

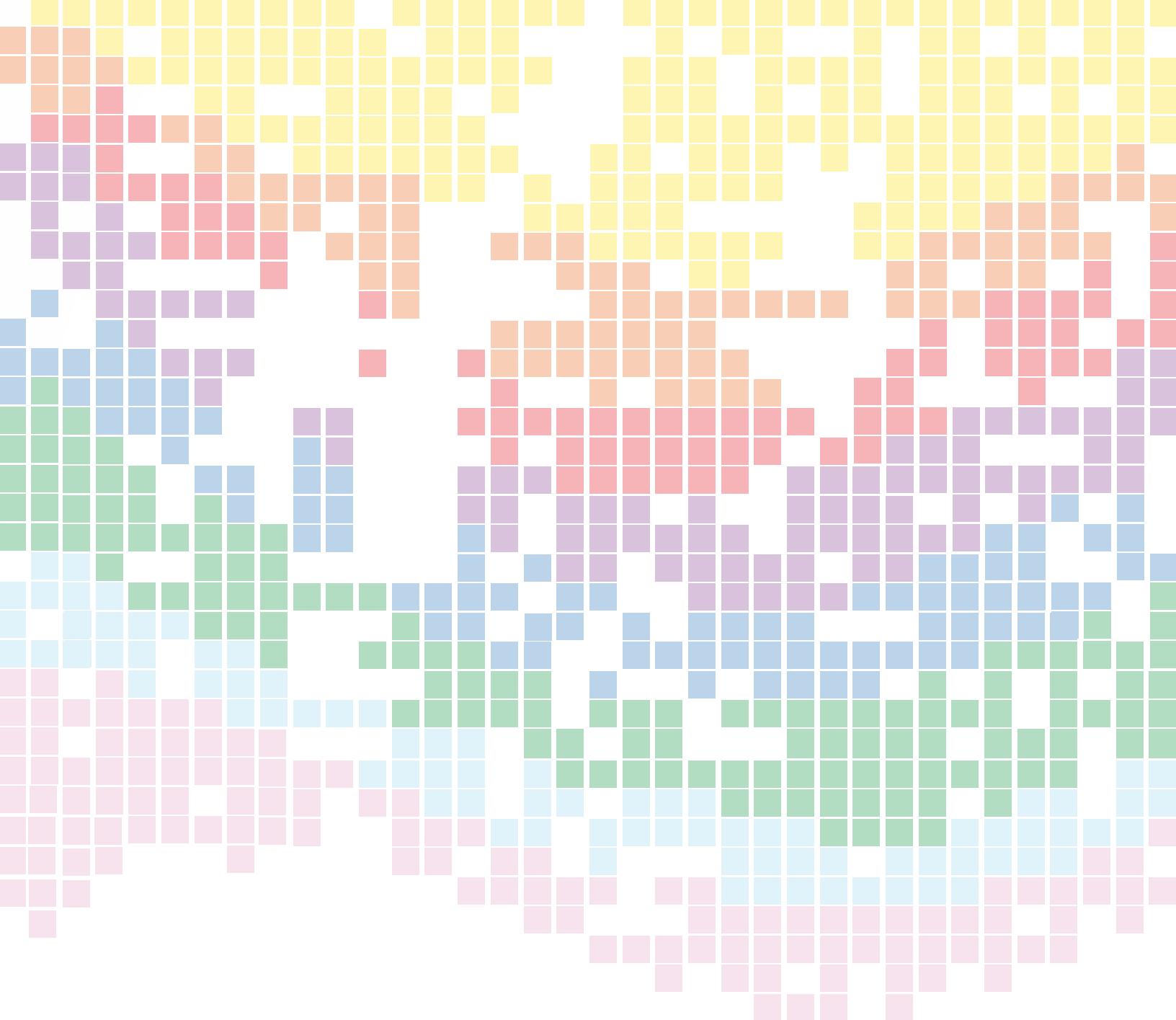
NO ACCESS

LGBTIQ Website Censorship in Six Countries



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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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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>

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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.

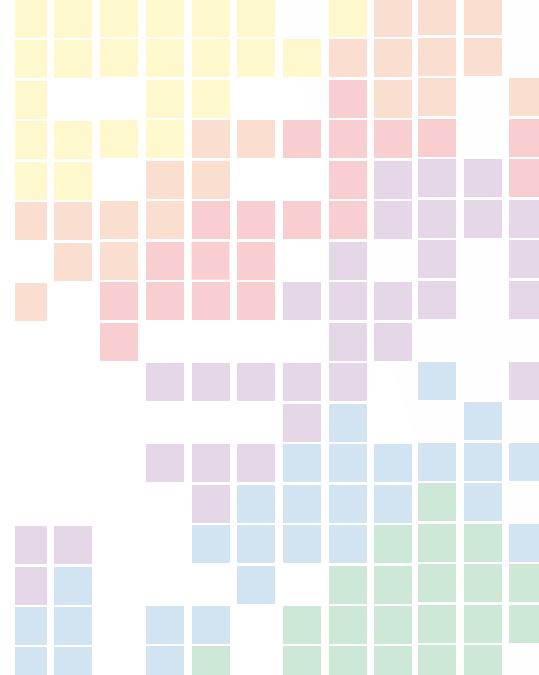
All of our methodologies, tools, and measurements are entirely open, transparent, and peer-reviewed. By increasing transparency of internet censorship, we aim to support public debate on information controls and promote social justice on the Internet.

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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pub 4096R/6B2943F00CB177B7 2016-03-23
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
```

For real-time communication, you can reach us on Slack <https://slack.ooni.org/> or IRC <ircs://irc.oftc.net:6697/#ooni>.



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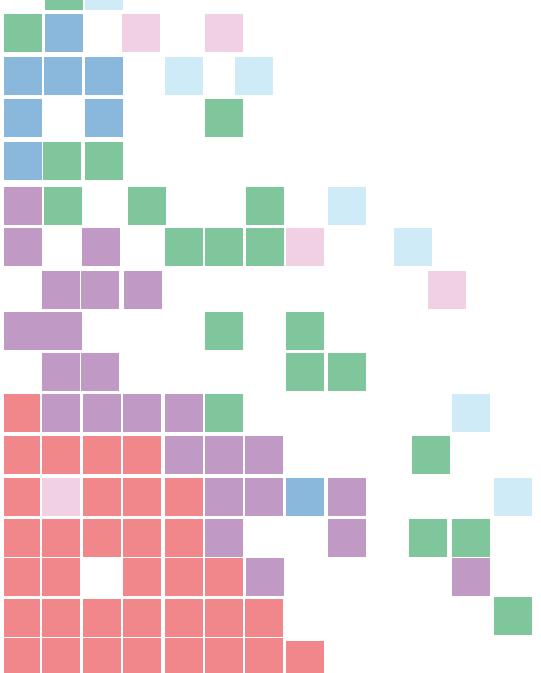
Acknowledgements

OutRight Action International, the Citizen Lab, and the Open Observatory for Network Interference (OONI) would like to sincerely thank the following people for their time and valuable insights into the realities and impact of LGBTIQ-related website censorship in their respective countries and regions: Shadi Amin, Khalid Abdel-Hadi, Riska Carolina, Sean Howell, Rebecca Nyuei, Kevin Schumacher, Thilaga, Mikhail Tumasov, and Lini Zurlia. We also greatly appreciate the input from those who were willing to be interviewed but who wish to remain anonymous. Additionally, we greatly appreciate and thank OONI Probe users who contributed measurements, supporting this study.

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Summary

Access to information and the ability to connect virtually and physically can potentially support and empower communities, advance human rights organizing, and even save lives. For marginalized populations, including lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ¹) people, online spaces are especially critical for safely identifying information and resources, connecting with others in their community, and engaging in human rights advocacy and movement-building. In short, the ability to connect and communicate virtually is increasingly a lifeline for many LGBTIQ people around the world.

At the same time, state-sponsored online censorship is on the rise globally, targeting human rights defenders, journalists and the media, and political activists, among others. Further, the ever-advancing nature of digital technology means that online censorship, along with efforts to circumvent it, are dynamic, leading to a persistent game of leapfrog between governments and users, each trying to stay ahead of the other.

OutRight Action International, the University of Toronto's Citizen Lab, and the Open Observatory of Network Interference (OONI) collaborated to investigate the censorship of LGBTIQ websites and its impact on LGBTIQ individuals and communities. This report presents six case studies featuring Indonesia, Malaysia, Iran, Russia, Saudi Arabia, and the United Arab Emirates (UAE). The objective of the research was to document which LGBTIQ websites are blocked in each of the six selected countries, to determine how local Internet Service

The findings illustrate how website censorship significantly obstructs free expression of LGBTIQ people and works in synergy with other restrictions to constrain civil liberties, such as the right to access information, and to curtail the development of human rights movements.

¹ OutRight Action International uses the acronym LGBTIQ to denote the lesbian, gay, bisexual, transgender, intersex, and queer community. This acronym is inclusive of a broad range of people however, it is not exhaustive, nor is it universally accepted or used.

Providers (ISPs) implement blocking, and to investigate how website censorship impacts LGBTIQ communities and their movements to secure justice and equality. Researchers used a range of research methods including a network measurement platform and interviews with those directly impacted by website censorship. The findings illustrate how website censorship significantly obstructs free expression of LGBTIQ people and works in synergy with other restrictions to constrain civil liberties, such as the right to access information, and to curtail the development of human rights movements.

States that engage in website censorship violate Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR), which stipulates that restrictions on freedom of expression can occur only in limited circumstances and must adhere to the principles of legality, legitimacy, and necessity.² Countries engaging in censorship are also violating international human rights principles outlined in a 2018 United Nations Human Rights Council resolution, “The promotion, protection, and enjoyment of human rights on the Internet.” This resolution asserts the need for States to ensure full and free Internet access and to protect groups consistently targeted and censored in the digital space.³

These six selected countries represent some of the most challenging digital environments for LGBTIQ people in the world. When combined with repressive laws, including, in some instances, criminalization of same-sex relations,

an environment of non-democratic rule, and widespread restrictions on civil society, online censorship hampers the efforts of all human rights defenders. As LGBTIQ people often must also contend with societal, religious, and family condemnation and discrimination, censorship increases isolation and the potential for self-censorship.

“It is like an unspoken conversation between us and governments—we find a way because the Internet is so creative in distributing information. They can block, and we can find another medium...our goal is to make information as reachable as possible—the Internet is so big, so vast. We can find options.”

— Khalid Abdel-Hadi, editor of My.Kali

At the same time, LGBTIQ activists and movements continue to press forward, risking harassment, fines, and imprisonment, to find ways to circumvent censorship and continue their activism. Khalid Abdel-Hadi, editor of My.Kali, an online pan-Arab LGBTIQ magazine, notes, “It is like an unspoken conversation between us and governments—we find a way because the Internet is so creative in distributing information. They can block, and we can find another medium...our goal is to make information as reachable as possible—the Internet is so big, so vast. We can find options.”⁴

² International Covenant on Social and Political Rights, December 16, 1966, U.N.T.S. 999, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. International Covenant on Civil and Political Rights, March 23, 1966, U.N.T.S. 14668, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en. Of the six countries studied in this report, Indonesia, Russia, and Iran have ratified the ICCPR. See <https://indicators.ohchr.org/>.

³ UN Human Rights Council, *The Promotion, Protection and Enjoyment of Human Rights on the Internet*, A/HRC/38/L.10/Rev.1, (July 6, 2018), <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G18/203/73/PDF/G1820373.pdf?OpenElement>

⁴ Interview with Khalid Abdel-Hadi, Founder and Editor-in-Chief of My.Kali, March 5, 2020.

Below are some of the cross-cutting findings from the research:

- **Methods of censorship are relatively transparent in all six countries.** ISPs serve blockpage notifications informing users that the page in question has been censored.
- **The highest blocking consistency was found in Saudi Arabia, where most LGBTIQ URLs⁵ were found blocked more than 75% of the times tested, but blocking appeared to be inconsistent in many settings.** We observed inconsistency in which websites were blocked (or not) across countries and, in some cases, by different ISPs within the same country.
- **Of the six countries, we found that Iran blocks the highest number of LGBTIQ URLs.** In total, 75 unique LGBTIQ URLs were detected as blocked in the country, followed by the UAE, where 51 unique LGBTIQ URLs were found to be blocked. Iran appears to have a uniform censorship apparatus, as most ISPs not only blocked the same websites, but also use the same set of censorship techniques.
- **LGBTIQ website censorship does not necessarily correlate with criminalization of same-sex relations, but it does relate to efforts to limit LGBTIQ people in exercising their rights to association and free expression, among others.** Neither Indonesia nor Russia criminalizes same-sex relations, yet, in both countries, censorship targeting LGBTIQ content online is significant due to legislation curtailing “anti-gay propaganda” and restrictions against “obscene” content. In Malaysia, Iran, Saudi Arabia, and the UAE, strict adherence to Islamic law, in addition to laws criminalizing same-sex relations, have been used to justify online censorship.
- **In all six countries, LGBTIQ-related content may be wrongly construed as pornography and therefore subject to laws outlawing such content.** As a result, users carefully avoid publishing or accessing information that may be construed as violating these laws, which contributes to self-censorship.
- **There are differences in terms of local and international websites that were found blocked.** In Malaysia and Indonesia, all local LGBTIQ websites tested were accessible, while international LGBTIQ-websites were blocked. Iran, Russia, Saudi Arabia, and the UAE blocked access to local, regional, and international LGBTIQ sites.
- **LGBTIQ users in at least three of the six countries are at risk of online entrapment by local authorities or other malevolent actors.** Members of law enforcement in Iran, Russia, and Saudi Arabia have posed as LGBTIQ people online to entrap other LGBTIQ individuals, putting them at risk of arrest, exploitation, and threats of violence.⁶ The presence of LGBTIQ apps on a user’s phone has also been used as grounds for intimidation and prosecution.

5 A URL is a Uniform Resource Locator, which most commonly specifies the location of a webpage.

6 “Chechnya LGBT: Dozens ‘Detained in New Gay Purge,’” BBC News, January 14, 2019, sec. Europe, <https://www.bbc.com/news/world-europe-46871801>; Shima Houshyar, *LGBT Rights in Iran* (Middle East Report Online, October 21, 2015), <https://merip.org/2015/10/lgbt-rights-in-iran/>; Interview with a digital protection expert in the region, October 27, 2020.

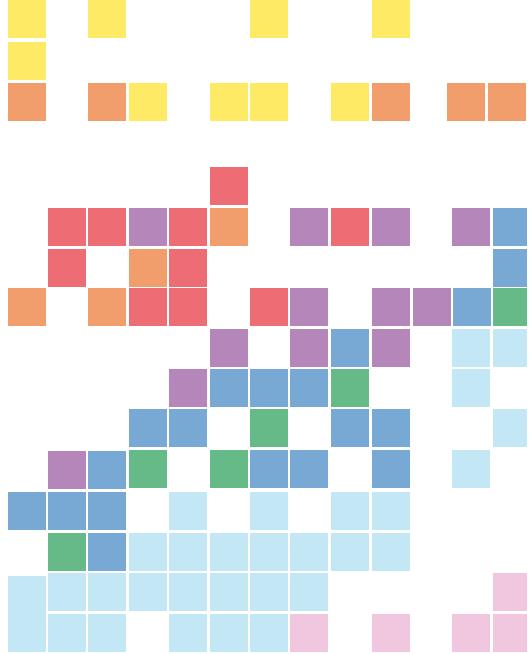
Government efforts to block access to online content require the complicity of private-sector actors. As private companies own and operate many different parts of the Internet—such as certain platforms (e.g., Google’s Play Store), applications (e.g., BeeTalk, WeChat), social media (e.g., Facebook and Instagram), and ISPs, governments require their cooperation to implement online controls. Targeting private-sector actors complicit in facilitating censorship, therefore, may be one avenue for advocacy.

- **Self-censorship is common, especially where punitive actions against LGBTIQ communities (e.g., arbitrary arrest and detention) are intensifying.** Such actions are often undertaken in the name of safeguarding national security, protecting children or minors, or preserving traditional norms and values.
- **Online threats result in LGBTIQ activists having to continually educate themselves about new and safe methods to communicate online and circumvent censorship.** In addition, activists must learn about how current and emerging technology could possibly help or harm them. This is difficult to do where access to information is already challenging, as in remote or rural areas.

	Indonesia	Malaysia	Iran	Russia	Saudi Arabia	UAE
Criminalization of same-sex relations	No	Yes	Yes	No	Yes	Yes
Other legislation used to curtail LGBTIQ human rights (e.g., so-called gay propaganda laws, pornography laws, anti-cross-dressing laws)	Yes	Yes	Yes	Yes	Yes	Yes
Unique LGBTIQ URLs blocked	38	6	75	32	26	51
International LGBTIQ sites blocked	Yes	Yes	Yes	Yes	Yes	Yes
Local/Regional LGBTIQ sites blocked	No	No	Yes	Yes	Yes	Yes

Table 1: Basic technical findings and status of legislation pertaining to LGBTIQ people.⁷

⁷ For more in-depth findings, refer to the table in Appendix 1.



Research Methodology and Limitations

OutRight Action International, the University of Toronto’s Citizen Lab, and the Open Observatory of Network Interference (OONI) collaborated to conduct this research, using a mixed methods approach, including:

Network Measurement

We used OONI’s network measurement platform to examine LGBTIQ website censorship in the six countries between June 1, 2016 and July 31, 2020. Called OONI Probe, this free and open-source software measures various forms of Internet censorship, including website blocking.⁸ Specifically, we collected data from the OONI Web Connectivity test and examined this dataset for instances of deliberate blocking on consumer-facing, commercial ISPs.⁹ For each instance of deliberate blocking identified, we created an *annotation* that could be used through an iterative process to identify further instances of blocking using the same method. The final product was a collection of Uniform Resource Locators (URLs), commonly known as web addresses, identified as blocked in the six countries of interest.

Interviews

Two interviewers conducted a total of 15 in-depth interviews with key informants from, or with expertise on, each of the six countries. Through these interviews, we identified challenges in accessing online LGBTIQ-related information, common approaches to censorship circumvention, and the impact of website censorship on local LGBTIQ rights and movement-building.

⁸ Open Observatory of Network Interference (OONI), OONI Probe, <https://ooni.org/install/>.

⁹ Open Observatory of Network Interference (OONI), OONI Web Connectivity test, <https://ooni.org/nettest/web-connectivity/>

Desk Research

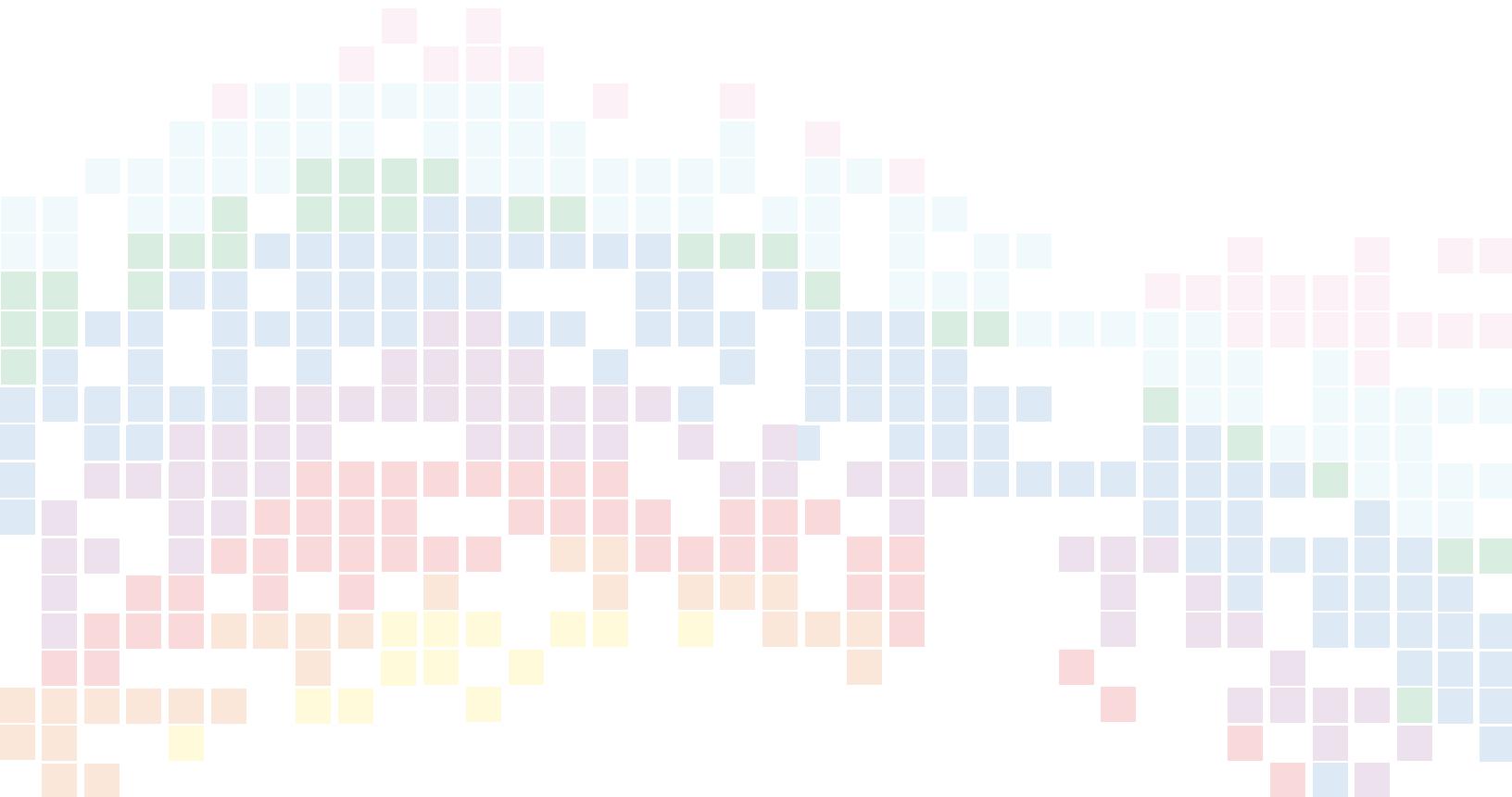
We conducted a literature review covering each country. Peer-reviewed articles, human rights reports, media accounts, and organizational reports or other unpublished resources (“gray literature”) informed the regional overviews and the six national case studies.

This study does not necessarily reflect the full extent of LGBTIQ website censorship in the six focus countries, but rather provides an *indication* of LGBTIQ website censorship based on available OONI measurements. This is because the number and type of LGBTIQ websites tested in each country varied during the analysis period. In addition, since our measurement findings depend on OONI Probe tests run by local volunteers, there is not only variance in the testing coverage across networks within countries, but also across countries. Moreover, different countries have different ISP markets, with a diverse number of registered ASNs, and ISPs in each country implementing Internet censorship in different ways to be in compliance with different laws and regulations.¹⁰

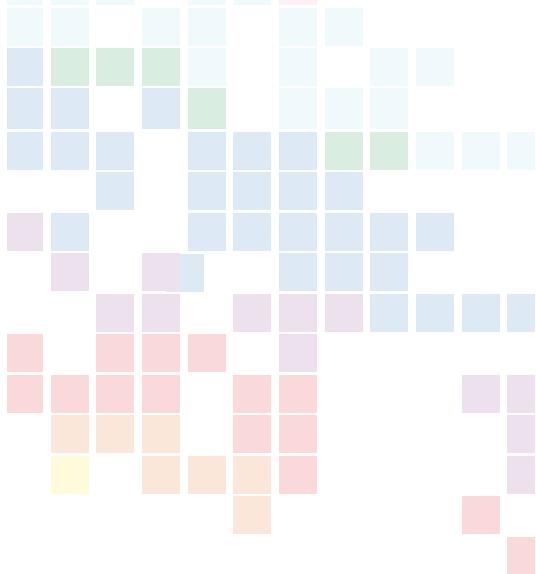
Additional technical findings can be found at <https://outrightinternational.org/NoAccess>.

The full explanation of testing results and methodology can be found at

<https://outrightinternational.org/NoAccess>.



¹⁰ ASN stands for Autonomous System Number (ASN), a unique identifier of an autonomous system (AS). ISP stands for Internet Service Provider. See Definitions for a more in-depth explanations of terms.



OutRight Action International's Recommendations

The six countries represent a range of different socio-cultural, religious, legal, political, and technological realities. Internet capacity, access, and regulation likewise vary. The following recommendations, therefore, are not necessarily applicable to all countries, but rather, are meant to serve as broad advocacy avenues, which would need to be tailored further to national context and nuance.

For National Governments and Policymakers

- Hold private-sector companies operating from their jurisdictions accountable to the international frameworks such as the Guiding Principles on Business and Human Rights endorsed by the UN Human Rights Council.
- Promote and defend the right to free and uncensored internet access in international spaces as part of the fundamental human rights and civil liberties outlined in human rights resolutions and treaties, including the right to freedom of opinion and expression, the right to freedom of association, and the right to privacy in the digital age, among others.
- If engaging in censorship, be transparent about the rationale for and selection and duration of censored sites and when or if censorship will be reduced or eliminated.

For UN Agencies, International NGOs, and Donor Partners

- Document and publicize Internet censorship where and when it occurs, demonstrating how and where such censorship directly violates international standards, laws, or treaties, such as the 2018 Human Rights Council resolution on “the promotion, protection, and enjoyment of human rights on the Internet,” and Article 19(3) of the International Covenant on Civil and Political Rights.
- Provide support to national and regional LGBTIQ human rights organizations to ensure that they are sufficiently resourced and technically equipped to undertake regular holistic safety and security education and training to provide up-to-date information on new technology

and recommended digital safety and security measures, to reinforce personal safety measures, and to protect emotional and psychological well-being of activists.

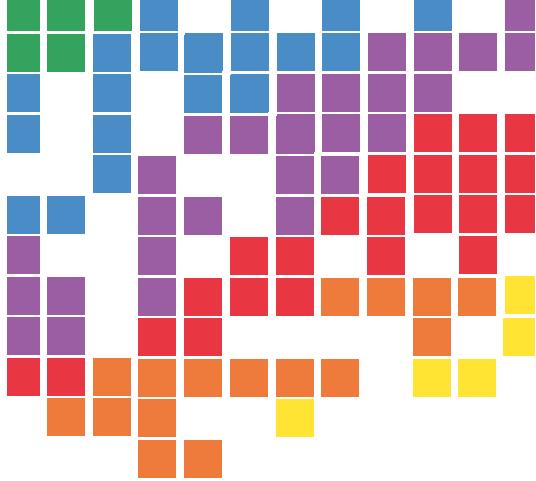
- Consult with LGBTIQ human rights defenders on other tailored approaches to mitigate the impact of censorship. These might include support to social media campaigns, programs to enhance access to health and mental health services and information, or legal support.
