Challenges of Security and Radicalization

Michael Rubin

Rubin, Michael. *Evolution of Iranian Surveillance Strategies Toward the Internet and Social Media.* Institute for Policy, Advocacy and Governance, December 10, 2020. https://www.aei.org/articles/evolution-of-iranian-surveillance-strategies-toward-the-internet-and-social-media/.

Crux

This article explores the evolution of Iran's response to the rise of the Internet and social media and how those responses fit into historical patterns of Iranian censorship. The author specifically focuses on the paradox that Iran is one of the most connected countries in the world but also is led by a government that fears the ways in which unregulated connectivity could pose a threat to the regime. Implications for LGBTIQ people are not explicitly discussed but can be inferred.

Highlights

- The article provides an interesting summary of the Iranian regime's relationship with technology since 1979. A pattern or crackdown, user circumvention, and further crackdown is clear—with each side essentially trying to play catch up to the latest advance. The author refers to the regime's censorship efforts as a Sisyphean struggle, due to constantly evolving technology and Iran's interconnectedness.

Freedom on the Net 2019: Iran

Freedom House

Freedom House. "Iran." In *Freedom on the Net* 2019. Freedom House, 2019. https://freedomhouse.org/country/iran/freedom-net/2019.

Crux

This report is part of Freedom House's global assessment of Internet freedom for 2019 in which it deems Iran as "Not Free" for the reporting period of June 1, 2018 to May 31, 2019. Using a scoring system that is based on measurements related to "obstacles to access," "limits on content," and "violations of user rights," Iran scored a total of 15 out of 100 possible points. The narrative notes that Internet freedom in Iran had remained "highly restricted" during the coverage period, with authorities handing down harsh prison sentences to online journalists and other users, and continued to block access to independent news sites and various social media and communication platforms.

Highlights

- In May 2019, the Supreme Council of the Cultural Revolution announced that the National Information Network (NIN or SHOMA) was 80% complete. The government is committed to the launch of this national cyber platform, which will enable the government to throttle foreign connections speeds during politically sensitive periods without cutting off critical services.

- Iranian citizens often use VPNs and other circumvention tools to bypass censorship, but the government regularly seeks to disrupt VPN access. In 2019, the circumvention tool Psiphon claimed 1-2 million users in Iran daily.

- The Supreme Council of Cyberspace, founded in 2012, remains strong and is intended to provide a centralized point for policymaking and the regulation of Iran's virtual space. Censorship decisions remain highly politicized, with both conservative and reformist news sites facing censorship for failure to adhere to strict guidelines on coverage of sensitive political, social, and international issues.

- Major international platforms like Facebook, Twitter, Telegram, and YouTube are all blocked, as well as major blog-hosting platforms like WordPress, Blogspot, and Blogger.

- The report summarizes numerous examples of violations across the three measurement areas (obstacles to access, content limits, and violations of user rights).

Closing of the Gate: Implications of Iran's Ban on the Telegram Messaging App

Center for Human Rights in Iran

Center for Human Rights in Iran. *Closing the Gates: Implications of Iran's Ban on the Telegram Messaging App.* Center for Human Rights in Iran, June 2018. https://www.iranhumanrights.org/wp-content/uploads/Closing-the-gates-3-online.pdf.

Crux

On May 1, 2018, the popular messaging app Telegram was blocked in Iran by order of the Iranian Judiciary. The app has some 40 million active users in Iran. This report contends that the ban, together with simultaneous efforts to push Iranians onto state-controlled domestic messaging apps, is the inevitable outcome of a decade-long process in which the government has been steadily

developing the domestic capacity to restrict the people of Iran to state-controlled digital communication and information.

Highlights

- This report makes a compelling argument that the banning of telegram, even if overcome with circumvention tools by some, will result in many Iranian citizens losing access to the global Internet and being forced to communicate using censored platforms where only state-approved information is available.

- These restrictions also mean that more users will be vulnerable to state monitoring and surveillance of online activities.

- The report concludes that the ban on Telegram shows the Iranian leaders' deep fear of the free flow of information and their reckless prioritization of censorship at any cost. The ban demonstrates the state's growing technological capability and its willingness to use it to restrict Iranians to a digital world controlled by the state. It signals the growing urgency of defending Iranians' digital rights.