- In consultation with LGBTIQ activists, determine when and how to convene regional and international efforts to raise awareness about the nature, extent, and impact of censorship targeting LGBTIQ-related content, organizations, and individuals in specific countries.
- In consultation with LGBTIQ activists, demand that governments engaged in censorship be transparent about their rationale for and selection and duration of censored sites and when or if they intend to reduce or eliminate censorship.

For the Private Sector

- Companies that develop and manufacture internet filtering technology should assess and minimize the impact of the use of their technologies on human rights defenders, including LGBTIQ organizations and individuals, as part of complying with international frameworks such as the Guiding Principles on Business and Human Rights endorsed by the UN Human Rights Council.
- Make circumvention or other secure digital technologies available online to all human rights defenders, including LGBTIQ human rights organizations at reduced or no cost to support their human rights advocacy efforts.
- Provide self-training kits/tools online on the use of emerging digital technologies that may enable circumvention of censorship and educate individuals on how to stay safe online.

For LGBTIQ Activists and Community Members

- Use safe and anonymous browsing and sharing tools such as Virtual Private Networks (VPNs), the Tor Browser, and OnionShare.
- Conduct frequent digital safety and security assessments to identify new potential digital security breaches quickly and minimize threats to LGBTIQ activists, organizations, and community members.
- Standardize funding proposals budgets to include support for digital safety and security training and options/tools to circumvent censorship (such as VPNs).
- Seek out support and training from experts who focus on holistic safety and security, including digital safety security for human rights defenders, such as Frontline Defenders, The Tor Project, the Digital Defenders Partnership, and other experts.
- Play a watchdog role in monitoring and exposing companies selling censorship techniques and tools to governments for the purposes of Internet censorship and consistently highlight the international norms and standards being violated.
- Through safe partnerships and alliances, as needed, document state-sponsored censorship and bring visibility to violations of international norms and standards at national, regional, and global levels.



Definitions of Key Terms and Acronyms

Annotation	A text pattern that matches a single previously observed blocking behavior. For example, if a block page includes the text “Blocked Due To National Policy,” an annotation will be made with that text and website results that contain this text pattern will be grouped together and be considered an indication of a block.
ASN	An Autonomous System Number (ASN) is a unique identifier of an autonomous system (AS). An Internet Service Provider (ISP) usually has an officially registered ASN (and can have more than one ASN). For example, “AS30722” is the ASN of “Vodafone Italia.” The same acronym of ASN can also be used to refer to an “autonomous system network,” which refers to the actual block of Internet addresses assigned and used in a specific AS.
Block	The intentional control or suppression of what can be accessed, published, or viewed on the Internet by an Internet Service Provider, often conducted to be in compliance with government orders to block and/or in compliance with national legislation.
Block page	A block page (or “Access Denied Page”) is a web page that is displayed when a user attempts to access a website they are not permitted to view. When a block page is served by an Internet Service Provider (ISP), the user cannot view the content of the website they are trying to access. Instead, they view a web page known as the block page that informs them that they are not allowed to access the intended website.
Block list	A block list is a list of Internet resources (such as websites and IP addresses) which are blocked from user access. Some governments occasionally publish official block lists (or they are leaked), which contain lists of websites that are legally prohibited in a country. Internet Service Providers (ISPs) are then ordered to block access to all websites included in such block lists, commonly involving hundreds (or thousands) of URLs that contain content which is considered illegal in the respective country.

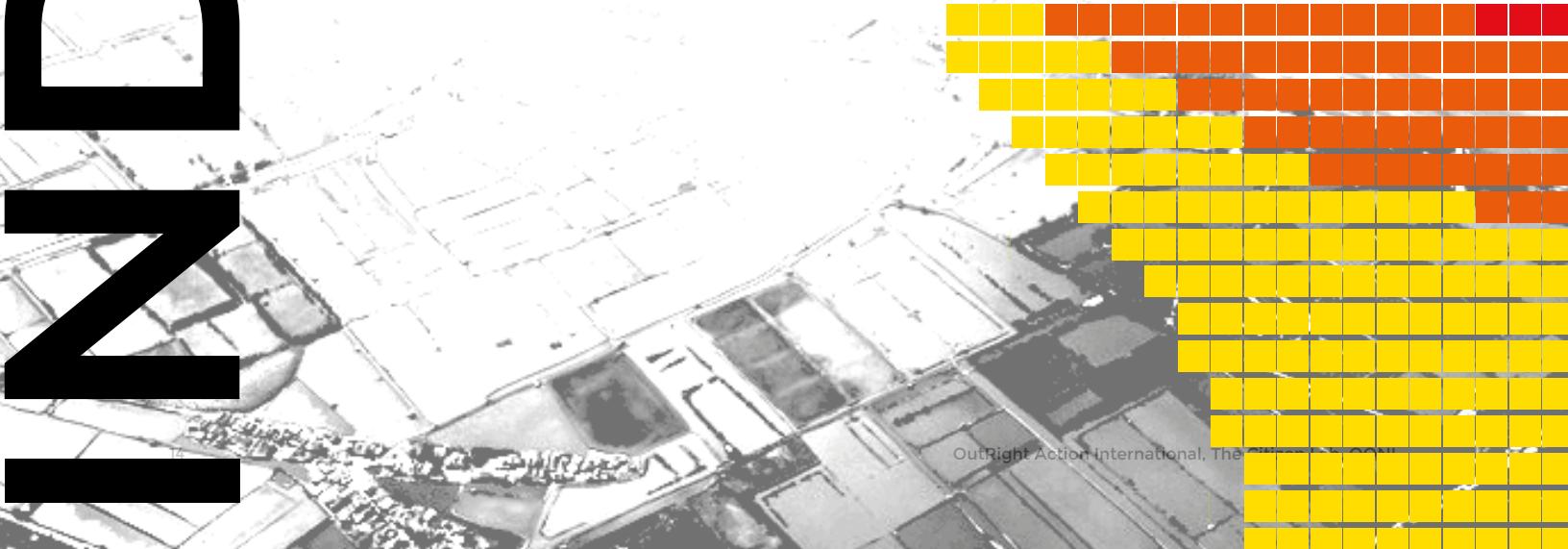
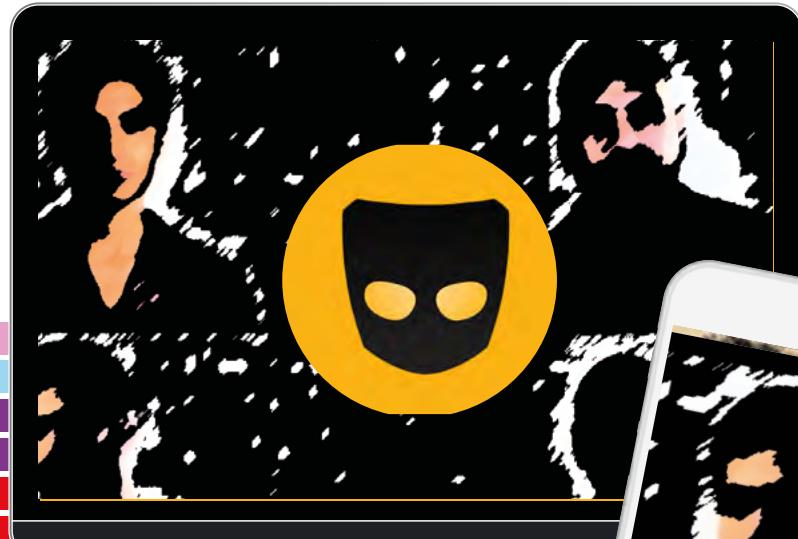
Censorship	In this report, we use the term ‘censorship’ to refer to all politicized actions surrounding blocking access to Internet content (see <i>Block</i> definition).
DNS	DNS stands for “Domain Name System” and it maps domain names to IP addresses. A domain is a name that is attributed to websites so that they can be more easily accessed and remembered. However, computers cannot connect to Internet services through domain names. Instead, they do so using IP addresses, the digital address of each service on the Internet. This is similar to the physical world, where you would need the address of a house (rather than the name of the house itself) in order to visit it. The Domain Name System (DNS) is responsible for transforming a human-readable domain name (e.g., “twitter.com”) into its numerical IP address counterpart (“104.198.14.52”), allowing your computer to access the intended website.
DNS injection	DNS injection occurs when DNS queries are intercepted and fake DNS answers are injected in response. When Internet Service Providers (ISPs) receive government orders to block specific websites, they sometimes adopt this technique of intercepting DNS traffic and replying with a spoofed response for the banned sites to prevent access.
DNS lookup	Computers cannot connect to Internet services through domain names (e.g., “twitter.com”), but based on IP addresses (the digital address of a service). A DNS lookup occurs when you try to access a website in your browser, as a request is forwarded to a DNS resolver, requesting the corresponding IP address to the domain name you entered.
DNS resolver	A DNS resolver is a server that is responsible for transforming host/domain names (such as “twitter.com”) into IP addresses (“38.229.72.16”). Internet Service Providers (ISPs), amongst other service providers (such as Google), run DNS resolvers that can be queried to receive the IP address of a given website.
Domain name	A domain is a name that is commonly attributed to websites when they are created, so that they can more easily be accessed and remembered. For example, “twitter.com” is the domain of the Twitter website.
Filtering	A term typically used to refer to limiting or blocking access to content on the Internet (see <i>Block</i> definition).
Global test list	A list of internationally relevant websites (e.g., “facebook.com”) that are tested for censorship by tools like OONI Probe. The global test list used in this report is hosted and managed by the Citizen Lab, one of the report’s authors.
HTTP	The Hypertext Transfer Protocol (HTTP) is the underlying protocol used by the World Wide Web to transfer or exchange data across the Internet. All websites include an HTTP (or HTTPS) prefix (such as http://example.com/) so that your computer can request and receive the content of a website. The transmission of data over the HTTP protocol is unencrypted.

HTTP blocking	<p>HTTP blocking is an umbrella term used to describe various forms of HTTP interference. When Internet Service Providers (ISPs) receive government orders to block specific websites, HTTP blocking is a common censorship technique that they may adopt. There are many ways that they can implement censorship on the HTTP protocol, such as the following:</p> <ul style="list-style-type: none"> • Serving a block page: In this case, the ISP intercepts the user's request to access a specific website (e.g., "facebook.com") and serves the user a block page instead, which informs the user that they are not allowed to access the requested website. • HTTP failure: The user's HTTP request (to access a specific Internet service) fails because it is intercepted by an HTTP transparent proxy, or the ISP resets the connection or hijacks the (unencrypted) connection to redirect it, and preventing it from reaching the intended server.
HTTPS	The Hypertext Transfer Protocol Secure (HTTPS) is the HTTP protocol over an encrypted channel. Over the last few years, most major websites on the Internet started supporting HTTPS (such as "https://www.facebook.com/") so that the transmission of data (such as passwords to login to websites) over the HTTP protocol is encrypted.
IP address	An Internet Protocol (IP) address is a unique numerical address that identifies a device or service on the Internet. An IP address distinguishes a system from all other systems on the Internet and serves as a digital address for a system, enabling other systems on the Internet to reach it. To connect to the Internet, every device is assigned an IP address.
IP blocking	IP blocking is a form of Internet censorship that is implemented by preventing the target IP address from being reachable or actively resetting the connection (i.e., injecting TCP RST packets) to the IP:Port pair.
ISP	An Internet Service Provider (ISP) is an organization that provides services for accessing and using the Internet. ISPs can be state-owned, commercial, community-owned, non-profit or otherwise privately owned. Vodafone, AT&T, Airtel, and MTN are examples of ISPs.
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex, and queer people.
Local test list	A list of websites that are only relevant to a specific country and which are tested for censorship by tools like OONI Probe. These lists are hosted and managed by the Citizen Lab.
Network measurement	Network measurement is the process of measuring certain attributes of a network. Within the OONI Probe testing context, a single measurement is the result of an OONI Probe test of a single URL.
Protocol	Protocols are a set of rules or procedures for transmitting data between electronic devices (such as computers) on the Internet. These rules determine how information will be structured and how it will be sent and received over the Internet. The Internet consists of various types of protocols, such as the Internet Protocol (IP) which is used to direct data packets to a specific computer or server.
SOGIE	Sexual orientation, gender identity, and gender expression.
TCP connection	The Transmission Control Protocol (TCP) is one of the main protocols on the Internet. To connect to a website, your computer needs to establish a TCP connection to the address of that website. TCP works on top of the Internet Protocol (IP), which defines how to address computers on the Internet. When speaking to a machine over the TCP protocol, you use an IP and port pair (e.g., 10.20.1.1:8080).

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“So, in the end, we need to censor ourselves. Self-censoring is now our habit in order to keep some information on the table... we don’t post images. That is the strategy we are practicing in our daily lives to maintain information in digital and online spaces.”

– Lini Zurlia, ASEAN SOGIE Caucus

Population (2020)	273,523,615 ¹¹
Internet Penetration (2020)	64.1% ¹²
Growth of Internet Population (2010-2018)	29% ¹³
Active Social Media Users (by platform)	Facebook: 50.1% penetration rate (January 2020) ¹⁴
Mobile subscriptions (per 100 inhabitants) [2018]	119.34 ¹⁵
ICCPR ¹⁶ Ratification	Yes
ECSR ¹⁷ Ratification	Yes
Freedom on the Net ranking (2015)	58/100; Partly free ¹⁸
Freedom on the Net ranking (2020)	49/100; Partly free ¹⁹
Consensual same-sex relations	Legal, except in Aceh Province ²⁰

Table 2: Selected Indonesian LGBTIQ, Demographic and Internet Penetration Indicators

11 “Asia Internet Stats by Country and 2020 Population Statistics: Indonesia,” Internet World Stats, accessed October 25, 2020, <https://www.internetworldstats.com/asia.htm#id>.

12 Ibid.

13 “Percentage of Individuals Using the Internet, 2000-2018.”

14 “Asia Internet Stats by Country and 2020 Population Statistics: Indonesia.”

15 “Mobile-Cellular Telephone Subscriptions, 2000-2018.”

16 International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, Entered into force March 23, 1976, ratified by Indonesia on February 23, 2006.

17 International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Indonesia on February 23, 2006.

18 Freedom on the Net 2015; Note Freedom House flipped their Freedom on the Net (FOTN) Internet Freedom Score since their 2015 report, switching a score of 100 from signifying “least free” to “most free.” 2015 FOTN scores thus have been flipped to map to the current scoring system.

19 Indonesia, Freedom on the Net 2020 (Freedom House, 2020), <https://freedomhouse.org/country/indonesia/freedom-net/2020>.

20 Note: In Indonesia, Aceh province criminalizes consensual same-sex relations through Sharia law, and a federal level ban is pending. See: Ramon Mendos, State-Sponsored Homophobia.

Due to growing influence of conservative Islam in Indonesia, legislation targeting content broadly defined as “pornography” is used to justify routine, if inconsistent, blocking of LGBTIQ Internet content.

Highlights of Findings

- Due to growing influence of conservative Islam in Indonesia, legislation targeting content broadly defined as “pornography” is used to justify routine, if inconsistent, blocking of LGBTIQ Internet content. As a result, LGBTIQ individuals must devise circumvention and self-censorship strategies, as well as increase their reliance on social media.
- LGBTIQ activists have had some success advocating that LGBTIQ content is not pornography directly with Indonesia’s Communications and Information Technology Ministry, known as Kominfo.
- Blocking of LGBTIQ websites varies across Indonesian Internet Service Providers (ISPs). Most blocks were observed on Telekomunikasi Indonesia (Telkom), the largest ISP in Indonesia, which is majority-owned by the government, followed by Indosat Ooredoo, a private corporation.
- Among the LGBTIQ websites found blocked in Indonesia, none were in Bahasa Indonesia.

Indonesia has seen a steady increase in Internet use over the last twenty years. Data from 2018 suggests that over 64 percent of Indonesia’s over 270 million people are using the Internet.²¹ Accompanying this rise in connectivity, however, is the growing influence of

²¹ “Asia Internet Stats by Country and 2020 Population Statistics: Indonesia;” Simon Kemp, Digital 2020: Indonesia (DataReportal, 2020), <https://datareportal.com/reports/digital-2020-indonesia>.

conservative Islam in this Muslim-majority country, as well as legislation targeting pornography and promoting “traditional values.” This has led to a rise in state-sponsored Internet censorship, fueled by the government’s push to sanction beliefs and behavior perceived as antithetical to Islamic teaching.²²

Activism by the LGBTIQ community has grown in recent years, yet our analysis suggests that LGBTIQ Internet content is being routinely, if inconsistently, censored, forcing LGBTIQ activists and communities to devise circumvention and self-censorship strategies and to increase their reliance on social media. With LGBTIQ activism shifting further online due to the COVID-19 pandemic, attacks against LGBTIQ individuals are intensifying both online and offline. Multiple sources interviewed for this report emphasized that LGBTIQ people and activist organizations in Indonesia not only face surveillance concerns on platforms such as Facebook and WhatsApp, but also face infiltration by malicious actors during webinars and in other online spaces.²³ Continued censorship of LGBTIQ content further harms those hardest hit by the COVID-19 pandemic by denying them essential opportunities (e.g., to help them find jobs), information, and support.

²² Maria Platt, Sharyn Graham Davies, and Linda Rae Bennett, “Contestations of Gender, Sexuality and Morality in Contemporary Indonesia,” *Asian Studies Review* 42, no. 1 (January 2, 2018): 6, <https://doi.org/10.1080/10357823.2017.1409698>; *Indonesia, Freedom on the Net 2019* (Freedom House, 2020), <https://freedomhouse.org/country/indonesia/freedom-net/2020>.

²³ Riska Carolina, Specialist in law of sexuality and part of the Support Group and Resource Center on Sexuality Studies (SRGC), in discussion with the interviewer, July 22, 2020; Rebecca Nyuei, Co-founder of Jaringan Transgender Indonesia (TID), in discussion with the interviewer, September 13, 2020.

Background

Indonesia has a history of tolerating queerness, particularly gender identities known as *waria*.²⁴ While same-sex relations are not criminalized on a federal level, Aceh Province implemented Sharia law as part of its legal system in 2006, making same-sex relations illegal.²⁵ Recently, lawmakers have proposed several laws that are discriminatory against the LGBTIQ community and other minority groups. For example, a draft “Family Resilience” bill was proposed in early 2020, which would require LGBTIQ people to report to the authorities for “rehabilitation” and force families to report LGBTIQ individuals to government agencies in charge of “family resilience” matters.²⁶ The bill was rejected by the House of Representatives in November 2020.²⁷ The 2019 draft revision of the Penal Code would criminalize sex outside of marriage, effectively making same-sex relationships illegal.²⁸ Further, according to Riska Carolina, a human rights researcher with the Support Group and Resource Center on Sexuality Studies (SGRC) at the University of Indonesia, many parliamentarians reportedly hold close ties to the “Family Love Alliance”

²⁴ Baden Offord, “Arrested Development! Singapore, Indonesia, and Malaysia,” in *The Lesbian and Gay Movement and the State: Comparative Insights into a Transformed Relationship*, ed. Manon Tremblay, David Paternotte, and Carol Johnson (Farnham, Surrey ; Burlington, VT: Ashgate, 2011): 12.

²⁵ Moch Nur Ichwan, “Official Ulema and the Politics of Re-Islamization: The Majelis Permusyawaratan Ulama, Shari’atization and Contested Authority in Post-New Order Aceh,” *Journal of Islamic Studies* 22, no. 2 (May 1, 2011): 184, <https://doi.org/10.1093/jis/etr026>.

²⁶ “Crackdown Against LGBTIQ People Intensifies In Indonesia,” OutRight Action International, February 20, 2020, <https://outrightinternational.org/content/crack-down-against-lgbtqiq-people-intensifies-indonesia>.

²⁷ “The House Drops a Bill That Will Require Indonesians to Turn in Gay Family Members,” *Jakarta Globe*, November 24, 2020, <https://jakartaglobe.id/news/the-house-drops-a-bill-that-will-require-indonesians-to-turn-in-gay-family-members>.

²⁸ “Indonesia: Draft Criminal Code Disastrous for Rights,” Human Rights Watch, September 18, 2019, <https://www.hrw.org/news/2019/09/18/indonesia-draft-criminal-code-disastrous-rights>.

(AILA), a conservative group of academics and activists that has aimed to pass anti-LGBTIQ rights legislation in Indonesia since 2016.²⁹

The Origins of Internet Censorship affecting LGBTIQ Indonesians

Legislation controlling information amplifies the increasingly conservative atmosphere. The Law on Electronic Information and Transaction (ITE Law No. 11/2008) and the Law on Pornography (No. 44/2008) are both used to target LGBTIQ people and advocacy.³⁰ A revised version of the ITE Law was passed in October 2016, including multiple provisions that “expand the government’s role in controlling information.”³¹ The Indonesian Broadcasting Commission (KPI) also released a declaration in 2016 prohibiting media broadcasters from portraying male sexual diversity on air, and shortly thereafter banned transgender people from appearing on television.³²

At the legislative level, Commission I of the People’s Representative Council requested the Communications and Information Technology Ministry, known as Kominfo, in 2016 to take “preventive measures against LGBTIQ propaganda through the Internet.”³³ This pressure led the Ministry to announce that it was drafting a bill to ban websites that promote LGBTIQ activities; at the time of this report’s writing,

²⁹ Interview with Carolina.

³⁰ Ronald Deibert, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain, eds. “Indonesia,” in *Access Contested: Security, Identity, and Resistance in Asian Cyberspace*. (The MIT Press, 2011): 313. <https://doi.org/10.7551/mit-press/9780262016780.001.0001>.

³¹ “Revised ITE Law Could Hamper Freedom of Expression: Researcher,” *The Jakarta Post*, October 31, 2016, <https://www.thejakartapost.com/news/2016/10/31/revised-ite-law-could-hamper-freedom-of-expression-researcher.html>.

³² Ramon Mendos, *State-Sponsored Homophobia: Global Legislation Overview Update*, 60; Nyuei, interview.

³³ “Government Drafts Ban on LGBT Websites,” *The Jakarta Post*, March 5, 2016. <https://www.thejakartapost.com/news/2016/03/05/government-drafts-ban-lgbt-websites.html>

the bill remains pending. The Commission's then-Chairman Mahfudz Siddiq said that such a bill is required because "LGBTIQ issues can damage national security, identity, culture and the faith of Indonesians."³⁴

Rebecca Nyuei, a co-founder of the Indonesian Transgender Network, known as Jaringan Transgender Indonesia or JIT, stated that the reason Kominfo blocks LGBTIQ content is due to its perceived "negative effects on citizens."³⁵ The government's blocking of LGBTIQ content is further justified and implemented through their so-called "Safe and Healthy Internet" program aimed at protecting society against values and ethics perceived to be antithetical to Indonesian culture.³⁶

Kominfo maintains a database of blocked URLs, known as "Trust Positif" or Trust+, which is used to facilitate the management of blocklists among Indonesia's over five-hundred ISPs.³⁷ Kominfo encourages citizens to help develop Trust+ by submitting links via email or through a complaint form on the Kominfo's website.³⁸ Kominfo has also implemented a web crawler,³⁹

³⁴ Ibid.

³⁵ Matthew Carreiri et al. Analyzing Content Controls in Indonesia (Part 2 of 4). The Citizen Lab, University of Toronto. October 25, 2013. <https://citizenlab.ca/2013/10/igf-2013-analyzing-content-controls-indonesia/>

³⁶ "Kominfo Sebut Konten LGBT Langgar Budaya Indonesia." CNN Indonesia, February 13, 2019. <https://www.cnnindonesia.com/teknologi/20190213130810-192-368860/kominfo-sebut-konten-lgbt-langgar-budaya-indonesia>.

³⁷ Kay Yen Wong et al., *The State of Internet Censorship in Indonesia*. Open Observatory for Network Interference, May 23, 2017. <https://ooni.org/post/indonesia-internet-censorship/>

³⁸ Ronald Deibert et al., "Indonesia," 312.

³⁹ Cloudflare explains web crawlers as tools that "downloads and indexes content from all over the Internet. The goal of such a bot is to learn what (almost) every webpage on the web is about, so that the information can be retrieved when it's needed. They're called 'web crawlers' because crawling is the technical term for automatically accessing a website and obtaining data via a software program." See "What Is a Web Crawler? | How Web Spiders Work," Cloudflare, accessed September 16, 2020. <https://www.cloudflare.com/learning/bots/what-is-a-web-crawler/>; "Negative content" is defined by Kominfo's Ministerial Regulation No. 9/2014 as content related to gambling, fraud, copyright violations, terrorism / radicalism, ethnicity, religion, race, and other social divisions

called "Cyber Drone 9," that searches and feeds publicly available "negative content" into the Trust+ database.⁴⁰ All ISPs in Indonesia are required to block websites in the Trust+ database, or face criminal sanctions.⁴¹

Kominfo disclosed to the media that more than 50 percent of censorship requests submitted to them by the public in 2019 were related to "pornography."⁴² According to rights activist Lini Zurlia of the ASEAN SOGIE Caucus,⁴³ websites, Facebook pages, and other online groups and domains that used the words "lesbian," "gay," "bisexual," or "transgender" have routinely been deemed to be pornographic and began to be blocked in 2016–17.⁴⁴ When activists questioned this approach, Kominfo changed its policy to include the actual content

(SARA), hoaxes, and separatism / dangerous organizations. See: Yohana Santoso, "Melindungi Keluarga Dari Konten Negatif Dunia Maya," Kementerian Komunikasi Dan Informatika Republik Indonesia, June 13, 2016, http://content/detail/7606/melindungi-keluarga-dari-konten-negatif-dunia-maya/0/sorotan_media; Ayu Yuliani, "Mengenal Ais, Mesin Pengais Konten Internet Negatif Milik Kominfo," Kementerian Komunikasi dan Informatika Republik Indonesia, January 3, 2018, https://www.kominfo.go.id/content/detail/12252/mengenal-ais-mesin-pengais-konten-internet-negatif-milik-kominfo/0/sorotan_media.

⁴⁰ Fatimah Kartini Bohang, "Mesin Pengais Konten Negatif Difungsikan, Tim 'Trust Positif' Kominfo Dilebur," KOMPAS.com, January 3, 2018, <https://tekno.kompas.com/read/2018/01/03/13593927/mesin-pengais-konten-negatif-difungsikan-tim-trust-positif-kominfo-dilebur>.

⁴¹ Aditya Panji, "Kuasa Besar Pemerintah Blokir Konten Internet," CNN Indonesia, October 10, 2014, <https://www.cnnindonesia.com/teknologi/20141010173708-213-6060/kuasa-besar-pemerintah-blokir-konten-internet>.

⁴² "Pornography Dominates Negative Content Reported to Ministry in 2019," The Jakarta Post, January 10, 2020, <https://www.thejakartapost.com/life/2020/01/10/pornography-dominates-negative-content-reported-to-ministry-in-2019.html>.

⁴³ The ASEAN SOGIE Caucus defines itself as "a network of diverse human rights activists in Southeast Asia that aims for the inclusion of SOGIE (sexual orientation, gender identity and expression) in the ASEAN Human Rights Mechanisms (...)." See: Secretariat, "What Is the ASEAN SOGIE Caucus?," The ASEAN SOGIE Caucus, accessed September 16, 2020, <https://aseansogiecaucus.org/9-ascs-work/2-what-is-the-asean-sogie-caucus>.

⁴⁴ Interview with Lini Zurlia, member of the Association of Southeast Asian Nations (ASEAN) Sexual Orientation, Gender Identity and Expression (SOGIE) Caucus, May 12, 2019.

of pages and websites when making censorship considerations.⁴⁵

Still, Zurlia noted that, “If [Kominfo] see a man kissing a man or a woman kissing a woman, they will automatically block the website or page, but if it does not contain an image, then it will remain uncensored.”⁴⁶ This results in self-censorship of images specifically to ensure that LGBTIQ organizations can maintain a presence online.

The Support Group and Resource Center on Sexuality Studies (SGRC) at the University of Indonesia also had their website blocked. Riska Carolina, a human rights researcher there, said that Kominfo sent SGRC a letter informing them of the blocking.⁴⁷ SGRC requested a meeting with Kominfo, which did not officially respond, but the website was unblocked thereafter. This incident indicates that there may be some responsiveness by Kominfo to demands for free expression from the LGBTIQ community.⁴⁸

Dating apps like Grindr and Blued are also a target of censorship in Indonesia.⁴⁹ Analysis by OONI showed that access to Blued’s website is blocked on at least eight ISP networks in Indonesia.⁵⁰ OONI testing also showed that Grindr’s website is blocked. Other online sites or profiles are blocked if they use terms that may signal gay or lesbian identity.⁵¹ Further, the BeeTalk app (similar to Tinder) and China’s

45 Ibid.

46 Ibid.

47 Interview with Carolina. The site has never been tested with OONI Probe and we are, therefore, unable to confirm this blocking.

48 Interview with Carolina.

49 Oliver Slow, “LGBTQ Rights Gain Energy in SE Asia,” US News & World Report, November 26, 2018, <https://www.us-news.com/news/best-countries/articles/2018-11-26/lgbtq-movements-slowly-gain-momentum-across-southeast-asia>

50 “OONI measurements collected from Indonesia on the testing of ‘www.blued.com’”, Open Observatory of Network Interference, accessed October 29, 2020, https://explorer.oni.org/search?until=2020-10-07&domain=www.blued.com&probe_cc=ID.

51 Interview with Zurlia.

WeChat censor the term *waria* in usernames and profiles. BeeTalk justifies this censorship by claiming that *warias* are involved in prostitution.⁵² Rebecca Nyuei explained that, in her experience, people who include the term *waria* in WeChat profiles are unable to use the “people nearby” feature, and that fellow WeChat contacts cannot see their profile either.⁵³

Interestingly, Hornet dating app co-founder Sean Howell stated that their servers have yet to be blocked in the country.⁵⁴ Riska Carolina also confirmed that the Her dating app works without being censored. The website of the Her dating app,⁵⁵ primarily used by lesbians and bisexual women, has only been tested twice in Indonesia with the OONI Probe;⁵⁶ and both instances of testing showed that it was accessible on the relevant networks during the times it was tested (November 2019 and July 2020).⁵⁷ It is possible, however, that access to weareher.com may have been blocked on other networks, and/or that only access to its app is blocked.

There is some evidence of technology companies also giving in to conservative pressure. In

52 Fadli Muhammad, “Polisi Ungkap Dugaan Praktik Prostitusi Online Via Aplikasi BeeTalk,” PojokSumut, September 19, 2018. <https://sumut.pojoksumut.id/baca/polisi-ungkap-dugaan-praktik-prostusni-online-via-aplikasi-beetalk>.

53 Interview with Nyuei.

54 Interview with Sean Howell, co-founder of Hornet dating app, August 26, 2020.

55 “OONI measurement collected from Indonesia on the testing of ‘weareher.com’”, Open Observatory of Network Interference, accessed November 19, 2020, https://explorer.oni.org/measurement/20191120T000158Z_AS7713_ZZDI3yk250mc3jY02DO63AUyVXqK2YLWHYad-4J3g77AU7ShTNh?input=https://weareher.com/

56 “OONI measurement collected from Indonesia on the testing of ‘weareher.com’”, Open Observatory of Network Interference, accessed November 19, 2020, https://explorer.oni.org/measurement/20200723T073016Z_AS17670_B6XffQnPjAulAtt8He93FKEzPWRQcPJeB3gGCLfh6N8mKMjzbE?input=https://weareher.com/

57 OONI Explorer (OONI measurements collected from Indonesia on the testing of weareher.com, accessed October 29, 2020), https://explorer.oni.org/search?until=2020-10-07&domain=weareher.com&probe_cc=ID.

2018, Google blocked access to Blued and removed 72 other LGBTIQ-themed apps from the Play Store for users in Indonesia.⁵⁸

Policies and attitudes against the LGBTIQ community may vary at the national and sub-national (e.g., provincial) levels. As Lini Zurlia noted, “censorship [of the LGBTIQ community] depends on the local context within the country.”⁵⁹ If, for example, conservative legislation fails at the national level, provinces may try to pass similar restrictive legislation at sub-national levels.

Online Abuse and Harassment

In addition to facing government censorship, LGBTIQ individuals also regularly experience harassment and discrimination online, including on social media platforms. Concerns over surveillance and potential threats by law enforcement also exist in the LGBTIQ community. The Israeli newspaper Haaretz reported in 2018 that surveillance software created by Israel’s Verint Systems was used to create a database of LGBTIQ activists in Indonesia.⁶⁰ With LGBTIQ activism shifting online due to the COVID-19 pandemic, attacks against LGBTIQ individuals are intensifying both online and offline.⁶¹ These threats may lead to further self-censorship.

Summary of Technical Findings

Our findings⁶² are based on the analysis of OONI measurements collected from Indonesia between June 1, 2016 to July 31, 2020.⁶³ The results do not necessarily reflect the full extent of LGBTIQ website censorship in Indonesia, but rather they provide an indication of censorship based on available OONI measurements in-country.

At least 38 unique websites relevant to the LGBTIQ community are blocked in Indonesia. These include websites that seek to create a sense of community, such as on gender identity (transgendermap.com); that conduct human rights advocacy, such as the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ilga.org); and that provide dating services such as Grindr. The blocking of online LGBTIQ social networking, dating, and news media sites in Indonesia raises concerns, particularly since in-country interview respondents reported that LGBTIQ individuals rely on such platforms for communication and access to information.⁶⁴

The blocking of LGBTIQ sites is confirmed by blockpages. The presence of blockpages (see Image 1 below, for example) is a transparent way of conducting censorship because Internet users are informed that access to the sites is blocked. In some cases, the blockpages even refer to relevant regulations to justify the blocks.

58 Shannon Power, “Gay Dating App Blued ‘shocked’ to Be Banned in Indonesia,” *Gay Star News*, February 6, 2018, <https://www.gaystarnews.com/article/gay-dating-app-blued-shocked-banned-indonesia/>.

59 Interview with Zurlia.

60 Hagar Shezaf and Jonathan Jacobson, “Revealed: Israel’s Cyber-Spy Industry Helps World Dictators Hunt Dissidents and Gays,” *Haaretz*, October 10, 2018, <https://www.haaretz.com/israel-news/.premium.MAGAZINE-israel-s-cyber-spy-industry-aids-dictators-hunt-dissidents-and-gays-1.6573027>.

61 Interview with Zurlia.

62 This case study highlights high-level findings. Additional technical findings can be found at <https://outrightinternational.org/NoAccess>. The full explanation of testing results and methodology can be found at <https://outrightinternational.org/NoAccess>.

63 Citizen Lab, “Analysis of OONI measurements collected from Indonesia,” accessed October 26, 2020, <https://github.com/citizenlab/lgbtiq-report-data/blob/main/id.csv>; OONI Explorer (OONI Measurements Collected from Indonesia, accessed October 26, 2020), https://explorer.ooni.org/search?until=2020-10-02&probe_cc=ID.

64 Interviews with Zurlia and Carolina.

LGBTIQ website blocking varies across Indonesian ISP networks. LGBTIQ sites were found blocked across 43 of 97 local networks tested. Different ISPs blocked access to different websites and in different moments in time. Most blocks were observed on Telekomunikasi Indonesia (Telkom), which is Indonesia's largest ISP and majority owned by the Indonesian government, followed by Indosat Ooredoo (Indosat).

Among the LGBTIQ websites found blocked in Indonesia, none were in Bahasa Indonesia. Many of the blocked LGBTIQ websites are English language sites, intended for a global audience. This may reflect a lack of local-language LGBTIQ content or an overwhelming focus on international content in the list of URLs tested. Rebecca Nyuei, the co-founder of the Indonesian Transgender Network (JTID), corroborated our technical findings, noting that this could be because international sites are more popular in Indonesia.



Image 1: Block page served by First Media in Indonesia.

The chart below (**Figure 1**) illustrates the number and categories of LGBTIQ sites that we found blocked in Indonesia as part of the research for this report. Category “404” comprises websites tested that were not operational or returned an error message.

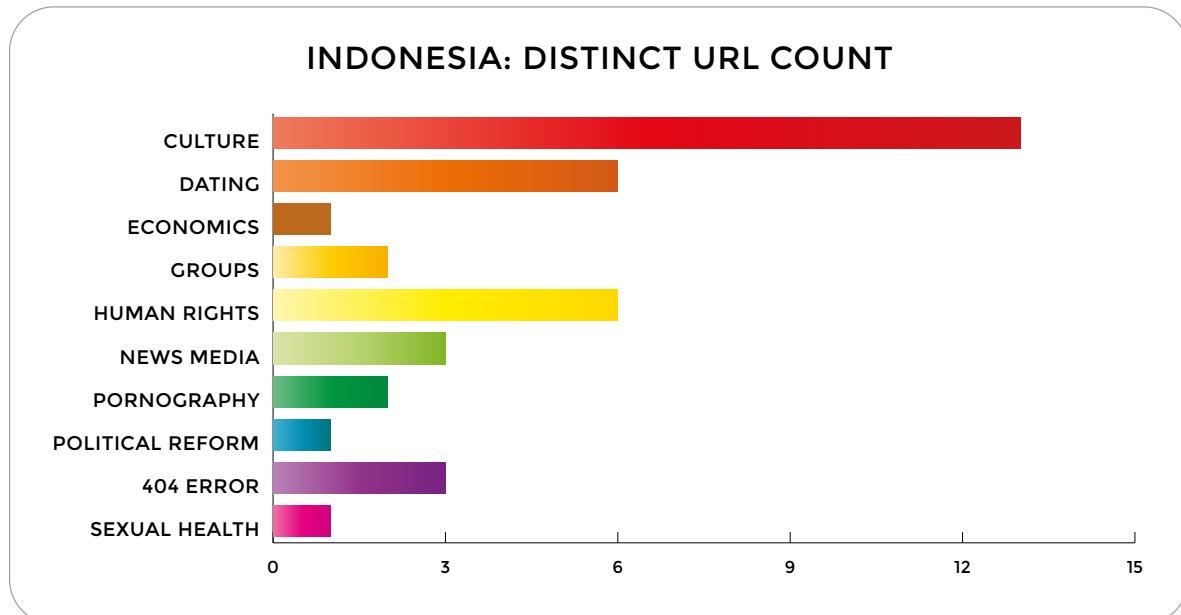


Figure 1: Blocking of different types of LGBTIQ websites in Indonesia, based on analysis of OONI measurements collected between June 1, 2016 to July 31, 2020.

Previous OONI Research on Indonesia

OONI's 2017 report on "The State of Internet Censorship in Indonesia" documented LGBTIQ websites that were found blocked at the time of testing.⁶⁵ LGBTIQ websites that were blocked in 2017 and also found to be blocked in this study include:

- `www.glil.org`
- www.bglad.com
- www.tsroadmap.com
- www.gayegypt.com
- www.queernet.org
- www.glbtq.com
- www.gayhealth.com
- www.gay.com
- www.bisexual.org
- www.lesbian.org
- www.samesexmarriage.ca
- transsexual.org
- www.gayscape.com

The self-describing domains of some of these websites—such as www.gay.com, www.lesbian.org, www.bisexual.org, transsexual.org—suggest that censorship authorities may have developed their blocklist based on LGBTIQ-relevant keywords.⁶⁶ The retention of older names of these websites (e.g., www.gay.com, which now redirects to lalgbtcenter.org) in the Trust+ blocklist⁶⁷ suggests that the authorities may not have updated their LGBTIQ blocklist recently.

65 Kay Yen Wong et al., *The State of Internet Censorship in Indonesia*.

66 "Blocklist."

67 "TrustPositif," accessed October 25, 2020, <https://trustpositif.kominfo.go.id/>.

In addition, we discovered the **blocking of nine additional LGBTIQ sites in Indonesia** as part of this study. It is unclear when the blocking of these nine LGBTIQ websites started. They include:

- amygoodloe.com/lesbian-dot-org/ (although this web page is now unavailable),
- boyahoy.com
- ilga.org
- lgbtfunders.org
- www.advocate.com
- www.glas.org
- www.grindr.com
- www.nclrights.org
- www.scruff.com

Conclusions

Individuals interviewed believe that censorship of LGBTIQ online content is likely to persist, especially in light of the country's increasingly conservative environment,⁶⁸ and potentially to increased access to censorship tools. The prevailing climate will also continue to cause LGBTIQ people to be vigilant about what to post, and to engage in self-censorship, hindering access to crucial information and support. Interviewees also highlighted that the LGBTIQ community, and other rights activists, however, will continue to push back against state-sponsored online restrictions.⁶⁹ Social media—Instagram, TikTok, and Twitter—remain accessible and widely used by the LGBTIQ community. Rebecca Nyuei states that “queer influencers, so long as they don’t talk about government, will continue to exist and will not be blocked.”⁷⁰ Fortunately, some of the newer LGBTIQ organizations have been started by tech-savvy younger activists who have found ways to publish newsletters or magazines, books, and other materials that are uploaded onto websites, blogs, and Facebook.⁷¹ Many actually met in Internet chat rooms or via mailing lists, as well as in Facebook groups.⁷² Moreover, the current climate has pushed the LGBTIQ community to further educate themselves about online safety and security, as well as about circumvention, such as how to use VPNs. As in many settings where censorship is increasing, the Indonesian LGBTIQ community will continue to find creative approaches to connect, organize, and support each other, as part of their continuing efforts to defend their human rights.

68 Interview with Nyuei.

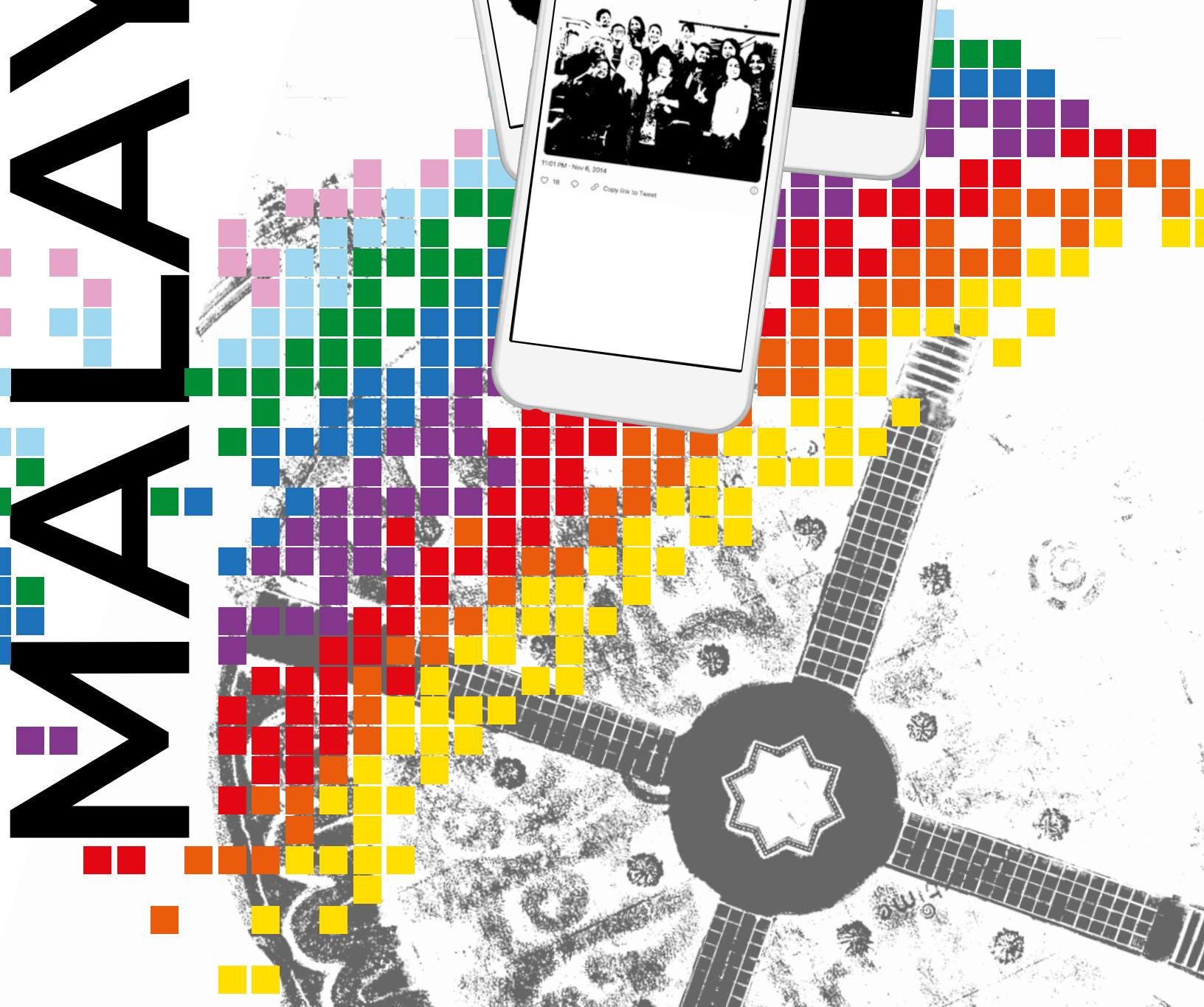
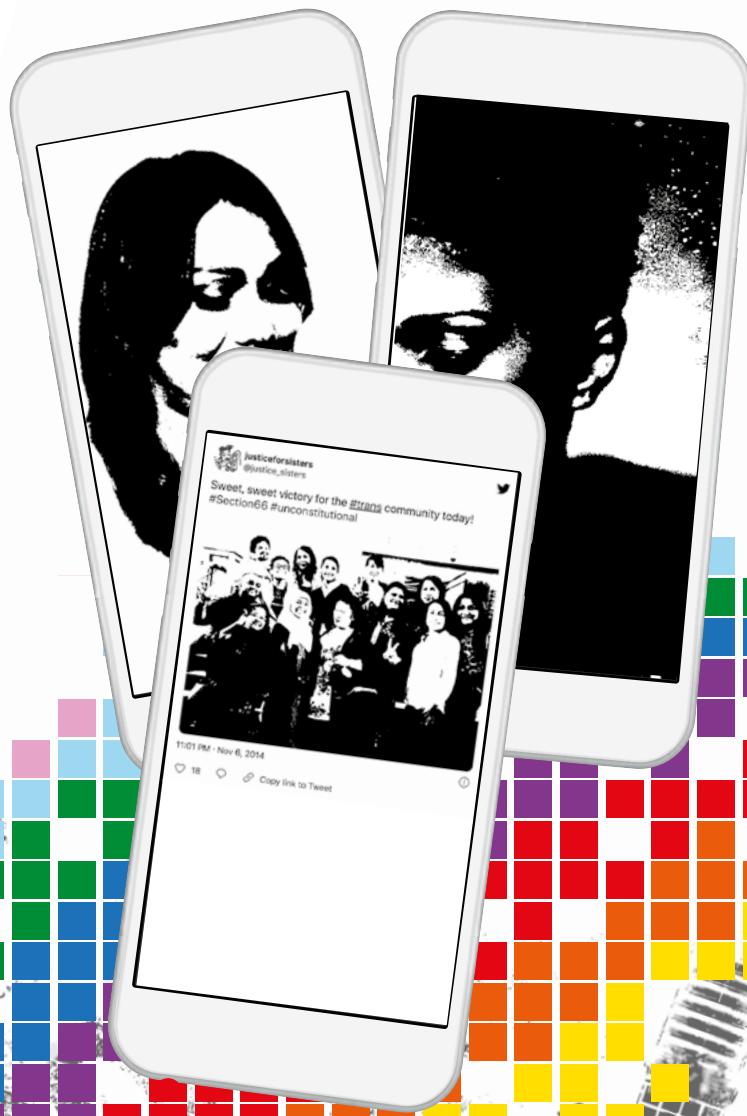
69 Interview with Nyuei.

70 Interview with Nyuei.

71 United Nations Development Programme and USAID. *Being LGBT in Asia, Country Report*, 35. 2014. https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Indonesia_Country_Report.pdf

72 UNDP and USAID, 2014.

WAVAYSIA



Population (2020)	32,365,999 ⁷³
Internet Penetration	81.4% ⁷⁴
Growth of Internet Population (2010-2018)	25% ⁷⁵
Active social media users	Facebook: 68% penetration rate (December 2018) ⁷⁶
Mobile subscriptions (per 100 inhabitants [2018])	134.53 ⁷⁷
ICCPR Ratification	No
ICECSR Ratification	No
Freedom on the Net ranking (2015)	57/100; Partly free ⁷⁸
Freedom on the Net ranking (2020)	58/100; Partly free ⁷⁹
Consensual same-sex relations	Not legal ⁸⁰

Table 3: Selected Malaysian LGBTIQ Demographic and Internet Penetration Indicators

Highlights

- The conservative turn of Islam in Malaysia, which began in the 1980s,⁸¹ has led to the persistent denial of the rights of LGBTIQ individuals and communities.
- LGBTIQ people and organizations in Malaysia do not typically maintain websites but instead use messaging apps like Telegram and WhatsApp to self-organize and share local language-specific content, as well as dating apps.
- Section 233 of the Communications and Multimedia Act has been used to block LGBTIQ websites. In-country experts suggest that the more visibility LGBTIQ content receives, the more likely the authorities are to censor it.
- LGBTIQ sites appear to have been blocked in Malaysia starting from 2018, initially targeting www.gaystarnews.com, www.planetromeo.com, and www.utopia-asia.com. These sites remain blocked at the time of this report.
- This study documented the blocking of 21 unique URLs relevant to LGBTIQ communities. However, it is possible that this blocking is due to “censorship leakage” from Indonesia, given that the blocking of those URLs resolves to an IP address in Indonesia.

⁷³ “Asia Internet Stats by Country and 2020 Population Statistics: Malaysia,” Internet World Stats, accessed July 21, 2020, <https://www.internetworldstats.com/asia.htm#my>.

⁷⁴ Ibid.

⁷⁵ “Percentage of Individuals Using the Internet, 2000-2018.”

⁷⁶ Ibid.

⁷⁷ “Mobile-Cellular Telephone Subscriptions, 2000-2018.”

⁷⁸ Freedom on the Net 2015; Please note that Freedom House flipped their Freedom on the Net (FOTN) Internet Freedom Score since their 2015 report, switching a score of 100 from signifying “least free” to “most free.” 2015 FOTN scores thus have been flipped to map to the current scoring system.

⁷⁹ Malaysia, Freedom on the Net 2020 (Freedom House, 2020), <https://freedomhouse.org/country/malaysia/free-dom-net/2020>.

⁸⁰ Ramon Mendos, *State-Sponsored Homophobia: Global Legislation Overview Update*.

⁸¹ Mohamed Nawab Mohamed Osman, “The Islamic Conservative Turn in Malaysia: Impact and Future Trajectories,” *Contemporary Islam* 11, no. 1 (April 1, 2017): 1–20, <https://doi.org/10.1007/s11562-016-0373-3>.

Background

The Malaysian Internet ecosystem is one of the most vibrant in the Southeast Asia region. Over 80 percent of Malaysians have access to the Internet, and nearly 70 percent are active on social media.⁸² Yet, the conservative Islamic position within the Malaysia government, which began in the 1980s,⁸³ has led to a persistent denial of LGBTIQ human rights and freedom of expression online and offline.⁸⁴ Anti-LGBTIQ hate speech by Malaysia's government officials and religious leaders over the years have furthered marginalization and stigmatization of LGBTIQ people. Recognition of LGBTIQ human rights is also often framed as a battle between Western and Asian cultures.⁸⁵ Religious authorities in Malaysia are known to regularly raid LGBTIQ venues including bars, saunas, and parks to enforce Sharia law.⁸⁶ Thilaga, a queer activist and a founding member of Justice for Sisters, noted that they are "impacted by censorship, as every time an event or forum is organized, there is always the threat of infiltration or a raid."⁸⁷ Yet these challenges have not stopped Malaysia's LGBTIQ movement, as they continue to push back in both online and offline spaces.

82 "Percentage of Individuals Using the Internet, 2000–2018."

83 Mohamed Nawab Mohamed Osman, "The Islamic Conservative Turn in Malaysia: Impact and Future Trajectories," *Contemporary Islam* 11, no. 1 (April 1, 2017): 1–20, <https://doi.org/10.1007/s11562-016-0373-3>.

84 Shanon Shah, "Populist Politics in the New Malaysia," *New Diversities, Populism Beyond the West: Dissonant Diversities and Fragmented Politics*, 21, no. 2 (2019): 53–68.

85 Cai Wilkinson et al., "LGBT Rights in Southeast Asia: One Step Forward, Two Steps Back?," *IAFOR Journal of Asian Studies* 3, no. 1 (Summer 2017): 5–17, <https://doi.org/10.22492/ijas.3.1.01>.

86 Valerie A. Earnshaw et al., "Stigma Toward Men Who Have Sex with Men Among Future Healthcare Providers in Malaysia: Would More Interpersonal Contact Reduce Prejudice?," *AIDS and Behavior* 20, no. 1 (January 1, 2016): 98–106, <https://doi.org/10.1007/s10461-015-1168-x>.