- A full list of recommendations is provided, targeting the Rouhani administration, the Iranian judiciary, the Iranian parliament, and the international community.

Situation of Human Rights in the Islamic Republic of Iran

Report of the United Nations Secretary General

UN General Assembly, Situation of Human Rights in the Islamic Republic of Iran: Report of the Secretary General, A/74/273, (August 2, 2019), https://undocs.org/en/A/74/273.

Crux

This report presents the patterns and trends regarding human rights in the Islamic Republic of Iran as well as recommendations to improve the implementation on the resolution on promotion and protection of human rights. Embedded in the report is an analysis of the situation facing LGBTIQ Iranians as well as freedom of expression online.

Highlights

- Freedom of expression online has come under unprecedented pressure as the Iranian government has tightened its control over information. The report notes that in early January 2019, the Minister of Information and Communications Technology confirmed that the national information network developed by the government allowed security agencies to monitor private accounts and control national search engines.

- The Secretary-General is concerned that Iranian law continues to discriminate against and punish LGBTIQ individuals, including imposing the death penalty for consensual same-sex relations.

UAE

Freedom in the World 2020: United Arab Emirates

Freedom House

Freedom House. "United Arab Emirates." In *Freedom in the World* 2020. Freedom House, 2020. https://freedomhouse.org/country/united-arab-emirates/freedom-world/2020.

Crux

This report is part of Freedom House's global assessment of civil and political freedom for 2020 in which it deems UAE as "Not Free" for the reporting period of January 1, 2019 to December 31, 2019. While the report does not address Internet freedom and LGBTIQ populations specifically, it provides a useful summary of political and social context. Using a scoring system that is based on measurements related to "political rights" and "civil liberties," UAE Iran scored a total of 17 out of 100 possible points. The narrative notes that a 2015 law against hate speech and discrimination contained loosely worded definitions and criminalized a wide range of free speech activities. These and other criminal laws have been actively enforced, including against ordinary social media users.

Highlights

- International human rights groups have been denied entry to the UAE. Local human rights activists are at serious risk of detention, prosecution, and mistreatment in custody, and their relatives may be subject to various forms of harassment.

- A number of well-known commentators have been jailed in recent years for criticizing the authorities, expressing support for dissidents or human rights, or calling for political reform.

Planet Netsweeper: Country Case Studies

Jakub Dalek, Lex Gill, Bill Marczak, Naser Noor, Sarah McCune, Joshua Oliver, Jon Penney, Adam Senft, and Ron Deibert

Dalek, Jakub, Lex Gill, Bill Marczak, Naser Noor, Sarah McCune, Joshua Oliver, Jon Penney, Adam Senft, and Ron Deibert. *Planet Netsweeper: Country Case Studies.* Toronto: Citizen Lab, April 25, 2018. https://citizenlab.ca/2018/04/planet-netsweeper-section-2-country-case-studies/.

Crux

This report spotlights several countries where the Citizen Lab has evidence of public ISPs blocking websites using Netsweeper's products. Each country, including the UAE, has significant human rights, public policy, insecurity, or corruption challenges.

Highlights

- UAE authorities restrict the rights to freedom of expression and association, and detain and prosecute government critics, opponents, and foreign nationals under criminal defamation and anti-terrorism laws.

- The UAE also prohibits a broad range of vaguely worded online activities that can fall within internationally protected expression.

- State censors in the UAE are believed to use Netsweeper Internet filtering technology to enable mass filtering of a broad range of content categories and prevent citizens from exercising their right to free access to information online. Among the content blocked using Netsweeper is political dissent, news websites, religious criticism, and tools that provide for anonymous browsing of the Internet.

- The Netsweeper device installations found in the UAE were the only installations identified that blocked the 'Alternative Lifestyles' category. This category included "sites that reference topics on habits or behaviors related to social relations, dress, expressions, or recreation that are important enough to significantly influence the lives of a sector of the population. It can include the full range of non-traditional sexual practices, interests and orientations."