87 Interview with Thilaga, queer activist and founder of Justice for Sisters, July 29, 2020.

Legal Environment

Conservative attitudes reinforce ongoing support for Section 377A of Malaysia's penal code, which criminalizes same-sex relations.⁸⁸ Malaysia's hybrid legal system⁸⁹ means that Islamic Sharia courts adjudicate matters relating to Islam and have authority over "family law, charitable property, religious revenue, places of worship, and religious offenses such as adultery and other forms of sexual misconduct, defamation, non-payment of alms, and consumption of liquor."⁹⁰

Malaysia also currently penalizes individuals for "posing" as someone of a different gender. In 2008, the National Fatwa Council issued a *fatwa* (religious edict) decreeing that "tomboyish behavior" and same-sex relations between women are forbidden acts in Islam.⁹¹ This restriction against gender expression makes Malaysia one of the few countries in the world to criminalize transgender people.⁹² In late 2018, the Malaysian government began officially promoting so-called "conversion therapy" to allegedly guide Muslim LGBTIQ citizens, especially transgender women, to the "right path."⁹³

88 Penal Code (Act 574), § 377A (1997), <https://www.icj.org/wp-content/uploads/2012/12/Malaysia-Penal-Code-Act-1936-1997-eng.pdf>.

89 Ahmad Fauzi Abdul Hamid, "Shifting Trends of Islamism and Islamist Practices in Malaysia, 1957–2017," *Southeast Asian Studies* 7, no. 3 (2018): 368, https://doi.org/10.20495/seas.7.3_363.

90 Ibid., 367.

91 Jalil Hamid, "Malaysia Muslim Body Issues Fatwa against Tomboys," Reuters, October 24, 2008, <https://www.reuters.com/article/us-malaysia-tomboys-idUSTRE49N2AM20081024>.

92 "Malaysia: Court Ruling Sets Back Transgender Rights," *Human Rights Watch*, October 8, 2015, <https://www.hrw.org/news/2015/10/08/malaysia-court-ruling-sets-back-transgender-rights>; Jonathon Egerton-Peters et al., *Injustice Exposed: The Criminalisation of Transgender People and Its Impacts* (London: Human Dignity Trust, May 17, 2019), 25, <https://www.humandignitytrust.org/wp-content/uploads/resources/Injustice-Exposed-the-criminalisation-of-trans-people.pdf>.

93 Jia Vern Tham, "Here's How Malaysia 'Cures' LGBTs With Conversion Therapy," SAYS, December 20, 2018, <https://says.com/my/news/heres-how-malaysia-cures-lgbts-with-conversion-therapy>.

In an interview with “D,” a campaigner at Malaysia’s Pelangi Campaign, which advocates and defends LGBTIQ rights, they shared that some national LGBTIQ activism has nevertheless grown over the past ten years, including through student, theatre, and community-building groups in regions beyond the capital city of Kuala Lumpur, such as Penang and Sabah.⁹⁴

The Impact of Internet Censorship on LGBTIQ Malaysians

The 1998 Communications and Multimedia Act (CMA) gives the Ministry of Communications and Multimedia authority to license the ownership of network facilities. The Ministry also oversees the Malaysian Communications and Multimedia Commission (MCMC), which is the regulatory body that oversees service providers, including the Internet.⁹⁵ The MCMC maintains a blocklist of sites that it shares with ISPs, which number in the thousands.⁹⁶ Sections 211 or 233 of the CMA are used to censor websites. The overly broad and vague wording of Section 233, in particular, regarding “obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person” has been used to block broad categories of websites including political blogs, news media and LGBTIQ websites.⁹⁷

Malaysian LGBTIQ websites targeting domestic audiences are few, yet those that do exist, such as www.queerlapis.com and justiceforsisters.wordpress.com, remain accessible.⁹⁸ According to “D,” because of the lack of local sites or content, most LGBTIQ people in Malaysia do not rely on websites, but instead use chat apps like Telegram and WhatsApp to self-organize and share local language-specific content. They also use dating apps, such as Grindr and Her. “D” noted that the Malaysian government is more likely to censor LGBTIQ-related content that has gone viral or become “visible” to the public.⁹⁹

Another interviewee, Thilaga, stated there have been many cases where conservative social media users such as religious fundamentalists target LGBTIQ users, including by tagging the authorities on LGBTIQ-related posts. For example, a transwoman cosmetics entrepreneur was mobbed on social media for wearing the women’s prayer clothes during a pilgrimage.¹⁰⁰ Eventually, the government threatened to ban her from social media.¹⁰¹ These attacks, Thilaga explained, make it difficult for LGBTIQ people in Malaysia to express themselves online without fear of reprisals.¹⁰²

Nevertheless, Thilaga noted that challenges faced by LGBTIQ communities in Malaysia have not stopped LGBTIQ [people] from pushing back and building movements using online spaces, such as hashtag organizing.¹⁰³ LGBTIQ-related hashtags that have become

⁹⁴ D, (campaigner at Pelangi Campaign), in discussion with the interviewer, July 22, 2020.

⁹⁵ Malaysia, Freedom on the Net 2020 (Freedom House, 2020), <https://freedomhouse.org/country/malaysia/freedom-net/2020.2>.

⁹⁶ “MCMC Blocks Over 5,000 Websites For Various Offences - Jailani,” Malaysian Communications And Multimedia Commission, accessed October 25, 2020, <https://www.mcmc.gov.my/en/media/press-clippings/mcmc-blocks-over-5-000-websites-for-various-offenc>.

⁹⁷ Sinar Project, “Laws Cited for Internet Censorship in Malaysia,” News Item, Sinar Project, accessed October 30, 2020, <https://sinarproject.org/digital-rights/updates/laws-cited-for-internet-censorship-in-malaysia>.

⁹⁸ Ibid

⁹⁹ Ibid.

¹⁰⁰ CoconutsKL, “Malaysian Twitter Loses Its Mind over Controversial Cosmetics Entrepreneur’s Pilgrimage,” Coconuts Kuala Lumpur, February 3, 2020, <https://coconuts.co/kl/news/malaysian-twitter-loses-its-mind-over-controversial-cosmetics-entrepreneurs-pilgrimage/>.

¹⁰¹ Nadirah H. Rodzi, “Minister Wants to Ban Malaysian from Social Media after Ruckus in Mecca over Gender Issue,” The Straits Times, February 4, 2020, <https://www.straits-times.com/asia/se-asia/minister-wants-to-ban-malaysian-from-social-media-after-ruckus-in-mecca-over-gender>.

¹⁰² Interview with Thilaga.

¹⁰³ Ibid.

viral include [#TetapBangga](#) and [#CampurLGBT](#), both of which promote LGBTIQ inclusion in Malaysian society. Justice for Sisters has also inspired multiple uses of the hashtag [#MyTransAlly](#) to discuss LGBTIQ activism online, as part of a campaign to promote tolerance and acceptance toward transgender people in Malaysia.¹⁰⁴ A 2016 study by the advocacy group EMPOWER noted that, “protected by the distance afforded by computer screens and network connections, the transgender community is able to express itself with multimedia and interactive tools that can rapidly distribute content regardless of geographical location.”¹⁰⁵

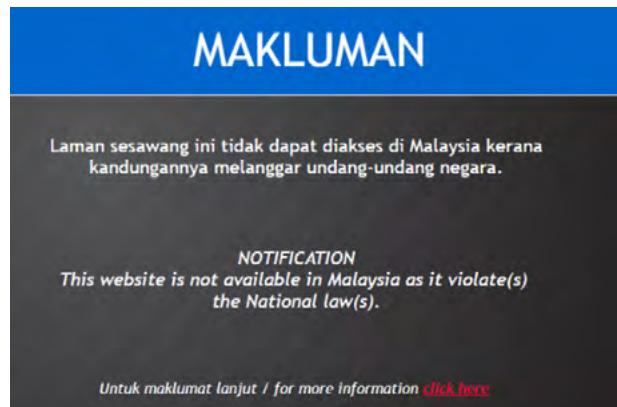


Image 2: The main Malay language block page observed in Malaysia.

Online forums, Twitter accounts, and Facebook groups, have played a crucial role in connecting the LGBTIQ community, while English-language accounts help mobilize transnational activism. Our interviews with in-country activists confirmed that private Instagram, WhatsApp, and Telegram groups are widely used by LGBTIQ people in Malaysia looking to connect with their peers.¹⁰⁶

¹⁰⁴ Leigh Cuen, “LGBT Malaysian Activists Go Online To Fight For Human Rights,” Vocativ, June 30, 2015, sec. Culture News - Vocativ, <https://www.vocativ.com/206782/queer-online/>.

¹⁰⁵ Tan Jun, *Freedom of Assembly and Association Online in Malaysia: Overview and Case Studies*, APC-IMPACT Project (EMPOWER Malaysia, September 2016), 49, https://www.apc.org/sites/default/files/APC_IMPACT_FOAA_Malaysia.pdf.

¹⁰⁶ Interview with D.

These communities often are segmented by language, meaning that Malay-speaking or Chinese-speaking LGBTIQ people can more easily find their community. Similarly specialized groups have emerged amidst the COVID-19 pandemic, as LGBTIQ people look online to connect while remaining physically distanced.¹⁰⁷

Summary of Technical Findings

Our findings¹⁰⁸ are based on the analysis of OONI measurements collected between June 1, 2016 to July 31, 2020.¹⁰⁹ The results do not necessarily reflect the full extent of LGBTIQ website censorship in Malaysia, but rather they provide an indication of LGBTIQ website censorship based on available OONI measurements.

Previous OONI Research in Malaysia

In 2016, OONI collaborated with Sinar Project on a joint research report, which did not find any blocked LGBTIQ sites.¹¹⁰ By 2018, however, the blocking of LGBTIQ websites appears to have started.¹¹¹ At the time, three foreign, English-language LGBTIQ sites were added to Malaysia’s official blocklist—www.gaystarnews.com, www.planetromeo.com, and www.utopia-asia.com, and these sites are still blocked today.¹¹² Local Malaysian LGBTIQ websites such as www.queerlapis.com, however, remain accessible in Malaysia, as do many other

¹⁰⁷ Ibid.

¹⁰⁸ The full explanation of testing results and methodology can be found in our expanded report at <https://outrightinternational.org/NoAccess>

¹⁰⁹ Citizen Lab, “Analysis of OONI measurements collected from Malaysia,” accessed October 26, 2020, <https://github.com/citizenlab/lgbtiq-report-data/blob/main/my.csv>; OONI Explorer (OONI Measurements Collected from Malaysia, accessed October 26, 2020), https://explorer.ooni.org/search?until=2020-10-02&probe_cc=MY.

¹¹⁰ Xynou et al., *The State of Internet Censorship in Malaysia*.

¹¹¹ Sinar Project, “Online LGBT Censorship Malaysia.”

¹¹² “Open Observatory of Network Interference (OONI), OONI Probe, <https://ooni.org/install/>.

internationally relevant and popular LGBTIQ sites.¹¹³ Social media sites and dating apps (like Grindr and Tinder) remain open, even though they are heavily used by LGBTIQ communities.¹¹⁴ In total, at least **21 unique LGBTIQ-related websites were blocked** at least once on different networks in Malaysia.

At least two websites that are relevant to LGBTIQ communities are consistently blocked. The websites, www.gaystarnews.com and www.planetromeo.com, and their related URLs, are found consistently blocked in more than 50 percent of the times tested.

The LGBTIQ websites found blocked in Malaysia are foreign, English-language LGBTIQ sites. All Malaysian LGBTIQ sites tested are accessible. In both Malaysia and Indonesia, we see that international LGBTIQ websites, such as ilga.org, www.gay.com, bisexual.org, transsexual.org, and others appear to be blocked. Even though such sites presented a low blocking consistency (blocked less than 1 percent of times tested), we confirmed their blocking on a few networks within our analysis period because they returned blockpages. The reason for the blocking of some LGBTIQ sites in Malaysia and the difference in blocking rates is unclear.

There is a potential of “censorship leakage” from Indonesia. The sites we found blocked resolved to an Indonesian IP address or even served an Indonesian blockpage. As these URLs are also blocked in Indonesia and given that they were found blocked in Malaysia (less than 1 percent of times tested), it is likely that most Malaysian Internet users do not experience the blocking of these sites. Many of the LGBTIQ domains blocked in Malaysia were also blocked in Indonesia.

The following chart (**Figure 2**) illustrates the number and categories of LGBTIQ sites that we found blocked in Malaysia as part of this study.

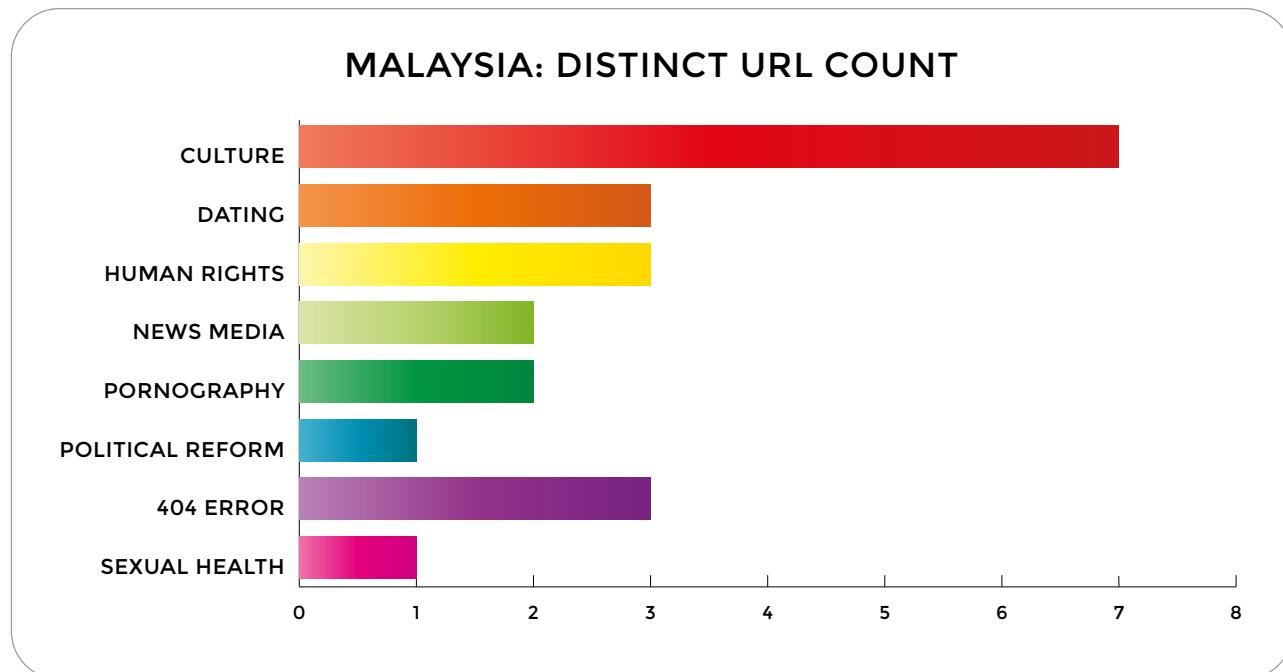


Figure 2: Blocking of different types of LGBTIQ websites in Malaysia, based on analysis of OONI measurements collected between June 1, 2016 to July 31, 2020.

¹¹³ Sinar Project, “Online LGBT Censorship Malaysia.”

¹¹⁴ Ibid.

The majority of the blocked LGBTIQ websites in Malaysia are in the “Culture” category (seven URLs in total), while three URLs each in the “Dating” and “Human Rights” categories were found to be blocked as well. These findings reflect the significant number of LGBTIQ websites in the “Culture” category that were tested, in comparison to other categories.

When attempting to access censored LGBTIQ sites, Malaysian Internet users see *Image 2* in their web browser. As in Indonesia, serving blockpages in this manner is a relatively transparent form of censorship.

The following table (**Table 4**) shares the LGBTIQ sites that presented a relatively high frequency of blocking in comparison to the total number of times that they were tested. The more times a URL presented blocking (“Times Blocked”) relative to times tested, the more confident we are that they are being blocked.

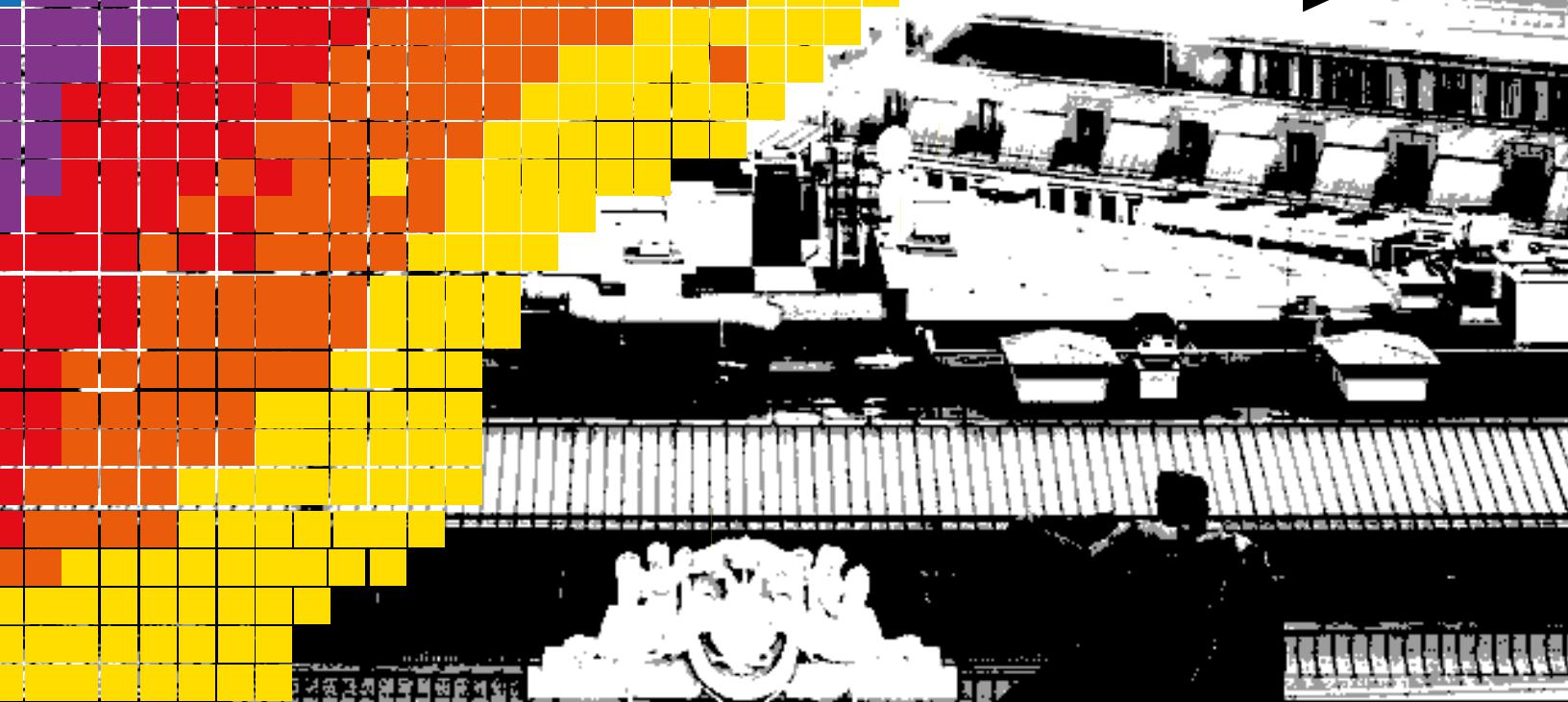
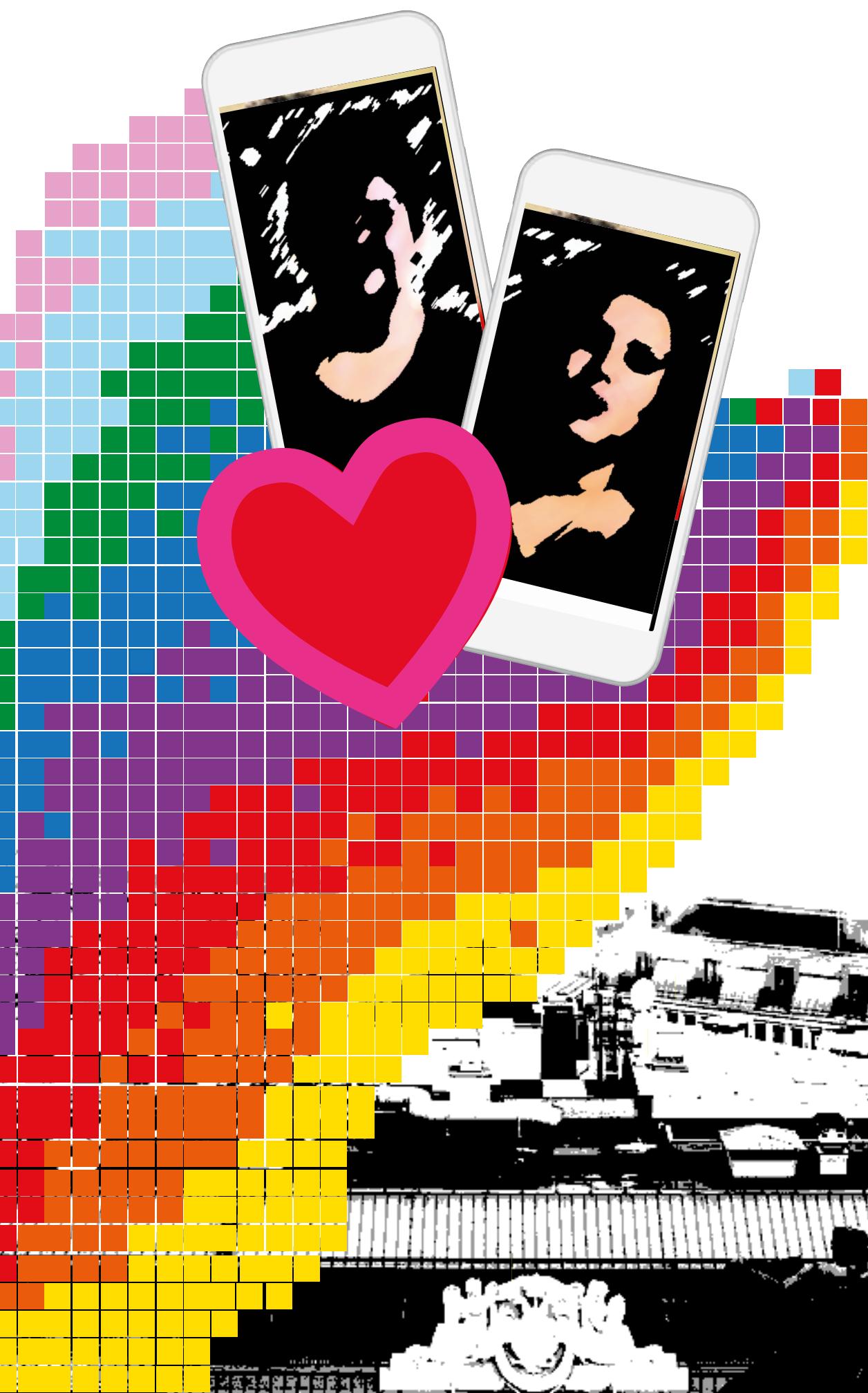
URL	Category	Annotation percentage	Times Tested	Times Blocked
http://gayromeo.com	Dating	90.86%	525	477
http://www.gaystarnews.com/	News Media	90.69%	204	185
https://www.gaystarnews.com/	News Media	88.85%	278	247
https://www.planetromeo.com/	Dating	72.33%	1677	1213
http://www.planetromeo.com/	Dating	67.64%	550	372
http://www.utopia-asia.com/	Culture and Community	16.21%	2060	334

Table 4: Most frequently blocked websites in Malaysia

Conclusion

For LGBTIQ people in Malaysia, the continued conservative Islamist climate results in self-censorship and vigilance about posting, as it has in Indonesia. It appears, however, that despite the Malaysian government’s antipathy towards its LGBTIQ citizens, as manifested in its conservative religious and anti-LGBTIQ legal environments, blocking of LGBTIQ websites does not appear to be systematic. In addition to some of the censorship likely being “leakage” over Indonesia, local LGBTIQ sites are not blocked. Nevertheless, the Malaysian LGBTIQ community has many reasons to remain vigilant about posting content potentially perceived as offensive to the government and Islamic authorities and must rely on more secure technologies and platforms for communicating.

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“I believe that from the very beginning when this propaganda law was adopted, the main goal was exactly to silence any public discussion about the LGBT community, or LGBT rights, or violations of LGBT rights, and basically all this censorship has created an atmosphere of fear, and it concerns all social areas.”

—“SZ,” LGBTIQ Activist in Moscow

Population (2020)	145,934,462 ¹¹⁵
Internet Penetration (December 2019)	79.7% ¹¹⁶
Growth of Internet Population (2010-2018)	38% ¹¹⁷
Active social media users	Facebook: 5.7% penetration rate (February 2020) ¹¹⁸ VKontakte: 23.49% penetration rate (July 2020) ¹¹⁹
Mobile subscriptions (per 100 inhabitants [2018])	157.43 ¹²⁰
ICCPR Ratification ¹²¹	Yes
ICECSR Ratification ¹²²	Yes
Freedom on the Net ranking (2015)	38/100; Not free ¹²³
Freedom on the Net ranking (2020)	30/100; Not free ¹²⁴
Consensual same-sex relations	Legal ¹²⁵

Table 5: Selected Russian LGBTIQ, Demographic and Internet Penetration Indicators

¹¹⁵ “Europe Internet Stats – Population Statistics: Russia,” Internet World Stats, accessed July 21, 2020, <https://www.internet-worldstats.com/europa2.htm#ru>.

¹¹⁶ Ibid.

¹¹⁷ “Percentage of Individuals Using the Internet, 2000–2018,” International Telecommunications Union, December 2019, https://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2019/Individuals_Internet_2000-2018_Dec2019.xls.

¹¹⁸ “Europe Internet Stats – Population Statistics: Russia.”

¹¹⁹ “Social Media Stats Russian Federation,” StatCounter Global Stats, July 2020, <https://gs.statcounter.com/social-media-stats/all/russian-federation>.

¹²⁰ “Mobile-Cellular Telephone Subscriptions, 2000–2018,” International Telecommunications Union, December 2019, https://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2019/Mobile_cellular_2000-2018_Dec2019.xls.

¹²¹ International Covenant on Civil and Political Rights, adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. Russia ratified the ICCPR on October 16, 1973.

¹²² International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Russia on October 16, 1973.

¹²³ Freedom on the Net 2015, Freedom on the Net (Freedom House, 2015), https://freedomhouse.org/sites/default/files/FH_FOTN_2015Report.pdf; Note that Freedom House flipped their Freedom on the Net (FOTN) Internet Freedom Score since their 2015 report, switching a score of 100 from signifying “least free” to “most free”. 2015 FOTN scores thus have been flipped to map to the current scoring system.

¹²⁴ Russia, Freedom on the Net 2020 (Freedom House, 2020), <https://freedomhouse.org/country/russia/freedom-net/2020>.

¹²⁵ Ramon Mendos, State-Sponsored Homophobia.

Highlights

- State-sponsored censorship targeting LGBTIQ content has largely been driven by the infamous law titled, “For the Purpose of Protecting Children from Information Promoting the Denial of Traditional Family Values,” also known as the “anti-gay propaganda” law, which purports to protect minors and the so-called “traditional family.” Claims of pornography are also often invoked to crack down on media containing LGBTIQ content. Since VPNs are technically banned (though still available) in Russia, options for Internet users seeking to circumvent censorship to access information are limited.¹²⁶
- In response to escalating persecution, organizations have been forced to shut down their online presence and practice other forms of self-censorship.
- Interviewees identified digital literacy for LGBTIQ people as an urgent need, especially in remote areas.
- Activists suggest that continued visibility about the nature and extent of censorship targeting LGBTIQ content and organizations in Russia is critical.
- Thirty-two unique LGBTIQ-related URLs were found blocked in Russia. News websites on LGBTIQ-related topics were most commonly blocked, followed by cultural and human rights sites.

¹²⁶ Ksenia Idrisova, “Explainer: What Is Russia’s New VPN Law All about?” BBC News, November 1, 2017, <https://www.bbc.com/news/technology-41829726>.

Background

Russia has a long history of media control and censorship, as indicated by the dominance of state-owned media outlets.¹²⁷ In recent years, the government has enacted numerous draconian laws, including those aimed at regulating the Internet. As a result, the country’s human rights situation, including for LGBTIQ people, has deteriorated. Pew Research Center’s 2020 Global Attitudes Survey indicated that only 14 percent of Russian respondents believed that homosexuality should be accepted, down from 22 percent in 2002.¹²⁸ In some of Russia’s quasi-autonomous republics, the assault on LGBTIQ human rights has been especially severe. Most notably, in Chechnya, an anti-LGBTIQ state-sanctioned “purge” began in March 2017.¹²⁹ In 2019, activists reported a renewed crackdown in Chechnya, including the use of surveillance and entrapment tactics through dating apps.¹³⁰

Anti-propaganda Laws

State-sponsored censorship targeting or affecting LGBTIQ populations has largely been driven by “anti-gay propaganda” laws and efforts to protect the so-called “traditional family.” The most notorious law, “*For the Purpose of Protecting Children from Information Promoting the Denial of Traditional Family*

¹²⁷ Ronald Deibert et al., eds., “Russia,” in *Access Contested: Security, Identity, and Resistance in Asian Cyberspace* (MIT Press, IDRC, 2011), <https://opennet.net/research/profiles/russia>.

¹²⁸ Jacob Poushter and Nicholas O. Kent, “The Global Divide on Homosexuality Persists” (Pew Research Center, June 2020): 18, <https://www.pewresearch.org/global/2020/06/25/global-divide-on-homosexuality-persists/>.

¹²⁹ “Chechnya,” Rainbow Railroad, 2019, <https://www.rainbowrailroad.org/what-we-do/chechnya>.

¹³⁰ “Chechnya LGBT: Dozens ‘Detained in New Gay Purge.’” Sean Howell, the co-founder of Hornet, a gay dating application known to be used in Chechnya, stated that that “[Hornet has] 14,000 users in Chechnya and it was the most brutal crackdown we saw.” In response to the crackdown, Hornet sent out warnings to its app users in the region, and during severe circumstances, advised them not to use the app. Howell further added that “individuals, family members, and maybe even the police went online looking for gay and bisexual men [to entrap them].” Citizen Lab interview, August 26, 2020.

Values,” stigmatizes the LGBTIQ community, while facilitating state repression against rights to access information and free expression.”¹³¹ In 2017, the European Court of Human Rights declared that Russia’s “anti-gay propaganda” laws¹³² are discriminatory and that “by adopting such laws, the authorities reinforce stigma and prejudice and encourage homophobia.”¹³³

Technically the “anti-gay propaganda” laws prohibit the dissemination of any LGBTIQ-related information, including educational resources and support services for LGBTIQ youth, in Russia.¹³⁴ For example, the regional court of Barnaul cited the federal “anti-gay propaganda” law in 2016 to block Children-404¹³⁵ or “Deti 404”, “an online forum for Russian-speaking LGBTIQ teens to write openly and anonymously about their daily lives and hardships.”^{136,137} In reality, the law has far-reaching consequences on dissemination of LGBTIQ information overall, as well as on activism, events, and the everyday lives of

LGBTIQ people. For example, individuals have been criminally charged for posting LGBTIQ-related information on social media, including in private groups.¹³⁸ A woman in Samara City was fined after re-posting pro-LGBTIQ links on her Facebook page.¹³⁹ “Anti-gay propaganda laws” have also fueled violence against LGBTIQ people.¹⁴⁰ For example, the homophobic group Occupy Pedophilia has used the Internet to lure LGBTIQ people into meeting, then recording them being humiliated and beaten for later posting online.¹⁴¹

Mikhail Tumasov, Chair of the Russian LGBT Network, said that the main impact of these laws on LGBTIQ people is “a huge level of fear.” He stated, “when the [federal] anti-gay propaganda law went into force, the life of many LGBTIQ people became harder, and they started to hide again.”¹⁴²

Some organizations have continued explicit work with LGBTIQ youth,¹⁴³ while others do so “in a hidden way.”¹⁴⁴ Many also indicate that their websites are for audiences “18 and older” to signal that they are in compliance with the law.¹⁴⁵ Still, these organizations risk exorbitant fines for violating the federal anti-propaganda law.¹⁴⁶ At

131 Alexey Pichugin and Anastasia Shevchenko, *The Kremlin's Political Prisoners: Advancing a Political Agenda by Crushing Dissent* (Perseus Strategies, 2019), <https://www.perseus-strategies.com/wp-content/uploads/2019/04/The-Kremlins-Political-Prisoners-May-2019.pdf>.

132 Oksana Olshevskaya, “Factors That Influence Freedom of Speech and Self-Censorship in Mass Media in Contemporary Russia,” *Science Journal (Communication and Information)* 6 (2013), <https://pdfs.semanticscholar.org/0d4a/2fe262fa5611a20b6df7cec7db6aae8ce5e.pdf>.

133 *Russia, Freedom on the Net 2020* (Freedom House, 2020), <https://freedomhouse.org/country/russia/freedom-net/2020>.

134 Emily Hylton et al., “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>.

135 The number “404” in the title refers to the HTTP status code 404 for “Page Not Found.”

136 Buyantueva, “LGBT Rights Activism and Homophobia in Russia;” Also known as “Deti-404,” “Children-404”. See: Trevor Allen, “Children-404: A Refuge for Russia’s At-Risk LGBT Youth Is Under Attack,” *Human Rights First* (blog), February 19, 2014, <https://www.humanrightsfirst.org/blog/%E2%80%9Cchildren-404%E2%80%9D-refuge-russia%E2%80%99s-risk-lgbt-youth-under-attack>.

137 “HTTP Status Codes,” in OONI Glossary (Open Observatory of Network Interference), accessed October 23, 2020, <https://ooni.org/support/glossary/#http-status-codes>.

138 Interview with Mikhail Tumasov, Chair of the Russian LGBT Network, March 18, 2020.

139 SaferVPN, “Interview with an Activist: Evdokia Romanova Faces Charges in Russia for Pro-LGBTQ Posts,” Medium, September 16, 2017, <https://medium.com/@SaferVPN/interview-with-an-activist-evdokia-romanova-faces-charges-in-russia-for-pro-lgbtq-posts-on-social-e4fb1cb8bc4>.

140 Buyantueva, “LGBT Rights Activism and Homophobia in Russia,” 474.

141 Ibid., 474.

142 Interview with Tumasov.

143 Interview 2 with SZ. November 4, 2020. See also, Tatiana Bonch-Osmolovskaya et al., “Russia’s Strident Stifling of Free Speech: 2012–2018” (London: Pen International, May 16, 2017), <https://pen-international.org/app/uploads/PEN-Russia-final.pdf>. Warning ratings with categories according to age groups (0+, 6+, 12+, 16+ and 18+) are required under the 2010 Federal Law “On the Protection of Children from Information Harmful to Their Health.”

144 Interview with Tumasov, 2020.

145 Interview 1 with SZ, April 25, 2019.

146 Interview with Tumasov.

the time of writing, the Russian LGBT Network was facing and appealing two such charges for social media posts, which appear to be part of an accelerating wave of investigations.^{147, 148} During this appeal process, their website and page on the social networking site VKontakte have both

Skills such as the ability to safely search for and join an online LGBTIQ community, preserve one's own anonymity, remove messages and search history, and use encrypted messaging applications are needed to help communities to grow and develop. This need for advanced digital skills is most apparent in remote areas where attacks against LGBTIQ individuals have intensified.

remained accessible, but these charges are clearly a warning against their activities. SZ, a Moscow-based activist, noted that the charges against the Russian LGBT Network create a lot of uncertainty because: "We don't know how many resources we should invest into our social networks and websites...Our group on the social network, VKontakte, has 80,000 subscribers. It would be a great loss not to be able to be in touch with all these people...Communication is at the very heart of our work—it is how we work with communities. It is how we try to work with society, and it's how we talk about the violations that take place in Russia."¹⁴⁹

Several other laws have contributed to the closing of both digital and functional (offline) spaces for civil society in Russia. The foreign agent law, for example, enacted in July 2012, requires NGOs to register as "foreign agents" if they receive international funding,¹⁵⁰ subjecting

them to crippling government scrutiny. Amendments to the law in 2019 added independent journalists and bloggers to its remit, requiring registration and addition of the "foreign agent" label on their publications.¹⁵¹

In another indication of Russia's intolerance to the rights of LGBTIQ people, the parliament submitted draft legislation in July 2020 that would ban same-sex marriage and outlaw same sex couples adopting children.¹⁵² This submission occurred after voters backed an array of constitutional amendments that included defining marriage as a union between a man and a woman only, as well as extending Vladimir Putin's eligibility to remain as president until 2036.¹⁵³ Mikhail Tumasov expressed his concern that the same-sex marriage ban may lead to accusations against LGBTIQ people that their wish for marriage equality is an illegal one, because it violates the Russian Constitution. These amendments, therefore, provide "a kind of support to the people who are fighting against LGBTIQ people and their communities in Russia." Tumasov added, "I think the challenge for the LGBTIQ community in Russia now is just to survive."¹⁵⁴

LGBT Rights Activism Under Pressure," 479–96.

151 "Russia to Label Individuals as 'foreign Agents' under New Law," BBC News, December 3, 2019, sec. Europe, <https://www.bbc.com/news/world-europe-50643705>.

152 "Russian Parliament Begins Legalising Ban on Same-Sex Marriage," Reuters, July 15, 2020, <https://www.reuters.com/article/us-russia-politics-gaymarriage-idUSKCN24G1CJ>.

153 Ibid.

154 Interview with Tumasov.

Current Internet Controls

Russia's "sovereign Internet" law, colloquially referred to as the "RuNet law" and passed in 2019, allows Russia's Internet regulator, Roskomnadzor,¹⁵⁵ to block access to content that it deems to be a "threat"¹⁵⁶ and mandates ISPs to install special equipment that can track, filter, and reroute Internet traffic. Roskomnadzor maintains a list of websites that ISPs must block, from LGBTIQ sites purportedly in violation of "anti-gay propaganda" laws, to those that allegedly contain "terrorist propaganda."¹⁵⁷ Most significantly, the "sovereign Internet" law lays the groundwork for the implementation of "RuNet," a closed Internet system that requires Russian ISPs to have the technical means to "disconnect from the rest of the world and reroute Internet traffic through exchange points managed by Roskomnadzor."¹⁵⁸ The government justifies RuNet as a means to increase national security and counter potential threats to Russia's network.¹⁵⁹ For the LGBTIQ community, however, RuNet means potentially increased digital censorship and surveillance.¹⁶⁰ Still, there is hope that RuNet will fail, because as

¹⁵⁵ Roskomnadzor is the Federal Service for Supervision of Communications, Information Technology, and Mass Media.

¹⁵⁶ "Russia Tightens Control on National Internet," BBC News, November 1, 2019, <https://www.bbc.com/news/world-europe-50259597>.

¹⁵⁷ David Meyer, "Russia: We Want Volunteers to Help Us Censor the Internet," ZDNet, July 12, 2018, <https://www.zdnet.com/article/russia-we-want-volunteers-to-help-us-censor-the-internet/>. "Roskomnadzor - Statute of Roskomnadzor," 228 § (2009), <http://eng.rkn.gov.ru/about/> "Russia Slows down Twitter over 'banned Content'" BBC News, March 10, 2020, <https://www.bbc.com/news/world-europe-56344304>.

¹⁵⁸ Louise Matsakis, "What Happens If Russia Cuts Itself Off From the Internet," Wired, February 12, 2019, <https://www.wired.com/story/russia-internet-disconnect-what-happens/>.

¹⁵⁹ Zak Doffman, "Putin Signs 'Russian Internet Law' To Disconnect Russia From The World Wide Web," Forbes, May 1, 2019, <https://www.forbes.com/sites/zakdoffman/2019/05/01/putin-signs-russian-internet-law-to-disconnect-the-country-from-the-world-wide-web/>.

¹⁶⁰ Russia: Growing Internet Isolation, Control, Censorship, Human Rights Watch, June 18, 2020, <https://www.hrw.org/news/2020/06/18/russia-growing-internet-isolation-control-censorship>.

SZ argued, "[Russian] authorities are not that technically efficient."¹⁶¹

One of the more significant events that reflects the decrease of Internet freedom in Russia occurred in April 2018, when the encrypted messaging application Telegram, which had thirteen million Russian users, was shut down for refusing to provide its encryption key to the Federal Security Service. When Telegram circumvented the initial blocking, Roskomnadzor targeted millions of IP addresses related to Telegram, disabling many online services and other messaging platforms.¹⁶² Despite these efforts, Telegram remains the most popular and important messenger app in Russia.¹⁶³

The Impact of Internet Censorship on LGBTIQ Russians

Interviewees identified digital literacy for LGBTIQ people as an urgent need, especially in remote areas with lower levels of acceptance.¹⁶⁴ Skills such as the ability to safely search for and join online communities, preserve their anonymity, remove messages and search history, and use of encrypted messaging are needed to help LGBTIQ communities to grow and develop. In addition, continued visibility about the nature and extent of censorship targeting LGBTIQ content and organizations is critical. The Russian LGBT Network, for example, "tries to be as public as possible" when their website is blocked.¹⁶⁵ Independent mass media has been an important partner in exposing when sites are censored and why, because, as SZ explained, activists consider publicity as their "biggest tool."¹⁶⁶

¹⁶¹ Interview 2 with SZ.

¹⁶² Russia, Freedom on the Net 2018 (Freedom House, 2018), <https://freedomhouse.org/report/freedom-net/2018/russia>.

¹⁶³ Interview 2 with SZ.

¹⁶⁴ Interview with Tumasov, Interview 2 with SZ.

¹⁶⁵ Interview 2 with SZ.

¹⁶⁶ Ibid.

Human rights activists provide legal, financial, and advocacy support to the LGBTIQ community, as well as engaging in international advocacy pressuring Russian authorities to stop the targeted violence against LGBTIQ people. Yet, high levels of Internet surveillance and VPN restrictions have made safe communication among advocates challenging.¹⁶⁷ Although VPNs are technically banned in Russia, they are widely used by those residing in major cities. Nonetheless, there are LGBTIQ organizations and individuals that either do not have access to VPNs, or do not know how to use circumvention technology. This lack of knowledge is especially concerning in rural areas, where people may face heightened digital and physical risks due to their lack of familiarity with digital security and their remote location.¹⁶⁸

Summary of Technical Findings

Our findings¹⁶⁹ are based on the analysis of OONI measurements collected between June 1, 2016 to July 31, 2020.¹⁷⁰ The results do not necessarily reflect the full extent of LGBTIQ website censorship in Russia, but rather they provide an indication of LGBTIQ website censorship based on available OONI measurements.

In total, we found **32 unique LGBTIQ websites blocked at least once on Russian networks**. They included news media, cultural, and human rights sites. A majority of them (26 URLs), however, were seen blocked less than 2 percent of times tested, and therefore we have less confidence in their blocking over the long-term. The remaining six URLs had a much higher block rate (18 to 75 percent). Only bluesystem.ru and deti-404.com presented blocking more than 70 percent of times tested. These six are presented in **Table 6**:

URL	Category	Annotation percentage	Times Tested	Times Blocked
http://bluesystem.ru/	Culture and Community	77.15%	40580	31308
http://www.deti-404.com/	Non-Operational	72.52%	40210	29162
http://www.lesbi.ru/	News Media	59.09%	88	52
http://bluesystem.info/	Culture and Community	57.28%	103	59
http://www.1gay.ru/	Culture and Community	28.42%	95	27
http://xs.gay.ru/	News Media	18.89%	90	17

Table 6: Websites blocked at least once in Russia.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ This case study, as presented here, highlights high-level findings. Additional technical findings can be found at <https://outrightinternational.org/NoAccess>.

The full explanation of testing results and methodology can be found at <https://outrightinternational.org/NoAccess>

¹⁷⁰ Citizen Lab, “Analysis of OONI measurements collected from Russia,” accessed October 26, 2020, <https://github.com/citizenlab/lgbtiq-report-data/blob/main/ru.csv>; OONI Explorer (OONI Measurements Collected from Russia, accessed October 26, 2020), https://explorer.oni.org/search?until=2020-10-02&probe_cc=RU.

Most Internet service providers (ISPs) in Russia appear to **implement standardized censorship methods**.

Most ISPs blocked LGBTIQ-related URLs predominantly through the use of HTTP transparent proxies¹⁷¹ that intercepted requests to those sites and redirected Internet users to blockpages such as the one pictured here (**Image 3**). A smaller number of ISPs (seven in total) served blockpages though DNS hijacking.¹⁷² These findings suggest that the overall censorship techniques adopted by Russian ISPs are relatively standardized.

We observed the blocking of many internationally relevant LGBTIQ sites in Russia at least once. These include:

- Grindr (www.grindr.com)
- The Human Rights Campaign (www.hrc.org)
- The International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ilga.org)
- The Trevor Project (www.thetrevorproject.org), which provides crisis intervention and suicide prevention services for young LGBTIQ people under the age of twenty-five.

The following chart (**Figure 3**) illustrates the number and categories of LGBTIQ sites that we found blocked in Russia as part of this study.

News websites (“News Media”) covering LGBTIQ-related topics were most commonly blocked (eight URLs), followed by websites on “Culture” (seven URLs) and “Human Rights” (five URLs). We also observed the blocking of “Sexual Health” websites (two URLs), as well as “Dating” and “Political Reform” websites (one URL each). These findings are influenced by the selection of LGBTIQ URLs we tested in Russia, as well as by the OONI Probe testing coverage that URL received in Russia during our analysis period. This is a common limitation of OONI-based testing.

Уважаемые пользователи!

**Мы приносим свои извинения,
но доступ к запрашиваемому ресурсу ограничен.**

Возможные причины ограничения доступа:

1. Доступ ограничен по решению суда или по иным основаниям, установленным законодательством Российской Федерации.

2. Сетевой адрес, позволяющий идентифицировать сайт в сети «Интернет», включен в Единый Реестр доменных имён, указателей страниц сайтов сети «Интернет» и сетевых адресов, позволяющих идентифицировать сайты в сети «Интернет», содержащие информацию, распространение которой в Российской Федерации запрещено.

Проверить наличие сетевого адреса в Едином реестре можно в разделе «Просмотр реестра» на сайте www.zapret-info.gov.ru.

3. Сетевой адрес, позволяющий идентифицировать сайт в сети «Интернет», включен в Реестр доменных имён, указателей страниц сайтов в сети «Интернет» и сетевых адресов, позволяющих идентифицировать сайты в сети «Интернет», содержащие информацию, распространяющуюся с нарушением исключительных прав.

Проверить наличие сетевого адреса в Реестре можно в разделе «Просмотр реестра» на сайте nar.rkn.gov.ru.

 ИНТЕРНЕТ-ПРОВАЙДЕР
KASPNET

Image 3: An example of a block page served in Russia.

¹⁷¹ A transparent proxy is a server that intercepts the connection between an end-user or device and the internet. It is called “transparent” because it does so without modifying requests and responses.

¹⁷² DNS hijacking involves changes to a domain name server (DNS), which translates human-readable domain names into IP addresses. As the name implies, the “hijacking” means a user is directed to a different end server. <https://www.techopedia.com/definition/27962/dns-hijacking>

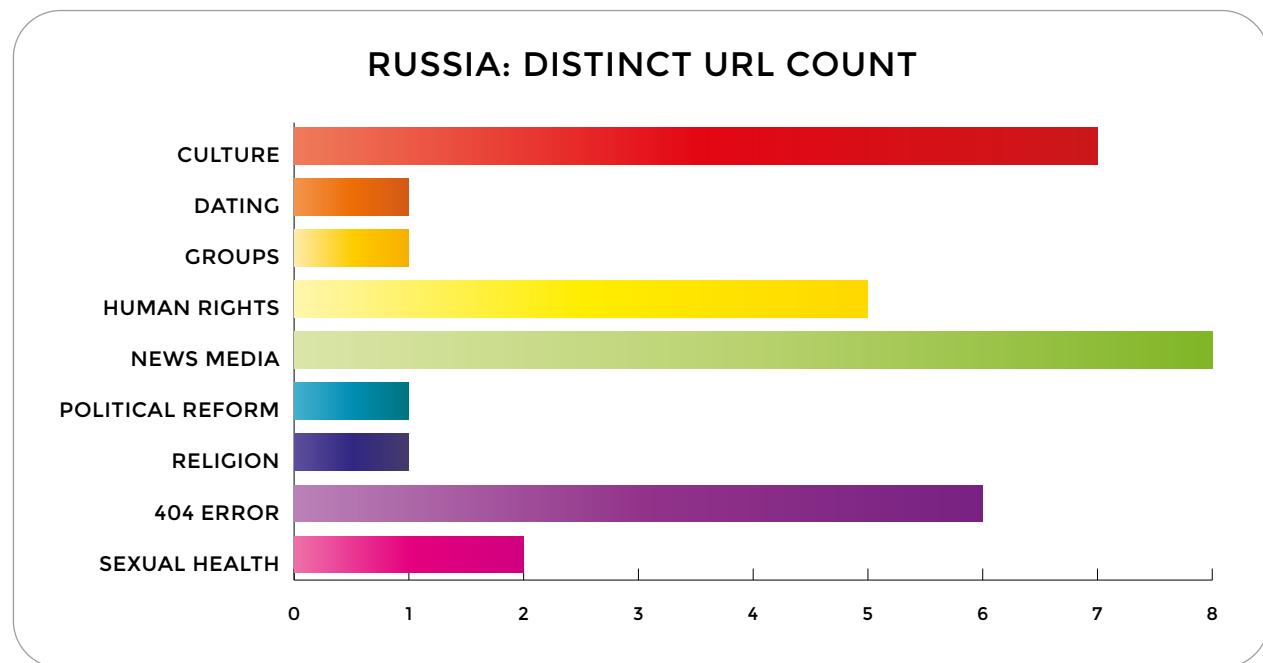


Figure 3: Blocking of different types of LGBTIQ websites in Russia, based on analysis of OONI measurements collected between June 1, 2016 to July 31, 2020.

Conclusion

Laws such as the “anti-gay propaganda” law and “foreign agents law” have crippling implications for organizations and activists working to promote and protect human rights and democracy in Russia. Simultaneously, attacks against opposition leaders and human rights advocates are increasing, as evidenced by the September 2020 poisoning of pro-democracy activist, Alexei Navalny.¹⁷³ The LGBTIQ rights movement specifically remains in the crosshairs of the Russian state.¹⁷⁴ Ongoing threats to LGBTIQ rights activists have undermined their ability to organize and engage in collective action and have forced many to remain quiet in the face of widespread violence and persecution.¹⁷⁵ The climate affects offline spaces as well. As Russian LGBTIQ activist SZ noted, “many psychologists and social workers refuse to work with LGBT minors just because they are afraid that for any kind of work, they can be taken to the court and found guilty.”¹⁷⁶

Nevertheless, there is some hope that the climate may improve in the future. According to SZ, a 2019 public opinion poll among Russian youth indicated that at least half of respondents supported marriage equality.¹⁷⁷ She notes, “It turned out that all those people whom the authorities are trying to ‘protect’ don’t believe in propaganda at all...So, I think society is changing and changing quite fast, but at the same time, there is the government, the authorities, who are still very openly homophobic, and they promote these homophobic policies.”¹⁷⁸

¹⁷³ Radzhana Buyantueva, “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>.

¹⁷⁴ Rights Trends in Russia, World Report 2020 (Human Rights Watch, December 10, 2019), <https://www.hrw.org/world-report/2020/country-chapters/russia>.

¹⁷⁵ Buyantueva, “LGBT Rights Activism and Homophobia in Russia,” 476.

¹⁷⁶ Interview 2 with SZ.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

RYAN



Population (2020)	83,992,949 ¹⁷⁹
Internet Penetration	80.5% ¹⁸⁰
Growth of Internet Population (2010-2018)	54.1% ¹⁸¹
Active social media users	Facebook: 47.6% penetration rate (December 2019) ¹⁸²
Mobile subscriptions (per 100 inhabitants [2018])	108.46 ¹⁸³
ICCPR Ratification ¹⁸⁴	Yes
ICESCR Ratification ¹⁸⁵	Yes
Freedom on the Net ranking (2015)	13/100; Not free ¹⁸⁶
Freedom on the Net ranking (2020)	15/100; Not free ¹⁸⁷
Consensual same-sex relations	Not legal ¹⁸⁸

Table 7: Selected Iranian LGBTIQ, Demographic and Internet Penetration Indicators

Highlights

- Pervasive censorship of local and international websites has particularly damaged the ability of Iran's LGBTIQ people to organize and access and share crucial information. Twitter, Facebook, and YouTube are blocked, in addition to blog platforms such as WordPress and Blogger. Iran's move to a closed National Information Network will further restrict online freedom.
- State authorities harass and surveil LGBTIQ individuals on the Internet, especially since the passage of the Computer Crimes Law, which expanded state surveillance and censorship powers. Entrapment by authorities through dating apps also persistently occurs, creating ongoing concern among users.
- Article 14 of the Computer Crimes Law is used against LGBTIQ individuals to enforce state-defined morality laws and prohibit dissemination of materials such as sexual health information. The law criminalizes “producing, sending, publishing, distributing, saving or financially engaging in obscene contact by using computer or telecommunications systems or portable data storage devices.”
- Our analysis found that 75 unique LGBTIQ-related websites (URLs) are blocked in Iran, including human rights, cultural, blogs and news sites covering LGBTIQ-related topics.

¹⁷⁹ “Middle East Internet Stats and Telecommunications Reports: Iran,” Internet World Stats, accessed July 22, 2020, <https://www.internetworldstats.com/middle.htm#ir>.