- Netsweeper's decision to include this as a category in their system has facilitated the wholesale blocking of non-pornographic LGBTIQ content.

The Million Dollar Dissident: NSO Group's IPhone Zero-Days Used Against a UAE Human Rights Defender

Bill Marczak and John Scott-Railton

Marczak, Bill, and John Scott-Railton. *The Million Dollar Dissident: NSO Group's IPhone Zero-Days Used Against a UAE Human Rights Defender*. Toronto: Citizen Lab, August 24, 2016. https://citizen-lab.ca/2016/08/million-dollar-dissident-iphone-zero-day-nso-group-uae/.

Crux

This report by researchers at the Citizen Lab and Lookout Security examines a targeted, state-sponsored spyware attack against UAE human rights defender, Ahmed Mansoor, in August 2016. The researchers conclude that the UAE government is the likely operator behind this targeted attack, with indicators including "the high cost of iPhone zero-days, the apparent use of NSO Group's government-exclusive Pegasus product, and prior known targeting of Mansoor by the UAE government."

Highlights

- Stealth Falcon was a campaign that ran from 2012-2016 targeting UAE dissidents from both within and outside the region. Five dissidents were targeted by the campaign, including UK-based journalist Rori Donaghy.

Saudi Arabia

Saudi Arabia 2019

Amnesty International

Amnesty International. "Saudi Arabia 2019." Amnesty International, 2020. https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/.

Crux

Highlights a general trend of increased rights oppression in Saudi Arabia in 2019. Such movements includes the extensive use of the death penalty, prosecution of government critics, and discrimination against Shi'a minority communities. While some strides were made for women's rights, they continued to lack adequate protection against sexual and other forms of violence.

Freedom on the Net 2019: Saudi Arabia

Freedom House

Freedom House. "Saudi Arabia." In *Freedom on the Net 2019*. Freedom House, 2019. https://freedomhouse.org/country/saudi-arabia/freedom-net/2019.

Crux

Identifies Saudi Arabia as "not free" with a score of 25/100. Overarching issues relate to censorship, the silencing of dissidents, and pervasive surveillance, all of which are compounded by the country's system of absolute monarchy and government control of Internet infrastructure.

Highlights

- Attempts to silence and the eventual murder of Jamal Khashoggi at the Saudi consolate in Turkey underscores the very real threats to government critics and constrained press freedom, inside the country and out.

- Researchers noted websites and social media accounts for news outlets, human rights organizations, and advocacy groups were blocked. In the wake of Jamal Khashoggi, the number of websites censored in Saudi Arabia doubled.

- Surveillance of personal communications is a standing issue. Immediately after lifting a ban on online and voice call services, the government claimed it would be monitoring all calls, but it remains unclear if they are able to do so on devices with end-to-end encryption.

- Social media users engage in far-reaching self-censorship, making sure to avoid posting or sharing any content that might seem to run against the government. When self-censorship is overcome, free expression is still not guaranteed on social media. In the case of Canada-based

Saudi dissident Omar Abdulaziz, a hashtag he created that was critical of the government was removed by Twitter after amassing 6000 retweets. Despite his efforts, he never received a response from Twitter regarding its removal.

The Crime of Speech: How Arab Governments Use the Law to Silence Expression Online

Wafa Ben Hassine

Ben Hassine, Wafa. *The Crime of Speech: How Arab Governments Use the Law to Silence Expression Online - Saudi Arabia*. Electronic Frontier Foundation, April 25, 2016. https://www.eff.org/pages/crime-speech-how-arab-governments-use-law-silence-expression-online.

Crux

Presents an overview of digital rights in Egypt, Jordan, Tunisia, and Saudi Arabia, finding that, while the countries might be geographically related, there is no one approach to Internet freedom—or lack thereof—in the region. Saudi Arabia is noted for its heavy reliance on counterterrorism laws to quell dissent, online and off.

Highlights

- The report cites an example of women activists who took to the streets to demand the right to drive. After the campaign's website was blocked, many organizers received real-life harassment. In fact, women who had posted themselves driving on social media received personal calls from employees at the Minister of the Interior's office, urging them not to drive.