¹⁸⁰ Ibid.

¹⁸¹ “Percentage of Individuals Using the Internet, 2000–2018.”

¹⁸² “Middle East Internet Stats and Telecommunications Reports: Iran.”

¹⁸³ “Mobile–Cellular Telephone Subscriptions, 2000–2018.”

¹⁸⁴ International Covenant on Civil and Political Rights, adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. Iran ratified the ICCPR on June 24, 1975.

¹⁸⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976. Iran ratified the ICESCR on June 24, 1975.

¹⁸⁶ Freedom on the Net 2015; Note that Freedom House flipped their Freedom on the Net (FOTN) Internet Freedom Score since their 2015 report, switching a score of 100 from signifying “least free” to “most free.” 2015 FOTN scores thus have been flipped to map to the current scoring system.

¹⁸⁷ Freedom House. Freedom on the Net 2020: Iran. <https://freedomhouse.org/country/iran/freedom-net/2020>

¹⁸⁸ Ramon Mendos, State-Sponsored Homophobia.

Background

Following the 1979 Islamic Revolution, policing of social spaces and “morality” became commonplace in Iran.¹⁸⁹ As part of this, authorities drew on a discourse of “othering” the West and the Pahlavi dynasty (and practices associated with them), imposed restrictions on women, and criminalized same-sex relations in Iranian society.¹⁹⁰ This framing resonated with Iranians who blamed the Shah for allowing “Western influences” such as same-sex practices to prevail in the country, despite the reality that queer people have always been present.¹⁹¹ Today, LGBTIQ people in Iran continue to endure human rights violations.¹⁹² LGBTIQ people are portrayed as suffering from “illness and malady”¹⁹³ for which treatment is recommended.¹⁹⁴ The government subsidizes gender affirmation surgery,¹⁹⁵ framing transition as an

“option for heteronormalizing people with same-sex desires and practices.”^{196, 197}

Same-sex relations are criminalized for women and men, with the death penalty prescribed for men in certain circumstances under the penal code.¹⁹⁸ The UN Secretary General has expressed concern over continued persecution of LGBTIQ individuals, urging the government to eliminate all forms of discrimination and to adopt protective legislation.¹⁹⁹ Meanwhile, families lack awareness of how to support LGBTIQ relatives, and healthcare professionals lack knowledge on how to appropriately care for LGBTIQ people, overall leading to exclusion, discrimination and ostracization.²⁰⁰

Internet Freedom for LGBTIQ Iranians

Iran has been a regional leader in expanding Internet usage and penetration, but it also has a long history of state-sponsored censorship and surveillance.²⁰¹ The government is currently developing a national Internet, known as the “National Information Network,” or Shoma in Farsi, the first phase of which was launched in 2016.²⁰² The government claims that the

196 Afsaneh Najmabadi, “Verdicts of Science, Rulings of Faith: Transgender/Sexuality in Contemporary Iran,” *Social Research* 78, no. 2 (2011): 533–56.

197 Ali Hamedani, “The Gay People Pushed to Change Their Gender,” BBC News, November 5, 2014, sec. Magazine, <https://www.bbc.com/news/magazine-29832690>.

198 Simon Forbes, “The Reconstruction of Homosexuality and Its Consequences in Contemporary Iran,” *The SOAS Journal of Postgraduate Research* 10 (2017), <https://core.ac.uk/reader/132197268>.

199 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://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/243/59/pdf/N1924359.pdf>.

200 Interview with Shadi Amin, Director of 6rang, an Iranian lesbian and transgender network. August 27, 2020.

201 Carrieri et al., *After the Green Movement: Internet Controls in Iran, 2009–2012*.

202 “Iran Launches National Information Network,” Mehr News Agency, August 28, 2016, <https://en.mehrnews.com/news/119304/Iran-launches-National-Information-Network>.

national Internet “offer[s] high quality, high speed connections at low costs,” but the true aim is likely to tighten Internet control.²⁰³

For Iran’s citizens, including LGBTIQ individuals, the rights to free expression, association, and assembly, online or offline, continue to be severely curtailed, and exercising these rights carries significant social and legal risks.²⁰⁴ The Supreme Council of Cyberspace (SCC), established in 2012 by Ayatollah Khamenei, develops most of Iran’s Internet-related policies. Its power is centralized and separate from the various branches of government, thus bringing Internet policy directly under Khamenei’s control.²⁰⁵ As such, this body plays a major role in suppressing dissent and limiting freedom of expression, such as through censorship or throttling connection speeds during politically volatile times. Reporters Without Borders branded SCC as one of the 20 worst digital predators in 2020, representing “a clear danger for freedom of opinion and expression.”²⁰⁶

For example, to quell mass protests in November 2019, the government shut down the Internet for over eighty million people by ordering every ISP in the country to sever their connection to international Internet traffic.²⁰⁷ These escalations in state control over the Internet represent a setback in the promotion and protection of Iranians’ human rights.²⁰⁸ The

203 Ibid.

204 Reza Afshari, “LGBTs in the Islamic Republic of Iran,” *Human Rights Quarterly* 38, no. 3 (August 3, 2016): 818, <https://doi.org/10.1353/hrq.2016.0046>.

205 Freedom House. *Freedom on the Net 2019: Iran*. <https://freedomhouse.org/country/iran/freedom-net/2019>.

206 Reporters without Borders. RSF Unveils 20/2020 List of Press Freedom’s Digital Predators. March 12, 2020. <https://rsf.org/en/news/rsf-unveils-202020-list-press-freedoms-digital-predators?>.

207 *Iran: Tightening the Net 2020: After Blood and Shutdowns* (ARTICLE 19, September 2020), <https://www.article19.org/ttn-iran-november-shutdown/>.

208 Mani Mostofi, “Lesbian, Gay, Bisexual and Transgender Rights in Iran: Analysis from Religious, Social, Legal and Cultural Perspectives – Iranian’s Queer Internet: Human Rights Successes and Setback” (International Gay and Lesbian Human Rights Commission, 2015): 97, https://outrightinternational.org/sites/default/files/LGBTRightsInIran_0.pdf.

pervasive censorship of local and international websites has particularly damaged the ability of LGBTIQ people to connect, or organize domestic or transnational initiatives.²⁰⁹ Several methods of hindering online access to content considered immoral are also used, including keyword searches for banned content, as well as black-listing entire websites.²¹⁰

Iran’s 2013 Islamic Penal Code further empowers authorities to target and sanction members of LGBTIQ social media groups and organized community chatrooms for facilitating a “place of immorality.”²¹¹ The passage of the vaguely worded Computer Crimes Law, in particular, has significantly expanded state surveillance and censorship powers.²¹² Article 14 of the Computer Crimes Law, for example, criminalizes “producing, sending, publishing, distributing, saving or financially engaging in obscene contact by using computer or telecommunications systems or portable data storage devices.”²¹³ This article is used to enforce state-defined morality standards against LGBTIQ individuals and prohibit the dissemination of materials such as sexual health information.²¹⁴ Additional language in the law notes that fines and prison sentences are mandated for anyone who encourages “the public access to immoral content or facilitates access to this content,” or

209 Interview with Amin.

210 Interview with a digital protection expert in the region, October 27, 2020.

211 *Being Lesbian in Iran* (New York, NY: OutRight Action International, 2016): 36, <https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf>. Article 639 of 2013 Islamic Penal Code.

212 Marchant et al., *Breaking the Silence*, 92; Matthew Carrieri et al., *After the Green Movement: Internet Controls in Iran, 2009–2012* (OpenNet Initiative, February 2013), <https://opennet.net/blog/2013/02/after-green-movement-internet-controls-iran-2009-2012>.

213 Article 19, *Islamic Republic of Iran: Computer Crimes Law*. 2012. P. 29. <https://www.article19.org/data/files/media-library/2921/12-01-30-FINAL-iran-WEB%5B4%5D.pdf>

214 Rubin, “Evolution of Iranian Surveillance Strategies Toward the Internet and Social Media,” *American Enterprise Institute*, December 10, 2019. <https://www.aei.org/articles/evolution-of-iranian-surveillance-strategies-toward-the-internet-and-social-media/>

who “provokes or invites the public to participate in crimes against chastity...or acts of sexual perversion.”²¹⁵ Similarly, Article 18 “criminalizes the use of a computer or telecommunications to disseminate lies with the intention of damaging the public, disturbing the public state of mind or disturbing the official authorities’ state of mind.”²¹⁶

Iranian authorities block many thousands of websites, including those associated with international news services, political opposition, ethnic and religious minority groups, and human rights organizations.²¹⁷ Twitter, Facebook, YouTube, and blog-hosting platforms, such as WordPress and Blogger, are also blocked. A ban on Instagram is pending.²¹⁸ Indeed, the Iranian government is reportedly seeking to replace international social media platforms with nationally developed alternatives, such as messaging platforms Soroush and Bale, although uptake has been slow. Curtailing VPN use, along with blocking international services such as the Google Play store,²¹⁹ may finally push Iranians to start using national platforms.²²⁰ As a result, Iran’s LGBTIQ communities are routinely denied their rights to freely access information, organize, and express themselves online.²²¹

²¹⁵ James Merchant et al., *Breaking the Silence: Digital Media and the Struggle for LGBTQ Rights in Iran* (Small Media, 2018): 92, https://smallmedia.org.uk/media/projects/files/BreakingTheSilence_2018.pdf.

²¹⁶ Ibid.

²¹⁷ Freedom House. *Freedom on the Net 2019: Iran*. <https://freedomhouse.org/country/iran/freedom-net/2019>.

²¹⁸ Megha Rajagopalan and Soudeh Rad, “Meet the Iranian Influencers Whose Livelihoods Will Be Stripped Away By a Ban on Instagram,” *BuzzFeed News*, January 29, 2019, <https://www.buzzfeednews.com/article/meghara/iran-instagram-ban-women-influencers>.

²¹⁹ Khosro Kalbasi, “Iran Judiciary Moves to Ban Google Play,” *Financial Tribune*, October 20, 2019, <https://financialtribune.com/articles/sci-tech/100403/iran-judiciary-moves-to-ban-google-play>.

²²⁰ Armen Shabazian, “Analysis: The Growth of Domestic Messaging Apps in Iran,” *BBC Monitoring*, July 23, 2018, <https://monitoring.bbc.co.uk/product/c20041be>.

²²¹ Rubin, “Evolution of Iranian Surveillance Strategies Toward the Internet and Social Media.”

Surveillance and Entrapment

Surveillance, both by the state and by “malicious individuals,” is perceived as the biggest risk to LGBTIQ persons, closely followed by online entrapment, according to a Small Media study in 2018.²²² Reportedly, law enforcement officers create fake profiles on dating apps to entrap LGBTIQ people.²²³ ²²⁴ Research by the human rights advocacy group ARTICLE19 also indicates that LGBTIQ dating apps and Telegram chat groups have been monitored by Iranian officials to identify violations of the Computer Crimes Law or other laws banning same-sex relations.²²⁵ Shadi Amin, Director of 6rang, an Iranian lesbian and transgender network, noted that LGBTIQ-related censorship is often justified on the grounds of safeguarding morality.²²⁶ She also described how the Islamic Republic’s “Cyber Army” trolls LGBTIQ-supportive accounts and spreads hateful messages.²²⁷ Increased digital security awareness is crucial for the safety of LGBTIQ people in Iran.²²⁸

Circumvention

Although many Iranians have access to circumvention technology, such tools are routinely targeted for blocking, particularly during sensitive political events.²²⁹ The government

²²² Merchant et al., *Breaking the Silence*.

²²³ Shima Houshyar, *LGBT Rights in Iran*. Middle East Research and Information Project, October 21, 2015. <https://merip.org/2015/10/lgbt-rights-in-iran/>

²²⁴ Interview with Amin.

²²⁵ *LGBTQ Online Summary Report: Apps, Arrests and Abuse in Egypt, Lebanon and Iran* (Article 19, February 2018), https://www.article19.org/wp-content/uploads/2018/02/LGBTQ-Apps-Arrest-and-Abuse-report_22.2.18.pdf.

²²⁶ Interview with Amin.

²²⁷ Ibid; Simin Kargar and Adrian Rauchfleisch. State-aligned trolling in Iran and the double-edged affordances of Instagram. *New Media and Society*, 21(10) January 2019, https://www.researchgate.net/publication/330608334_State-aligned_trolling_in_Iran_and_the_double-edged_affordances_of_Instagram; Article 19. *Tightening the Net Part 2: The Soft War and Cyber Tactics in Iran*, 2017. https://www.article19.org/data/files/mediabinary/38619/Iran_report_part_2-FINAL.pdf

²²⁸ Interview with Amin.

²²⁹ Deibert, Ronald, Joshua Oliver, and Adam Senft. “Cen-

has frequently shut down VPN ports, such as in 2009 after the presidential election, and again in 2011 and 2013; however, users have consistently been able to reestablish VPN ports.²³⁰ VPNs that are “bought, sold and hosted within Iran” are heavily used by Iranians despite warnings by digital rights activists that “these VPNs could have connections to the Iranian authorities and security forces.”²³¹

The government monitors or manages some Iranian-hosted VPNs to collect Internet usage information on its citizens.²³² Prior Citizen Lab research has identified compromised versions of Simurgh, a popular tool to bypass censorship.²³³ Meanwhile, the COVID-19 pandemic is exacerbating the situation. State authorities are well aware that more people are moving online. As a result, blocking has increased, and users have had to upgrade their digital skills to protect themselves online.²³⁴

Summary of Technical Findings

Our findings²³⁵ are based on the analysis of OONI measurements collected from between

sors Get Smart: Evidence from Psiphon in Iran.” Review of Policy Research 36, no. 3 (2019): 341–356.

230 Internet in Chains: The Front Line of State Repression in Iran (Center for Human Rights in Iran, November 19, 2014): 30, https://www.iranhumanrights.org/wp-content/uploads/Internet_report-En.pdf.

231 Kaveh Azarhoosh, Iran’s ‘Legal VPNs’ and the Threat to Digital Rights (Filterwatch, August 14, 2020), <https://filterwatch/en/2020/08/14/irans-legal-vpns-and-the-threat-to-digital-rights/>.

232 Email correspondence between OutRight Action International and Kevin Schumacher, December 5, 2020.

233 Morgan Marquis-Boire, “Iranian Anti-Censorship Software ‘Simurgh’ Circulated with Malicious Backdoor (Updated),” The Citizen Lab, May 30, 2012, <https://citizenlab.ca/2012/05/iranian-anti-censorship-software-simurgh-circulated-with-malicious-backdoor-2/>.

234 Interview with a digital protection expert in the region, October 27, 2020.

235 This case study highlights high-level findings. Additional technical findings can be found at <https://outrightinternational.org/NoAccess>. The full explanation of testing results and methodology can be found at <https://outrightinternational.org/NoAccess>.

June 1, 2016 to July 31, 2020.²³⁶ The results do not necessarily reflect the full extent of LGBTIQ website censorship in Iran, but rather they provide an indication of LGBTIQ website censorship based on available OONI measurements.

Analysis of LGBTIQ Website Blocking in Iran

We found that **75 unique LGBTIQ-related websites were blocked** at least once in Iran, including human rights, cultural, and news websites, as well as blogs, covering LGBTIQ-related topics. Blocking was identified by blockpages, informing Iranian Internet users that access to the sites was censored (Image).²³⁷ ISPs primarily served blockpages by means of DNS injection.²³⁸ When a blockpage is served this way, Iranian Internet users see an image in their web browser (**Image 4**). Internet censorship in Iran is done through advanced methods, such as Deep Packet Inspection Technology.²³⁹

236 Citizen Lab, “Analysis of OONI Measurements Collected from Iran,” accessed October 26, 2020, <https://github.com/citizenlab/lgbtiq-report-data/blob/main/ir.csv>; OONI Explorer (OONI Measurements Collected from Iran, accessed October 26, 2020), https://explorer.ooni.org/search?until=2020-10-02&probe_cc=IR.

237 “Block Page.”

238 “DNS Spoofing” DNS injection occurs when DNS queries are intercepted, and fake DNS answers are injected in response. When Internet Service Providers (ISPs) receive government orders to block specific websites, they sometimes adopt this technique of intercepting DNS traffic and replying with a spoofed response for the banned sites to prevent access.

239 Simone Basso, “Measuring SNI Based Blocking in Iran,” *Open Observatory of Network Interference*, April 28, 2020, <https://ooni.org/post/2020-iran-sni-blocking/>; Leonid Evdokimov, “Iran Protests: DPI Blocking of Instagram (Part 2),” *Open Observatory of Network Interference*, February 14, 2018, <https://ooni.org/post/2018-iran-protests-pt2/>. SNI (Server Name Indication) is an optional feature of TLS (transport layer security, which is the protocol by which websites are encrypted) that allows a client to specify the common name of the site they are trying to reach. Deep packet inspection (DPI) is an advanced method of examining and managing network traffic. It is a form of packet filtering that locates, identifies, classifies, reroutes or blocks packets with specific data or code payloads that conventional packet filtering, which examines only packet headers, cannot detect.



In addition, **most ISPs not only block the same sites, but they also use the same set of censorship techniques, suggesting a uniform censorship apparatus.** Filtering in Iran is fairly uniform both in terms of what is filtered, and the method used to block content.²⁴⁰ OONI also found blocking and unblocking alternates over time, making censorship harder to detect.²⁴¹

Image 4: Block page served in Iran.

Number and Categories of LGBTIQ Websites Blocked in Iran

The following chart (**Figure 4**) illustrates the number and categories of LGBTIQ sites that we found blocked in Iran.

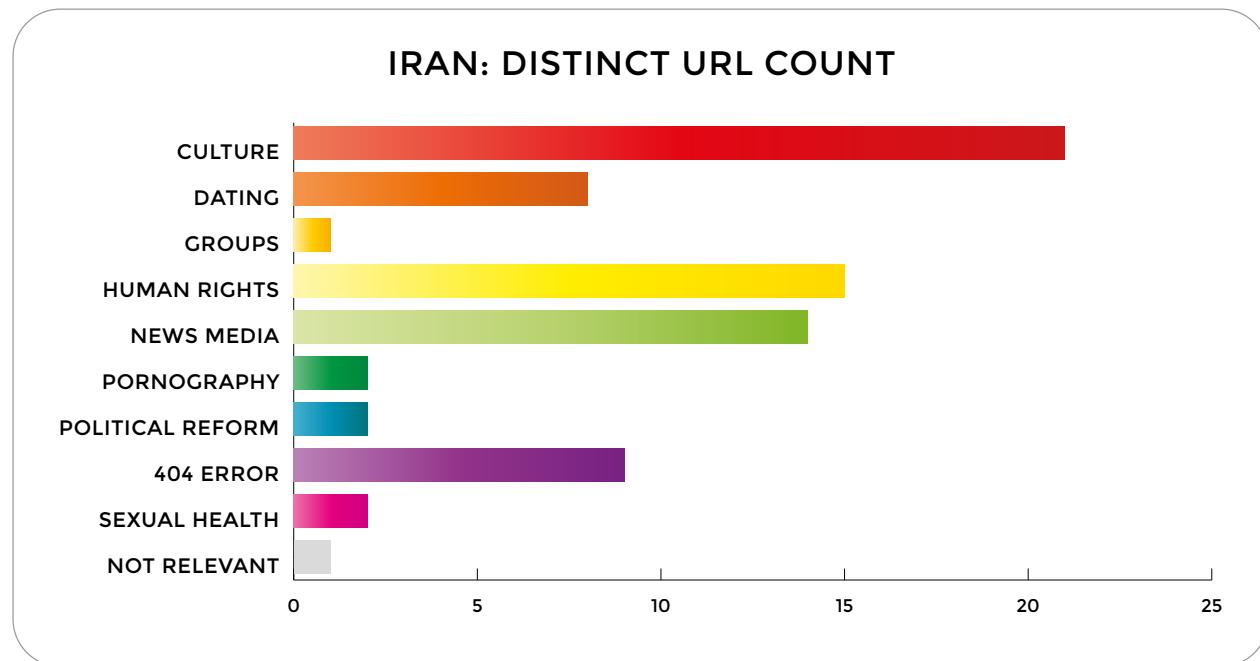


Figure 4: Blocking of different types of LGBTIQ websites in Iran, based on analysis of OONI measurements collected between June 1, 2016 to July 31, 2020.

The majority of blocked LGBTIQ websites cover topics related to “Culture” (21 URLs in total), followed by “Human Rights” (15 URLs) and “News Media” (14 URLs). This trend is similar to what we found in Indonesia and Malaysia. These findings are influenced by the presence of a significant number of LGBTIQ websites in the “Culture” category in our testing list, in comparison to

²⁴⁰ “An example of an Iranian user seeing a DNS injection while using a Google DNS resolver”, Open Observatory of Network Interference, accessed December 2nd, 2020, https://explorer.ooni.org/measurement/20180104T065447Z_AS44244_vHqWDTct-JssEp5ZQ8i886furVSw3gEP8utlveAY74Tceeeav1lr?input=http://alone-persian-man.blogspot.com

²⁴¹ Xynou et al., *Internet Censorship in Iran*.

other content categories. We also observed the blocking of eight LGBTIQ “Dating” websites, as well as nine websites that are no longer operational.

Out of 75 LGBTIQ-related URLs found blocked, we are more confident regarding the websites that presented blocking in more than 50 percent of the times they were tested during our analysis period. These URLs are listed in **Table 8**.

URL	Category	Annotation percentage	Times Tested	Times Blocked
http://6rang.org/	Human Rights	88.89%	18	16
http://gayromeo.com	Dating	86.36%	22	19
http://keyvanlg.blogfa.com/	Culture and Community	85.35%	1263	1078
http://aadaamaak.blogfa.com/	Culture and Community	85.13%	1264	1076
http://dokhtare-aftab.blogfa.com/	Culture and Community	84.66%	1271	1076
http://hamseresht.blogfa.com/	Non-Operational	84.06%	1267	1065
http://pjhouse.blogspot.com/	Non-Operational	82.07%	1244	1021
http://shabbin.blogspot.com/	Culture and Community	82.04%	1247	1023
http://queerquotes.blogspot.com/	Culture and Community	82.01%	1251	1026
http://pesareghabile.blogspot.com/	Non-Operational	81.88%	1258	1030
http://aqueerdiaries.blogspot.com/	Political Criticism	81.85%	1278	1046
http://www.advocate.com/	News Media	81.84%	1459	1194
http://www.mani4lgbt.blogspot.com/	Not Relevant	81.78%	1235	1010
http://gaysong.blogspot.com/	Culture and Community	81.75%	1255	1026
http://www.pesaregay.blogspot.com/	Culture and Community	81.75%	1222	999
http://alone-persian-man.blogspot.com/	Political Criticism	81.64%	1269	1036
http://happygay.blogspot.com/	Culture and Community	81.50%	1265	1031
http://ablogformen2.blogspot.com/	Non-Operational	81.43%	1276	1039
http://www.hrc.org/	Human Rights	81.20%	1436	1166
http://www.pglo.net/	Non-Operational	81.14%	1230	998
http://www.wmmh.blogspot.com/	Culture and Community	81.13%	1224	993
http://www.irqo.org/persian/	Human Rights	80.95%	21	17
http://www.humanrightsfirst.org/	Human Rights	80.50%	1405	1131
http://harfeakhar.persianblog.com/	Non-Operational	79.94%	1276	1020
http://pesari2004.persianblog.com/	Culture and Community	79.76%	1250	997
http://www.bglad.com/	Pornography	78.76%	1591	1253
http://www.gayscape.com/	Pornography	78.04%	1553	1212
http://www.afterellen.com/	News Media	78.04%	1589	1240
http://www.gayhealth.com/	Health Education	77.91%	1580	1231

URL	Category	Annotation percentage	Times Tested	Times Blocked
http://www.grindr.com/	Dating	77.70%	1583	1230
http://transsexual.org/	Culture and Community	77.54%	1616	1253
http://www.newnownext.com/franchise/the-backlot/	News Media	77.48%	1550	1201
http://gaytoday.com/	News Media	77.46%	1637	1268
https://www.gay.com/	Culture and Community	77.22%	474	366
http://www.ifge.org/	Human Rights	77.14%	1566	1208
http://www.glaad.org/	Human Rights	77.07%	1561	1203
http://amygoodloe.com/lesbian-dot-org/	Human Rights	76.95%	1688	1299
http://www.gmhc.org/	Health Education	76.86%	1569	1206
http://www.samesexmarriage.ca/	Non-Operational	76.75%	1553	1192
http://www.towleroad.com/	News Media	76.62%	1540	1180
http://www.queernet.org/	Culture and Community	76.56%	1557	1192
http://ilga.org/	Human Rights	75.59%	1610	1217
https://www.planetromeo.com/	Dating	74.70%	1569	1172
http://www.gayegypt.com/	Non-Operational	74.47%	1559	1161
https://www.queerty.com/	News Media	74.44%	1522	1133
http://www.lesbian.org/	Culture and Community	73.81%	817	603
http://www.bisexual.org/	Culture and Community	73.60%	822	605
http://www.gay.com/	Culture and Community	72.53%	1092	792
http://www.glbtq.com/	Culture and Community	72.53%	819	594
http://www.lgf.org.uk	Non-Operational	72.26%	703	508
https://www.pinkcupid.com/	Dating	59.52%	42	25

Table 8: Websites blocked more than 50% of times tested.

Conclusion

LGBTIQ individuals in Iran face surveillance, harassment and censorship of LGBTIQ content online. The passage of the Computer Crimes Law, in particular, significantly expanded state surveillance and censorship powers. For the moment, there is little recourse for LGBTIQ people in Iran. There is no national law or national human rights institution protecting digital freedom in Iran, nor is there a regional mechanism for the Middle East and North Africa (MENA) to which those suffering from human rights violations and censorship can appeal.²⁴² Iran's constitution, while ostensibly protecting freedom of expression, contains many conditions that actually restrict this freedom.²⁴³ Until this situation changes, Iranian LGBTIQ activists must find creative ways to connect with the community, and struggle for the recognition of their rights, with support from the Iranian diaspora and international community.

²⁴² Interview with digital protection expert in the region, October 27, 2020.

²⁴³ Human Rights Watch. *The Iranian Legal Framework and International Law*. October 1999. <https://www.hrw.org/reports/1999/iran/Iran99o-03.htm>



Highlights

- Extensive censorship and the banning of VPN use, combined with conservative Islamic values that condemn diverse sexual orientations and gender identities, render human rights advocacy in the UAE nearly impossible. In addition, there are no laws or a regional mechanism that can provide accountability or recourse for rights violations.
- Because of the UAE's highly controlled online environment, and widespread surveillance, self-censorship is common.
- Fifty-one unique LGBTIQ-related websites were found blocked in the UAE.
- Most blocked pages are in English. However, very few local websites covering LGBTIQ topics exist in the UAE. LGBTIQ communities in the UAE can still access LGBTIQ-related content through other platforms, such as Netflix and Reddit.
- COVID-19 has exacerbated this situation, with increases in website blocking occurring as more people are at home. At the same time, people have also become more knowledgeable about circumvention tools.

Population (2018)	9,541,615 ²⁴⁴
Internet Penetration	98.4 percent ²⁴⁵
Growth of Internet Population (2010-2018)	30.45 percent ²⁴⁶
Active social media users	Facebook: 88.3 percent penetration rate (February 2020) ²⁴⁷
Mobile subscriptions (per 100 inhabitants [2018])	208.5 ²⁴⁸
ICCPR Ratification	No
ICECSR Ratification	No
Freedom on the Net ranking (2015)	32; Not free ²⁴⁹
Freedom on the Net ranking (2020)	29; Not free ²⁵⁰
Consensual same-sex relations	Not legal ²⁵¹

Table 9: Selected Emirati LGBTIQ, Demographic and Internet Penetration Indicators

244 “Middle East Internet Stats and Telecommunications Reports: UAE,” Internet World Stats, accessed July 22, 2020, <https://www.internetworldstats.com/me/ae.htm>.

245 Ibid.

246 “Percentage of Individuals Using the Internet, 2000-2018.”

247 “Middle East Internet Stats and Telecommunications Reports: UAE.”

248 “Mobile-Cellular Telephone Subscriptions, 2000-2018.”

249 Freedom on the Net 2015; Please note that Freedom House flipped their Freedom on the Net (FOTN) Internet Freedom Score since their 2015 report, switching a score of 100 from signifying “least free” to “most free”. 2015 FOTN scores thus have been flipped to map to the current scoring system.

250 United Arab Emirates, Freedom on the Net 2020 (Freedom House, 2020), <https://freedomhouse.org/country/united-arab-emirates/freedom-net/2020>.

251 Lucas Ramon Mendos, *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.

Background

The United Arab Emirates (UAE) consists of a federation of seven emirates: Abu Dhabi, Ajman, Dubai, Fujairah, Ras Al Khaimah, Sharjah, and Umm Al Quwain.²⁵² While there is some variation across the different emirates, the UAE restricts freedom of expression online by blocking content considered prohibited by Sharia law; perceived as blasphemous, offensive or contrary to the Islamic faith; and/or considered liberal, secular, and atheistic.²⁵³ The UAE has been referred to as “one of the most liberal countries in the Gulf,”²⁵⁴ although political parties are banned, and both citizens and non-citizens (the latter of which comprise about 90% of the population) have limited civil liberties.²⁵⁵ A 2018 report by the United Nations Office of the High Commissioner for Human Rights (OHCHR) highlighted restrictions on freedom of expression in the country, including imprisonment and torture of those critical of the government.²⁵⁶

UAE has a relatively small population, approximately 10 million as of 2020.²⁵⁷ According to interviews, people expect that the government knows about most events taking place in the

252 Mendos, State-Sponsored Homophobia, 29

253 Ingo Forstenlechner, Rashed Alnuaimi, and Emilie J Rutledge. The UAE, the “Arab Spring” and Different Types of Dissent. *Middle East Policy*, December 2012. Giorgio Cafiero, “Islam in the UAE’s Foreign Policy,” *Politics Today* (blog), March 6, 2019, <https://politicstoday.org/islam-in-the-uae-s-foreign-policy/>. Helmi Noman, In the Name of God: Faith-Based Internet Censorship in Majority Muslim Countries (OpenNet Initiative, August 1, 2011), https://opennet.net/sites/opennet.net/files/ONI_NameofGod_1_08_2011.pdf.

254 “United Arab Emirates Country Profile,” BBC News, August 31, 2020, sec. Middle East, <https://www.bbc.com/news/world-middle-east-14703998>.

255 United Arab Emirates, Freedom on the Net 2020 (Freedom House, 2020), <https://freedomhouse.org/country/united-arab-emirates/freedom-net/2020>.

256 UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review: United Arab Emirates,” HRC/38/14 (2018), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/107/40/PDF/G1810740.pdf>.

257 <https://www.worldometers.info/world-population/united-arab-emirates-population/>

country, but it chooses to ignore some possible violations.²⁵⁸ In particular, as the UAE’s economy is dependent on foreign workers, government authorities operate on a “don’t ask, don’t tell” policy that enables LGBTIQ expatriates to live in the UAE.²⁵⁹ According to one LGBTIQ community group, “People know that LGBT[IQ] [people] exist [in the UAE], but it is not being talked about publicly.”²⁶⁰ LGBTIQ events and parties, on occasion featuring LGBTIQ entertainers such as Mashrou L’ela and Sam Smith, especially in Dubai, are publicly – though not widely – announced on Facebook and other social media sites.

“It is not easy [for LGBTIQ people] to communicate—to find each other, to work together, to coordinate. And all of this is because of censorship.”

– Digital Security Expert in the region

Public Opinion and Legal Situation for LGBTIQ People

Human rights activists report that it is extremely difficult to conduct LGBTIQ advocacy from within the country. Social attitudes towards LGBTIQ people are hostile, as the government fuels beliefs that being LGBTIQ is immoral and antithetical to Islam.²⁶¹ As a result, citizens themselves may even demand that the government

258 LI and CS, (active members in LGBTQI+ communities in the UAE), in discussion with the interviewer, August 6, 2020.

259 Email correspondence between OutRight and Kevin Schumacher, June 17, 2020.

260 Interview with LI and CS, 2020.

261 Dan Littauer, “Activists Slam Emirates Depiction of LGBT Rights as ‘Evil’ and ‘Diseases,’” *Gay Star News*, November 29, 2012, sec. News, <https://www.gaystarnews.com/article/activists-slam-emirates-depiction-lgbt-rights-%e2%80%98evil%e2%80%99-and-%e2%80%98diseases%e2%80%9929112/>.

block certain content.²⁶² At times, domestic human rights activists working on other causes are not sympathetic to LGBTIQ issues.²⁶³

Article 80 of the Dubai Penal Code punishes “unnatural sex with another person” with a penalty of up to fourteen years imprisonment, while Article 177 of the Abu Dhabi Penal Code punishes same-sex relations with a penalty of up to ten years imprisonment.²⁶⁴ Under Article 6 of Federal Law No. 6 of 1973, individuals can face deportation if security authorities deem it necessary for the public interest, public security, or public discipline, making LGBTIQ expatriates vulnerable to deportation.²⁶⁵ Article 359 of the Federal Penal Code also criminalizes gender non-conformity. For example, two Singaporeans were deported in 2017 for “looking feminine.”²⁶⁶ In 2008, the authorities arrested and imprisoned 12 men for so-called cross-dressing and participating in an alleged same-sex wedding,²⁶⁷ and in 2011, Dubai police launched a campaign against transgender people and the practice of boyat, or so-called “cross-dressing.”²⁶⁸

Gender affirmation treatments for people diagnosed with gender dysphoria were legalized

262 Interview with a digital protection expert in the region, October 27, 2020.

263 Ibid.

264 “Country Profile of the United Arab Emirates,” Human Dignity Trust, accessed July 22, 2020, <https://www.human-dignitytrust.org/country-profile/united-arab-emirates/>.

265 United Arab Emirates Global Workplace Briefing, Stonewall Global Workplace Briefings 2018 (London: Stonewall, 2018), https://www.stonewall.org.uk/system/files/uae_global_workplace_briefing_2018.pdf.

266 “UAE: Stop Policing Gender Expression,” Human Rights Watch, September 7, 2017, <https://www.hrw.org/news/2017/09/07/uae-stop-policing-gender-expression>.

267 Javaid Rehman and Eleni Polymenopoulou, “Is Green a Part of the Rainbow? Sharia, Homosexuality and LGBT Rights in the Muslim World,” *Fordham International Law Journal* 37, no. 1 (January 1, 2013): 36, <https://ir.lawnet.fordham.edu/ilj/vol37/iss1/7>.

268 “UAE: Stop Policing Gender Expression”; Awad Mustafa and Rym Ghazal, “Cross-Dressing Women Targeted in Dubai Campaign,” *The National*, June 1, 2011, <https://www.thenational.ae/uae/cross-dressing-women-targeted-in-dubai-campaign-1.415782>.

in 2016 by Federal Decree, providing also that they receive psychological support ahead of transition.²⁶⁹ However, it remains unclear whether a person’s gender is legally recognized after undergoing affirming treatment. The Abu Dhabi Federal Court of First Instance rejected a request in 2018 for legal gender recognition by three transgender individuals who were seeking to change their names and update their gender markers on official documents.²⁷⁰

Article 356 of the Federal Penal Code criminalizes zina, sexual relations outside different-sex marriage, and other “moral” offenses with a minimum sentence of one year in prison.²⁷¹ Whether same-sex relations are punishable by the death penalty is unclear, as the Arabic text of Article 354 of the Federal Penal Code is ambiguous.²⁷² Major reforms to the UAE’s Islamic personal laws were enacted in early November 2020.²⁷³ According to the state-run WAM news agency, these reforms “consolidate the UAE’s principles of tolerance,” with changes including loosening alcohol restrictions, allowing unmarried couples to cohabit, and removing laws that defended so-called “honor killings.”²⁷⁴ These reforms also include amendments that allow foreigners to avoid Islamic Sharia courts on issues such as marriage, divorce, and inheritance. However, amendments do not include exemptions for

269 United Arab Emirates Global Workplace Briefing.

270 Bureau of Democracy, Human Rights and Labor, United Arab Emirates, 2019 Country Reports on Human Rights Practices (U.S. Department of State, 2019): 33, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/united-arab-emirates/>.

271 United Arab Emirates: Country Summary (Human Rights Watch, January 2016): 14, https://www.justice.gov/sites/default/files/pages/attachments/2016/02/17/hrw_2016_united-arab-emirates.pdf.

272 Arno Schmitt and Jehoeda Sofer, *Sexuality and Eroticism Among Males in Moslem Societies* (Psychology Press, 1992): 144.

273 Isabel Debre, “UAE Announces Relaxing of Islamic Laws for Personal Freedoms,” AP NEWS, November 7, 2020, sec. International News, <https://apnews.com/article/dubai-united-arab-emirates-honor-killings-travel-islam-bce74c423897dc77c7beb72e4f51a23a>.

274 Ibid.

other behaviors such as same-sex relations or so-called “cross-dressing.”²⁷⁵

Access Restrictions to LGBTIQ Content Online in the UAE

Censorship in the UAE occurs through identification of banned terms and subsequent blocking of the corresponding site, and through systematic blocking of sites deemed to be unacceptable.²⁷⁶ According to the UAE’s Telecommunications Regulatory Authority (TRA), the state Internet regulator, this is enforced through the country’s Internet service providers (ISP).²⁷⁷ The TRA lists nineteen prohibited content categories, including Internet content that helps users bypass blocked content, and content “that promotes or allows access to illegal communication services.”²⁷⁸

Censorship impacts not only LGBTIQ-friendly websites and apps, but also larger technological systems used in the country. For example, according to Sean Howell, co-founder of the Hornet LGBTIQ dating and social network app, the company has received malicious attacks against their servers.²⁷⁹ Howell also mentioned that, to his knowledge, Hornet’s website is only blocked in the UAE, although it is possible that it is blocked in Saudi Arabia as well.²⁸⁰ We have been unable to confirm the latter through

275 Ibid. See also “Dubai Indecency Accused Jamie Harron Back in Scotland,” BBC News, October 25, 2017, sec. Tayside and Central Scotland, <https://www.bbc.com/news/uk-scotland-tayside-central-41744068>. Kok Xing Hui, “Singaporeans Arrested in Abu Dhabi Back Home,” The Straits Times, August 29, 2017, <https://www.straitstimes.com/singapore/singaporeans-arrested-in-abu-dhabi-back-home>.

276 Interview with a digital protection expert in the region, October 27, 2020.

277 “Internet Guidelines - Information & EGovernment Sector,” Telecommunications Regulatory Authority, accessed October 27, 2020, <https://www.tra.gov.ae/en/about-tra/information-and-egovernment-sector/internet-guidelines/details.aspx#pages-67183>.

278 Ibid.

279 Interview with Howell.

280 Ibid.

OONI measurements, particularly given the very limited testing coverage that the website has received there.

LI and CS,²⁸¹ two local LGBTIQ advocates in the Arab region, stated that very few local websites covering LGBTIQ topics exist in the UAE.²⁸² Local LGBTIQ communities look to foreign LGBTIQ websites to access relevant information, however, many of those are blocked. LGBTIQ communities can still access LGBTIQ-related content through other platforms, such as Netflix and Reddit, as well as through other streaming platforms.

LI and CS also mentioned that while access to Grindr’s website is blocked in the UAE, Grindr’s app and other websites “deemed illegal” can be accessed with a VPN.²⁸³ The 2012 Cyber Crimes Law and 2016 amendment, however, effectively ban VPN use, prescribing hefty fines and making the UAE the most restrictive country in the region in regulating use of circumvention software.²⁸⁴ VPNs are commonly used regardless.

CS believes that the UAE will continue (or may possibly expand) the use of monitoring technology to “maintain order” in the country and employ scare tactics to ensure compliance and “religious and traditional respect.”²⁸⁵ CS noted that local LGBTIQ communities are keenly aware that they are likely being surveilled. Another member of the LGBTIQ community described being afraid of doing an Internet search on “how to know I am a lesbian.”²⁸⁶

Research by the Citizen Lab in 2018 found that the filtering category “Alternative Lifestyles” existed in the UAE, including content related to “non-traditional sexual practices, interests

281 Names anonymized for safety.

282 Interview with LI and CS, 2020.

283 Ibid.

284 Interview with a digital protection expert in the region, October 27, 2020.

285 Interview with LI and CS, 2020

286 Ibid.



Image 5: Block page served in the United Arab Emirates.

and orientations.”²⁸⁷ Websites blocked under this category included HIV prevention and civil rights content, such as the GLAAD and the Human Rights Campaign websites.²⁸⁸ The UAE has also banned Voice over Internet Protocol applications (e.g., WhatsApp, Skype, and FaceTime) that provide free online voice and video calls.²⁸⁹

Summary of Technical Findings

Our findings²⁹⁰ are based on the analysis of OONI measurements collected from the UAE between June 1, 2016 to July 31, 2020.²⁹¹ The

²⁸⁷ Jakub Dalek et al., *Planet Netsweeper: Country Case Studies* (The Citizen Lab, April 25, 2018), <https://citizenlab.ca/2018/04/planet-netsweeper-section-2-country-case-studies/>; Adam Senft, Miles Kenyon, and Ron Deibert, *Identities in the Crosshairs—Censoring LGBTQ Internet Content around the World* (OpenGlobalRights, November 27, 2018), <https://www.openglobalrights.org/identities-in-the-crosshairs-censoring-lgbtq-internet-content-around-the-world/>.

²⁸⁸ Dalek et al., *Planet Netsweeper*; Senft, Kenyon, and Deibert, *Identities in the Crosshairs—Censoring LGBTQ Internet Content around the World*.

²⁸⁹ Burhan Wazir, “Foreign Workers in the Gulf Can’t Call Home during Coronavirus Crisis – Coda Story,” Coda Media, March 27, 2020, <https://www.codastory.com/authoritarian-tech/gulf-coronavirus-internet/>.

²⁹⁰ This case study highlights high-level findings. Additional technical findings can be found in [LINK TO BIG DOC]. The full explanation of testing results and methodology can be found at <https://outrightinternational.org/NoAccess>.

²⁹¹ Citizen Lab, “Analysis of OONI Measurements Collected from the United Arab Emirates,” accessed October 29, 2020, <https://github.com/citizenlab/lgbtiq-report-data/blob/main/ae.csv>; OONI Explorer (OONI Measurements Collected from the United Arab Emirates, accessed October 26, 2020), https://explorer.ooni.org/search?until=2020-10-02&probe_cc=AE.

results do not necessarily reflect the full extent of LGBTIQ website censorship in UAE, but rather they provide an indication of LGBTIQ website censorship based on available OONI measurements.

UAE has been filtering websites since at least 2004,²⁹² blocking a wide variety of content including LGBTIQ websites.²⁹³

In total, we found **51 unique websites among the LGBTIQ testing list that were blocked** at least once in the UAE, with Internet service providers serving blockpages instead. Many of the blocked LGBTIQ websites are currently non-operational, suggesting that blocklists may not have been updated in recent years. Other blocked websites include internationally relevant LGBTIQ cultural, human rights, dating, sexual health, and news sites, while a few Arabic-language LGBTIQ websites were found blocked as well.

We observed the blocking of a number of internationally relevant LGBTIQ sites in the UAE, including:

- ilga.org
- gayscape.com
- gayhealth.com
- gayromeo.com
- advocate.com

ASWAT magazine shares LGBTIQ-related news and covers issues related to asylum and migration. The website belonging to the magazine, www.aswatmag.com, was found blocked every time that it was tested. However, this website has been tested in the UAE only five times over the last four years, between

²⁹² “Internet Filtering in the United Arab Emirates in 2004–2005: A Country Study” <https://opennet.net/studies/uae>.

²⁹³ Dalek et al., *Planet Netsweeper*.

February 2020 and May 2020. It is possible that its blocking frequency may have been lower if it had been tested more frequently and over a longer period of time.

Among the URLs found blocked at least 50 percent of times tested is the website of Bint el Nas (bintelnas.org), which translates to “Daughter of the People.” This website caters to Arab LGBTIQ communities. Bint el Nas’ website was found to be blocked 55 percent of times tested between January 2019 to April 2020 in the UAE. We also observed the blocking of a few Arab region-specific websites and blogs, which include www.gaytelaviv.com (no longer operational), arabgaypride.blogspot.com and arabiclgbt.blogspot.com.

The following chart (**Figure 5**) illustrates the number and types of LGBTIQ sites that we found blocked in the UAE as part of this study.

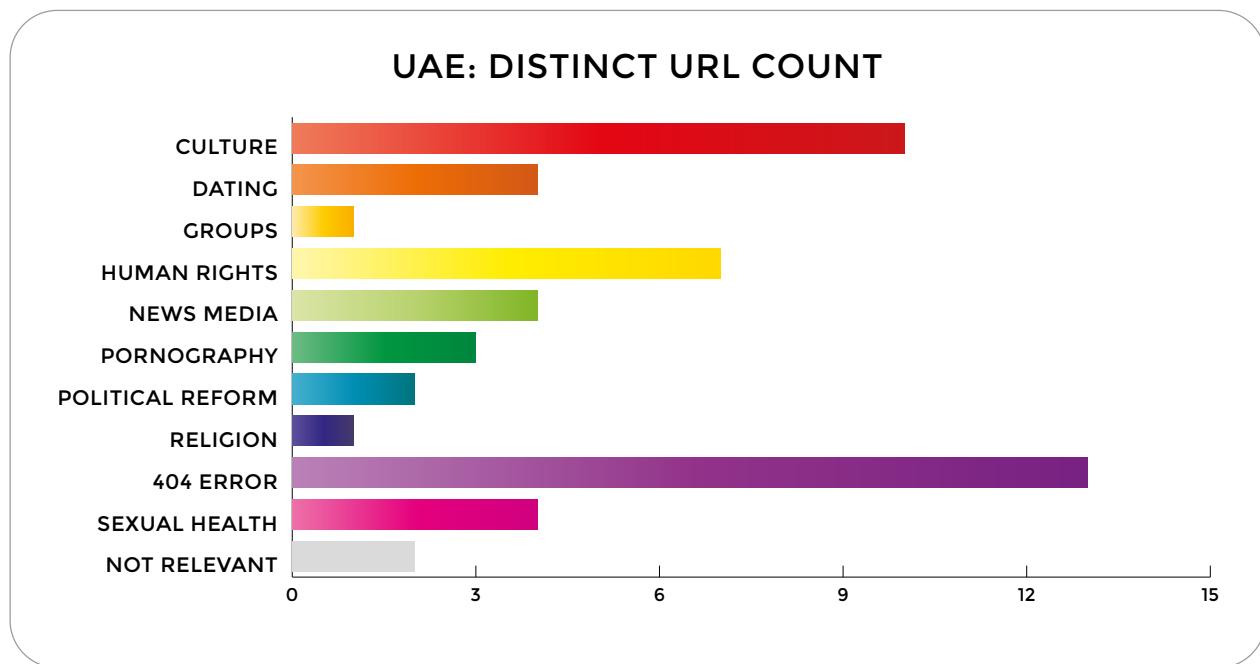


Figure 5: Blocking of different types of LGBTIQ websites in the United Arab Emirates, based on analysis of OONI measurements collected between June 1, 2016 to July 31, 2020.

Out of 51 blocked LGBTIQ websites, 13 are currently non-operational, such as www.helem.net and www.glas.org.²⁹⁴ We also observed the blocking of LGBTIQ-related websites in the following categories: “Culture” (10 URLs), “Human Rights” (seven URLs), “News Media” (four URLs), and “Sexual Health” (four URLs). The higher the blocking frequency (in comparison to the overall testing frequency), the higher the confidence we have with respect to their overall blocking.

Out of the 51 websites found blocked in the UAE, those that presented blocking **more than 50 percent** of times tested are listed in the following table (**Table 10**).

²⁹⁴ “Blocklist,” in OONI Glossary (Open Observatory of Network Interference), accessed October 26, 2020, <https://ooni.org/support/glossary/#blocklist>.

URL	Category	Annotation percentage	Times Tested	Times Blocked
http://www.aswatmag.com/	News Media	100.00%	5	5
http://www.helem.net/	Non-Operational	80.00%	5	4
http://www.glas.org/lazeeza.html	Non-Operational	73.17%	82	60
http://www.glas.org/	Non-Operational	72.41%	87	63
http://www.dubaihotties.org/	Pornography	66.67%	3	2
http://www.glas.org/ahbab/	Non-Operational	66.67%	81	54
http://www.gayalgerie.net/	Non-Operational	56.25%	16	9
http://www.bintelnas.org/	Groups	55.00%	20	11
http://www.lavaplace.com/	Dating	50.00%	6	3

Table 10: URLs seen blocked in the United Arab Emirates more than 50% of the time.

Through blocking annotations identified in OONI measurements, we detected the use of Saudi Arabia's WireFilter and Canada's Netsweeper, Inc., which are filtering technologies developed and managed by private companies.²⁹⁵ WireFilter is manufactured by Riyadh-based Sewar Technologies Ltd.²⁹⁶ This could potentially explain why we see many of the same LGBTIQ URLs blocked in both the UAE and Saudi Arabia. Netsweeper, Inc. is a Canadian company that sells Internet filtering products to ISPs around the world. In 2018, the Citizen Lab documented the global proliferation of Internet filtering systems manufactured by Netsweeper, Inc.²⁹⁷ This study revealed the use of Netsweeper filtering technology in 10 countries, including the UAE, and that such technology was used to also censor LGBTIQ-related content. OONI measurements further corroborated the blocking of LGBTIQ-related content in the UAE through the use of Netsweeper.

Conclusion

Given UAE's repressive climate with extensive online surveillance and censorship, self-censorship is also commonly practiced by LGBTIQ people.²⁹⁸ COVID-19 has exacerbated this situation, as explained by a digital protection expert in the region:

During COVID-19, blocking has increased because people are at home and have more time to search—they spend more time online. So definitely more websites are being blocked, and more tools are being blocked. On the other hand, people have become more knowledgeable about what tools they can use to circumvent blocking of these websites and to protect themselves.

He went on to say, however, that he does not expect the situation in the UAE to improve, and that LGBTIQ movements will only continue to be negatively affected: "It is not easy to communicate—to find each other, to work together, to coordinate. And all of this is because of censorship."²⁹⁹

²⁹⁵ WireFilter (website), Wirefilter, accessed October 23, 2020, <https://wirefilter.com>; Netsweeper (website), Netsweeper, accessed October 23, 2020, <https://www.netsweeper.com/>.

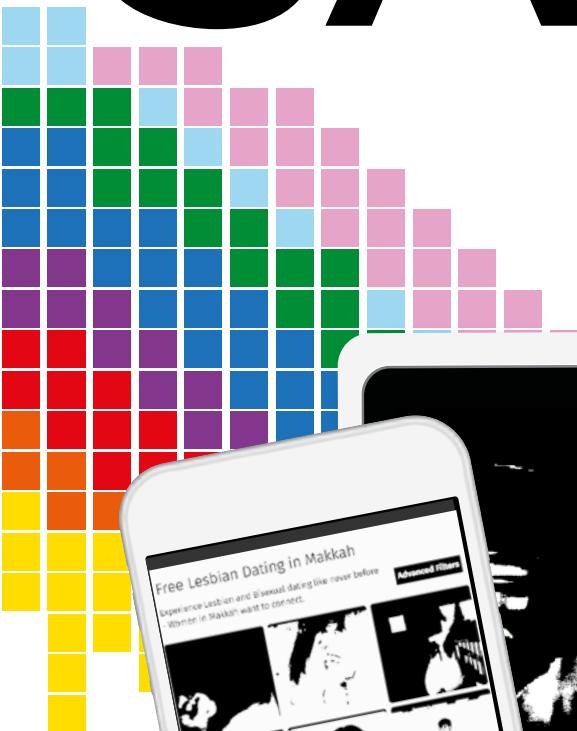
²⁹⁶ WireFilter.

²⁹⁷ Dalek et al., *Planet Netsweeper*.

²⁹⁸ Interview with a digital protection expert in the region, October 27, 2020.

²⁹⁹ Ibid.

SAUDI ARABIA



SAUDI ARABIA



Censorship challenges people's ability to find resources—to connect and be connected, and to ask for help...It also sends a message from the government that [being LGBTIQ] is still taboo, it is still wrong... Instead, we want you to be unaware, to be uneducated. We don't want you to know about your rights or your body or sexuality."

– Khalid Abdel-Hadi

Population (2016)	32,157,974 ³⁰⁰
Internet Penetration	91.5% ³⁰¹
Growth of Internet Population (2010-2018)	52.31% ³⁰²
Active social media users	Facebook: 68.1% penetration rate (February 2020) ³⁰³
Mobile subscriptions (per 100 inhabitants [2018])	122.57 ³⁰⁴
ICCPR Ratification	No
ICECSR Ratification	No
Freedom on the Net ranking (2015)	27; Not free ³⁰⁵
Freedom on the Net ranking (2020)	26; Not free ³⁰⁶
Consensual same-sex sex relations	Not legal ³⁰⁷

Table 11: Selected Saudi Arabian LGBTIQ, Demographic and Internet Penetration Indicators

Highlights

- Digital censorship is widespread in Saudi Arabia and occurs in a context of ongoing societal restrictions.