- Saudia Arabia has broad counterterrorism and cybercrime laws which, while presented as preventing crime, instead criminalize "virtually all dissident thought or expression as terrorism." Dozens of individuals have been arrested for a litany of peaceful acts related to online expression.

The Kingdom Came to Canada: How Saudi-Linked Digital Espionage Reached Canadian Soil

Bill Marczak, John Scott-Railton, Adam Senft, Bahr Abdul Razzak, and Ron Deibert

Marczak, Bill, John Scott-Railton, Adam Senft, Bahr Abdul Razzak, and Ron Deibert. *The Kingdom Came to Canada: How Saudi-Linked Digital Espionage Reached Canadian Soil*. Toronto: Citizen Lab, October 1, 2018. https://citizenlab.ca/2018/10/the-kingdom-came-to-canada-how-saudi-linked-digital-espionage-reached-canadian-soil/.

Crux

This report highlights how Omar Abdulaziz, a Saudi activist and Canadian permanent resident, had his phone infected with powerful spyware. Created by NSO Group, Pegasus would have given

operators access to everything on Abdulaziz's device, including chats, emails, and photos. Abdulaziz is a well-known social media personality and was a close friend and confidante of slain journalist Jamal Khashoggi.

State-Sponsored Homophobia: Global Legislation Overview Update

Lucas Ramon Mendos

Ramon Mendos, Lucas. *State-Sponsored Homophobia: Global Legislation Overview Update*. Geneva: ILGA World, December 2019. https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2019.pdf.

Crux

Written by the International Lesbian, Gay, Bisexual, Trans and Intersex Association, this report includes an overview of the legal and human rights barriers in Saudi Arabia which affect LGBTIQ populations. Specifically, while no codified penal law exists in Saudi Arabia, Islamic Sharia law is applied which outlaws sexual relations between men and the penalty for men engaging in intercouse outside of marriage "is generally understood to be death by stoning."

Highlights

- A government arm—the Committee for the Propagation of Virtue and the Prevention of Vice—takes the lead on policing non-normative sexual orientations and gender identities. They maintain online operations and the report references a new article that cites monitoring social media accounts and using undercover agents to entrap gay men, leading to punishment that includes prison sentences and lashes.

Exploring Sexual Behaviour and Associated Factors Among Adolescents in Saudi Arabia: A Call to End Ignorance

Ali Saad R. Alsubaie

Alsubaie, Ali Saad R. "Exploring Sexual Behaviour and Associated Factors among Adolescents in Saudi Arabia: A Call to End Ignorance." *Journal of Epidemiology and Global Health* 9, no. 1 (March 2019): 76–80. https://doi.org/10.2991/jegh.k.181210.001.

Crux

This report focuses primarily on the need for more sexual education in Saudi Arabia. Based on survey results of male adolescents, the authors find that over a third had engaged in sexual activity. Given the lack of education in the country and general STI rates for the demographic, the authors conclude that male adolescents have negative attitudes towards sex and are often involved in risky sexual habits, despite not asking explicitly about sexual health practices.

Highlights

- This study provides novel and necessary evidence, citing that "data on sexual behaviour in Saudi Arabia and other Arab countries are limited, likely because of religious and cultural condemnation of premarital sex, nonmarital sex, and homosexuality."

How Do Saudi Youth Engage with Social Media?

Nigel Stanger, Noorah Alnaghaimshi and Erika Pearson

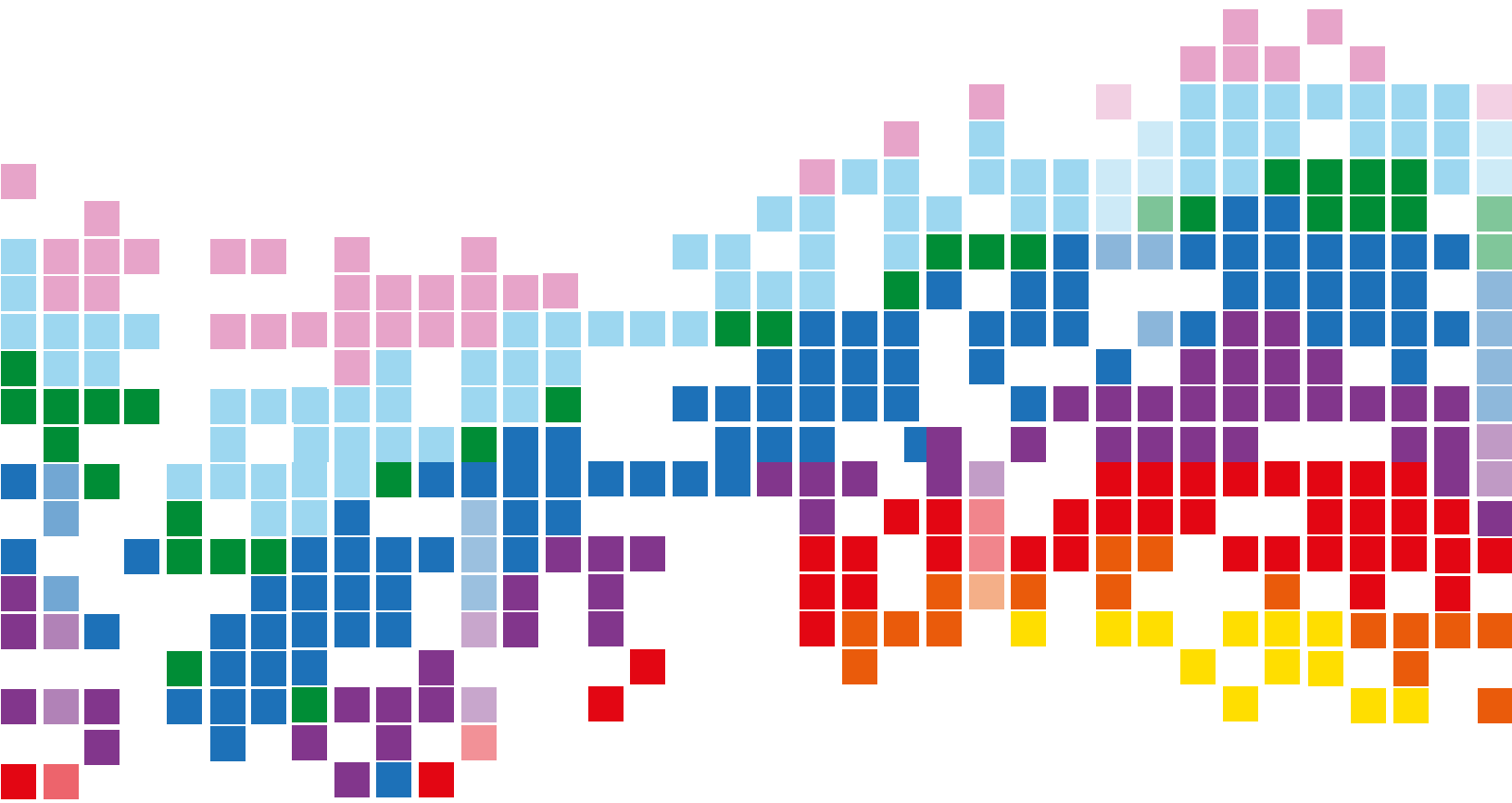Stanger, Nigel, Noorah Alnaghaimshi, and Erika Pearson. *How Do Saudi Youth Engage with Social Media?* First Monday, April 10, 2017. https://firstmonday.org/article/view/7102/6101.

Crux

This paper investigates some of the intertwined cultural and religious factors that influence how Saudi youth negotiate their use of social media platforms that are developed in completely different cultural contexts (namely, the United States). Participants were identified as 'general' users, citing a lack of scholarship on how non-activists in Saudi Arabia are impacted by cultural and technological factors. Responses indicate that users would like increased privacy settings on social platforms, regularly take steps to ensure "their self-image would be received positively," and are concerned with being perceived as modest. These are all technological expressions of collectivist cultural views, whereby individuals view themselves as being part of a complex hierarchy and feel that their actions impact their family's reputation.

Highlights

- Countries in the MENA region are typified as having a "high power distance" meaning they have a high acceptance of authority. This is a cultural factor that strongly influences attitudes and behaviours online.