- LGBTIQ communities rely on the use of VPNs, safe texting apps, and some social media to circumvent state censorship. Yet, LGBTIQ people must be vigilant due to the risk of entrapment by local authorities.
- Online and offline harassment, intimidation, and arrests against Saudi Arabia's LGBTIQ activist community, perpetrated by the regime and conservative members of Saudi society, have led to extensive self-censorship. LGBTIQ advocates and individuals have had to work

300 "Population Clock: World," U.S. Census International Data Base, accessed July 1, 2020, <https://www.census.gov/popclock/world/sa>.

301 "Middle East Internet Stats and Telecommunications Reports: Saudi Arabia," Internet World Stats, 2019, <https://www.internetworldstats.com/middle.htm#sa>.

302 "Percentage of Individuals Using the Internet, 2000-2018."

303 "Middle East Internet Stats and Telecommunications Reports: Saudi Arabia."

304 "Mobile-Cellular Telephone Subscriptions, 2000-2018."

305 Freedom on the Net 2015; Note that Freedom House flipped their Freedom on the Net (FOTN) Internet Freedom Score since their 2015 report, switching a score of 100 from signifying "least free" to "most free". 2015 FOTN scores thus have been flipped to map to the current scoring system.

306 Saudi Arabia, Freedom on the Net 2020 (Freedom House, 2020), <https://freedomhouse.org/country/saudi-arabia/free-dom-net/2020>.

307 Ramon Mendos, State-Sponsored Homophobia: Global Legislation Overview Update.

- surreptitiously in the country to avoid criminal prosecution.
- Twenty-six unique LGBTIQ-related URLs were found blocked in Saudi Arabia, including predominantly internationally relevant cultural LGBTIQ sites, and some local sites too.
 - All Internet service providers (ISPs) in Saudi Arabia consistently implement Internet censorship by serving the same English and Arabic blockpage.

Background

Saudis are known to be some of the most active social media users in the region.³⁰⁸ Yet, Saudi Arabia was characterized as being “Not Free” by Freedom House’s *Freedom on the Net* 2020 ranking, due to government limits imposed on accessing online information and services.³⁰⁹ Internet censorship in Saudi Arabia is derived from Islamic doctrine and state-sponsored interpretations of its rules.³¹⁰ As such, websites deemed to host harmful, illegal, indecent, or anti-Islamic content, as well as websites of minority faith groups (e.g., Shi'a Muslims), secular ideologies, and atheist groups are censored in Saudi Arabia.³¹¹ Overtly political Internet content is also blocked, and the government has been intolerant of online criticism against its royal family or its allies among the Gulf states.³¹² An LGBTIQ former

³⁰⁸ Simon Kemp, Digital 2020: Saudi Arabia (Data Reportal, February 12, 2020), <https://datareportal.com/reports/digital-2020-saudi-arabia>; Nigel Stanger, 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>.

³⁰⁹ Saudi Arabia, *Freedom on the Net* 2020 (Freedom House, 2020), <https://freedomhouse.org/country/saudi-arabia/freedom-net/2020>.

³¹⁰ Noman, *In the Name of God: Faith-Based Internet Censorship in Majority Muslim Countries*.

³¹¹ Ibid.

³¹² W. Sean McLaughlin, “The Use of the Internet for Political Action by Non-State Dissident Actors in the Middle East,” *First Monday* 8, no. 11 (October 27, 2007), <https://doi.org/10.5210/fm.v0i.1791>; Rafid Fatani, *Securing Internet Rights in Saudi Arabia*, Global Information Society Watch

senior official at the Saudi Ministry of Media who fled the country and was interviewed by TIME magazine in 2019, stated that the arrests of human rights activists and writers in Saudi Arabia were likely due to the regime’s fears that a revolution could arise from the changes that Crown Prince Mohammed bin Salman was making.³¹³ Saudi Arabia’s politicization of social spaces, with its “with us or against us” approach, has also minimized tolerance for alternative voices or diversity.³¹⁴ As a result, journalists, dissidents, and rights activists have been subjected to increasing attacks. For example, Citizen Lab discovered in January 2020 that several Saudi dissidents and a New York Times journalist had been targeted by spyware, with the attacks linked to Saudi Arabia.³¹⁵ In 2018, the Saudi government was also globally condemned for the murder by state agents of prominent journalist Jamal Khashoggi.³¹⁶

Public Opinion and Legal Situation for LGBTIQ People in Saudi Arabia

Saudi Arabia’s interpretation of Sharia law is largely influenced by the Wahhabi tradition, which is part of a larger and stringently orthodox school of thought - Salafism.³¹⁷

(Association for Progressive Communications, 2011), <https://www.giswatch.org/en/country-report/internet-rights/securing-internet-rights-saudi-arabia>.

³¹³ Joseph Hincks, “A Gay Saudi Journalist Detained While Seeking Asylum in Australia Speaks Out,” *Time*, December 17, 2019, <https://time.com/5751229/saudi-arabia-gay-journalists-australia/>.

³¹⁴ Email exchange between OutRight and Kevin Schumacher, June 17, 2020; Hincks, “A Gay Saudi Journalist Detained While Seeking Asylum in Australia Speaks Out.”

³¹⁵ Bill Marczak et al., *Stopping the Press: New York Times Journalist Targeted by Saudi-Linked Pegasus Spyware Operator* (Toronto: The Citizen Lab, January 28, 2020), <https://citizenlab.ca/2020/01/stopping-the-press-new-york-times-journalist-targeted-by-saudi-linked-pegasus-spyware-operator/>.

³¹⁶ Democracy for the Arab World Now (DAWN). *International Reaction*. 2018. <https://dawnmena.org/founder/international-reaction/>

³¹⁷ Frank E. Vogel, “Shari'a in the Politics of Saudi Arabia,” *The Review of Faith & International Affairs* 10, no. 4 (December

Saudi Arabia also has a history of applying strict interpretations of Wahhabism on homosexuality and cross-dressing.³¹⁸ A promotional video posted on Twitter in November 2019 by a verified account of the State Security Presidency portrayed feminism, homosexuality, and atheism as “extremist ideas,” and argued that “all forms of extremism and perversion are unacceptable” in the country.³¹⁹

Saudi Arabia does not have any written penal code, code of criminal procedure, or code of judicial procedure.³²⁰ Law enforcement and the judiciary therefore have wide discretion to determine what activities are considered criminal offenses and what sentences these “crimes” deserve, based on interpretation of the Sharia law.³²¹ If the Committee for the Promotion of Virtue and the Prevention of Vice (CPVPV), also known as the *mutaween*, learns that a person is LGBTIQ or engaging in same-sex relations, that person could be subjected to lifelong harassment, including sexual harassment, and blackmail.³²² Same-sex attraction is often linked to other criminal actions to justify its punishment, such as rape, assault, blackmail, or murder. This association creates a spurious perception of LGBTIQ people as individuals who assault others, molest children, and commit murder.³²³ Those found guilty of

2012): 18, <https://doi.org/10.1080/15570274.2012.739892>.

318 Al-Noaimi, “The State of Sexuality.”

319 “Saudi Arabia Labels Feminism, Homosexuality, Atheism As ‘Extremist Ideas,’” NDTV, November 12, 2019, <https://www.ndtv.com/world-news/saudi-arabia-labels-feminism-homosexuality-atheism-as-extremist-ideas-2130970>.

320 Rights Trends in Saudi Arabia, World Report 2019 (Human Rights Watch, December 17, 2018), <https://www.hrw.org/world-report/2019/country-chapters/saudi-arabia>.

321 Mohamed Elewa Badar, “Islamic Law (Shari'a) and the Jurisdiction of the International Criminal Court,” *Leiden Journal of International Law* 24, no. 2 (June 2011): 411–33, <https://doi.org/10.1017/S0922156511000082>.

322 Rehman and Polymenopoulou, “Is Green a Part of the Rainbow?”, 1.

323 Wahid Ferchichi, *Law and Homosexuality: Survey and Analysis of Legislation Across the Arab World* (Middle East and North Africa Consultation of the Global Commission on HIV and the Law, Global Commission on HIV and the Law, 2011): 12, <http://bibliobase.sermais.pt:8008/BiblioNET/upload/PDF/0576.pdf>.

same-sex relations may be subject to flogging, imprisonment or the death penalty.³²⁴ In just one example, in 2019, the government beheaded five men accused of same-sex relations, who were part of a larger group that protested against the marginalization of the Shi'a community.³²⁵

Saudi Arabia also uses its position in international bodies to oppose LGBTIQ rights. In 2015, the Saudi Arabian foreign minister requested that reference to LGBTIQ human rights to be removed from the UN Sustainable Development Goals.³²⁶ The following year, Saudi Arabia also objected to a UN Human Rights resolution condemning the use of torture by law enforcement, due to inclusion of examples of torture referencing sexual orientation and gender identity in its supporting text.³²⁷

Research conducted by the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA) found that the “Law on Associations and Foundations” clearly forbids LGBTIQ rights organizations from being established in the Kingdom.³²⁸ OutRight Action International, in research conducted in 2018, did not find any registered LGBTIQ organizations in Saudi Arabia.³²⁹ With LGBTIQ organizations

324 Achim Hildebrandt, “Christianity, Islam and Modernity: Explaining Prohibitions on Homosexuality in UN Member States,” *Political Studies* 63, no. 4 (June 2, 2014): 852, <https://doi-org.myaccess.library.utoronto.ca/10.1111/1467-9248.12137>.

325 Tamara Qiblawi and Ghazl Balkiz, “Exclusive: Saudi Arabia Said They Confessed. Court Filings Show Some Executed Men Protested Their Innocence,” CNN, April 26, 2019, <https://www.cnn.com/2019/04/26/middleeast/saudi-executions-court-documents-intl/index.html>.

326 Samuel Osborne, “Saudi Arabia Insists UN Keeps LGBT Rights out of Its Development Goals,” *The Independent*, September 29, 2015, <http://www.independent.co.uk/news/saudi-arabia-insists-un-keeps-lgbt-rights-out-of-its-development-goals-a6671526.html>.

327 “Saudi Arabia,” Human Dignity Trust, accessed July 21, 2020, <https://www.humandignitytrust.org./country-profile/saudi-arabia/>.

328 Aengus Carroll and Luca Ramon Mendos, *State Sponsored Homophobia 2017: A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition* (ILGA, May 2017), https://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf.

329 Felicity Daly, *The Global State of LGBTIQ Organizing*:

unable to register and gain accreditation, civil society's ability to advocate for LGBTIQ rights is severely restricted.³³⁰ Fears of harassment, intimidation, and arrests have also led individuals to exercise self-censorship. In 2018, Human Rights Watch was unable to identify any Saudi activists willing to speak publicly for a study on LGBTIQ activism in the MENA region.³³¹

Despite threats to LGBTIQ communities in Saudi Arabia, one interviewee, "Mohammed," a gay man living in Riyadh, argued that the 'underground' LGBTIQ community in all its diversity is vibrant and somewhat safer now than in the past.³³² A digital protection expert in the region agreed, though also noted that the COVID-19 pandemic has curbed the community's ability to physically connect.³³³ They also noted that online censorship is increasing as people are at home and spending more time online.³³⁴

Access Restrictions to LGBTIQ Content in Saudi Arabia

Since 2011, Saudi Arabia's Specialized Criminal Court has been a major instrument of repression. The court has extensively relied on the Anti-Cyber Crime and vague terrorism laws when delivering severe punishments to activists, journalists, human rights defenders, and others for peacefully exercising their rights, including

The Right to Register (OutRight Action International, 2018), https://outrightinternational.org/sites/default/files/CSORReportJuly2018_FINALWeb.pdf.

330 Global Assault on NGOs Reaches Crisis Point (Amnesty International, February 21, 2019), <https://www.amnesty.org/en/latest/news/2019/02/global-assault-on-ngos-reaches-crisis-point/>.

331 Audacity in Adversity: LGBT Activism in the Middle East and North Africa (Human Rights Watch, April 2018), https://www.hrw.org/sites/default/files/report_pdf/lgbt_mena0418_web_0.pdf.

332 Interview with "Mohammed" (pseudonym), March 10, 2020.

333 Interview with a digital protection expert in the region, October 27, 2020.

334 Ibid.

online.^{335, 336, 337} Introduced by royal decree in March 2007, the Anti-Cyber Crime Law criminalizes the "production, preparation, transmission, or storage of material impinging on public order, religious values, public morals and privacy, through the information network or computers."³³⁸ When this law is invoked by the Specialized Criminal Court, authorities often cited "tweets and other online messages as evidence."³³⁹

As the Internet has grown, Saudi Arabia has implemented filtering mechanisms to complement traditional media controls, enabling Saudi authorities to stop their citizens from accessing content that may be deemed politically and culturally subversive to the state.³⁴⁰ The mutaween coordinates with the Information and Communication Technologies Authority to enforce online censorship policies, such as shutting down Twitter accounts for "committing religious and ethical violations."³⁴¹ A digital protection expert explained that the Kingdom devotes extensive resources to monitoring online activities, so that if someone publishes content that is deemed unacceptable, they may be immediately tracked, summoned or arrested by the police.³⁴² VPN use, therefore,

335 Amnesty International, *Muzzling Critical Voices: Politicized Trials Before Saudi Arabia's Specialized Criminal Court* (London: Amnesty International, 2019): 7, <https://www.amnesty.org/download/Documents/MDE2316332020ENGLISH.PDF>.

336 Penal Law for Crimes of Terrorism and its Financing, Article 1, (2017).

337 Wafa Ben Hassine, *The Crime of Speech: How Arab Governments Use the Law to Silence Expression Online - Saudi Arabia* (Electronic Frontier Foundation, April 25, 2016): 21, <https://www.eff.org/pages/crime-speech-how-arab-governments-use-law-silence-expression-online>

338 Anti-Cyber Crime Law, Article 6, (2007).

339 Amnesty International, *Muzzling Critical Voices*, 19.

340 Justin D. Clark et al., "The Shifting Landscape of Global Internet Censorship," Berkman Klein Center for Internet & Society, 2017, <https://dash.harvard.edu/handle/1/33084425>.

341 Office of International Religious Freedom, 2018 Report on International Religious Freedom: Saudi Arabia, 2018 Report on International Religious Freedom (U.S. Department of State, 2019): 15, <https://www.state.gov/wp-content/uploads/2019/05/SAUDI-ARABIA-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

342 Interview with a digital protection expert in the region,

is widespread, even when accessing websites that are unlikely to be blocked, so as not to be traced.³⁴³

Some dating applications popular among LGBTIQ individuals, such as Grindr, are blocked, but others, such as Scruff and Tinder, are not. Similarly, some websites popular in LGBTIQ communities remain accessible, including 'mykalimag.com', an online magazine covering LGBTIQ and feminist issues throughout the Middle East and North Africa. According to Khalid Abdel-Hadi, the Founder and Editor-in-Chief of My.Kali, his e-magazine has "huge reach" in Saudi Arabia.³⁴⁴ Even so, LGBTIQ advocates and individuals must work and exist surreptitiously to avoid prosecution.³⁴⁵

Entrapment, especially through dating apps, is also a serious risk.³⁴⁶ According to the US Justice Department in November 2019, a US citizen and a Saudi citizen were charged for spying on behalf of Saudi Arabia after they gave private information to a Saudi official regarding more than six thousand Saudi Twitter users, some of which are regime critics.³⁴⁷ While not specifically targeting LGBTIQ people, this privacy breach suggests that the Saudi govern-

ment is actively infiltrating social media and other technology platforms to identify dissenters. Furthermore, Sean Howell, co-founder of Hornet, said that the company has received malicious attacks against their servers.³⁴⁸

Overall, the situation facing LGBTIQ communities in Saudi Arabia will likely remain challenging. As a digital protection expert in the region noted, "It is a black picture. The LGBT community is becoming very strong in other places, but in our countries, no. It is a shame."³⁴⁹

Summary of Technical Findings

Our findings³⁵⁰ are based on the analysis of OONI measurements collected from Saudi Arabia between June 1, 2016 to July 31, 2020.³⁵¹ The results do not necessarily reflect the

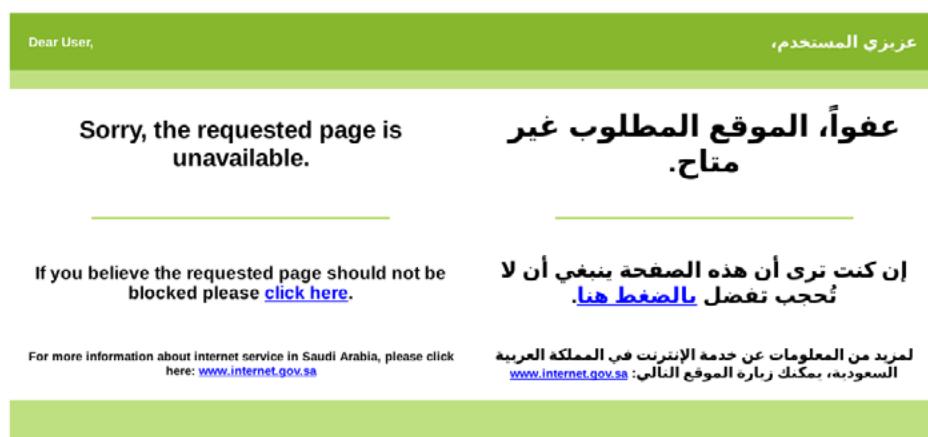


Image 6: The main and only block page seen in Saudi Arabia (annotation: 'nat_sa').

October 27, 2020.

343 Ibid.

344 Khalid Abdel-Hadi, Founder and Editor-in-Chief of My.Kali, in discussion with the author, March 5, 2020.

345 Audacity in Adversity: LGBT Activism in the Middle East and North Africa.

346 Interview with a digital protection expert in the region, October 27, 2020.

347 Morgan Meaker, Authoritarian Nations Are Turning the Internet Into a Weapon (Medium, December 10, 2019), <https://onezero.medium.com/authoritarian-nations-are-turning-the-internet-into-a-weapon-10119d4e9992>.

348 Howell, interview.

349 Interview with a digital protection expert in the region, October 27, 2020.

350 This case study highlights high-level findings. Additional technical findings can be found at <https://outrightinternational.org/NoAccess>. The full explanation of testing results and methodology can be found at <https://outrightinternational.org/NoAccess>

351 Citizen Lab, "Analysis of OONI measurements collected from Saudi Arabia," accessed October 23, 2020, <https://github.com/citizenlab/lgbtqi-report-data/blob/main/sa.csv>; OONI Explorer (OONI Measurements Collected from Saudi Arabia, accessed October 26, 2020), https://explorer.oni.org/search?until=2020-10-02&probe_cc=SA.

full extent of LGBTIQ website censorship in Saudi Arabia, but rather they provide an indication of LGBTIQ website censorship based on available OONI measurements.

Twenty-six unique LGBTIQ-related websites were found blocked in Saudi Arabia, including predominantly internationally relevant LGBTIQ websites, and several local sites too. A number of currently non-operational (404) LGBTIQ sites were found blocked, suggesting that ISPs in Saudi Arabia may not have updated their blocklist in recent years.

Saudi Arabia has been filtering access to websites since at least 2007.³⁵² A wide variety of content is filtered, including sites with political and social content, as well as sites related to the topics of conflict and security.³⁵³ When trying to access a blocked page ISPs in Saudi Arabia, where relevant OONI Probe tests were run, **served the same English and Arabic blockpage to users**. This blockpage also gave users the option to request a review of any blocking through a web form, although very few people would dare to challenge the blocking of LGBTIQ content in Saudi Arabia, as this would likely result in immediate arrest.³⁵⁴

Number and Categories of LGBTIQ Websites Blocked in Saudi Arabia

The following chart (**Figure 6**) illustrates the number and types of LGBTIQ sites in Saudi Arabia that were seen blocked at least once during the study period.

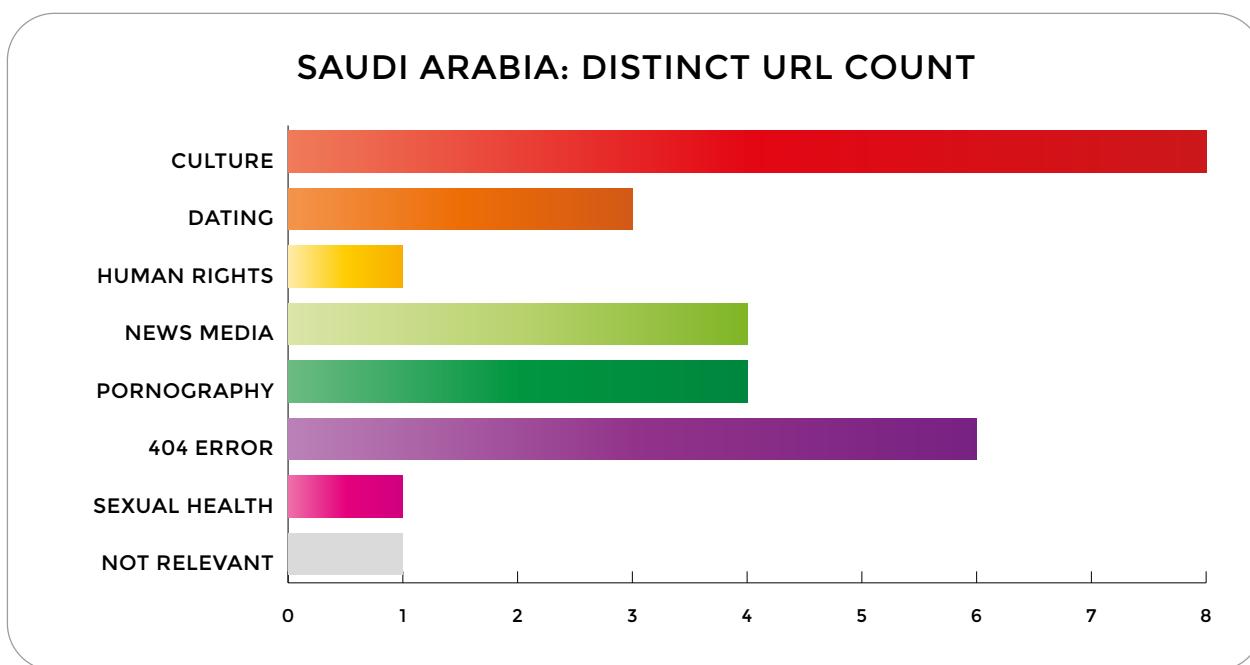


Figure 6: Blocking of different types of LGBTIQ websites in Saudi Arabia, based on analysis of OONI measurements collected between June 1, 2016 to July 31, 2020.

352 Internet Filtering in Saudi Arabia in 2006-2007 (OpenNet Initiative, 2007), <https://opennet.net/studies/saudiarabia2007>.

353 Justin D. Clark et al., “The Shifting Landscape of Global Internet Censorship,” Berkman Klein Center for Internet & Society, 2017, <https://dash.harvard.edu/handle/1/33084425>.

354 Interview with a digital protection expert in the region, October 27, 2020.

Most of the blocked LGBTIQ websites in Saudi Arabia belong to the “Culture” content category, representing eight out of 26 unique URLs. This trend is similarly seen in other countries in this study, such as Indonesia, Malaysia, and Iran. Websites that were no longer operational make up the second most blocked category. This high number of inaccessible URLs indicates that Saudi Arabia’s blocklist may not change frequently in practice, even though Internet users in Saudi Arabia are offered the option (through the blockpage) to request review of blocked sites.

Testing and Blocking Frequency of LGBTIQ Websites in Saudi Arabia

Of the 26 blocked LGBTIQ URLs, we found that 20 were blocked more than 75 percent of the times they were tested during our study period. This indicates a consistent and effective blocking coverage among ISPs in the country. These URLs are shared in the following table (**Table 12**).

URL	Category	Annotation percentage	Times Tested	Times Blocked
http://gayguide.net/	Culture and Community	100.00 percent	15	15
http://gayromeo.com	Dating	100.00 percent	27	27
http://www.bisexual.org	Culture and Community	100.00 percent	38	38
http://www.helem.net/	Non-Operational	100.00 percent	16	16
http://www.lavaplace.com/	Dating	100.00 percent	17	17
http://www.thegailygrind.com/	News Media	100.00 percent	27	27
http://www.lesbian.org	Culture and Community	96.67 percent	30	29
http://www.gay.com/	Culture and Community	96.10 percent	77	74
http://www.samesexmarriage.ca/	Non-Operational	95.90 percent	122	117
http://www.dubaihotties.org/	Pornography	94.74 percent	19	18
http://www.glas.org/	Non-Operational	93.33 percent	15	14
http://www.gmhc.org/	Sexual Health	93.02 percent	129	120
http://www.grindr.com/	Dating	92.54 percent	134	124
http://www.queernet.org/	Culture and Community	91.80 percent	122	112
http://www.advocate.com/	News Media	91.34 percent	127	116
http://www.tsroadmap.com/	Culture and Community	91.06 percent	123	112
http://saudislgbt.tumblr.com/	Culture and Community	90.91 percent	11	10
http://www.gayscape.com/	Pornography	90.24 percent	123	111
http://www.gayegypt.com/	Non-Operational	88.00 percent	125	110
http://gaytoday.com/	News Media	79.03 percent	124	98

Table 12: All URLs seen blocked in Saudi Arabia more than 75% of the time.

As can be seen in this list, both local and international sites were blocked. The local LGBTIQ sites included saudislgbt.tumblr.com and www.gayarab.org. Ninety percent of all OONI measurements collected from the testing of saudislgbt.tumblr.com between 2016 to 2020 consistently showed that access to this site has been blocked, and recent OONI measurements showed that access to the site remains blocked on (at least) several networks in Saudi Arabia.³⁵⁵

Conclusion

Saudi Arabia has a high Internet penetration rate (93 percent as of January 2020), yet the country's Internet is characterized as "Not Free" by Freedom House's *Freedom on the Net* 2020 ranking, due to extensive limits on what information and services can be accessed online. Overall, we see a fairly consistent filtering system in place in our measurements on Saudi Arabia, including consistent blocking of LGBTIQ sites.

For LGBTIQ communities within Saudi Arabia, the highly repressive online and offline climate is unlikely to change for years to come. Use of VPNs and other emerging circumvention technology, along with self-censorship, will likely remain the main tools for posting and accessing censored content but staying ahead of the Saudi government will be difficult. In the meantime, self-censorship LGBTIQ people within the Kingdom will likely continue to lower the risk of arrest and harassment.

³⁵⁵ OONI Explorer (OONI Measurements Collected from Saudi Arabia on the Testing of 'saudislgbt.Tumblr.Com', accessed October 26, 2020), https://explorer.ooni.org/search?until=2020-10-16&domain=saudislgbt.tumblr.com&probe_cc=SA&test_name=web_connectivity.

Appendix 1: Summary Chart of Basic Technical Findings

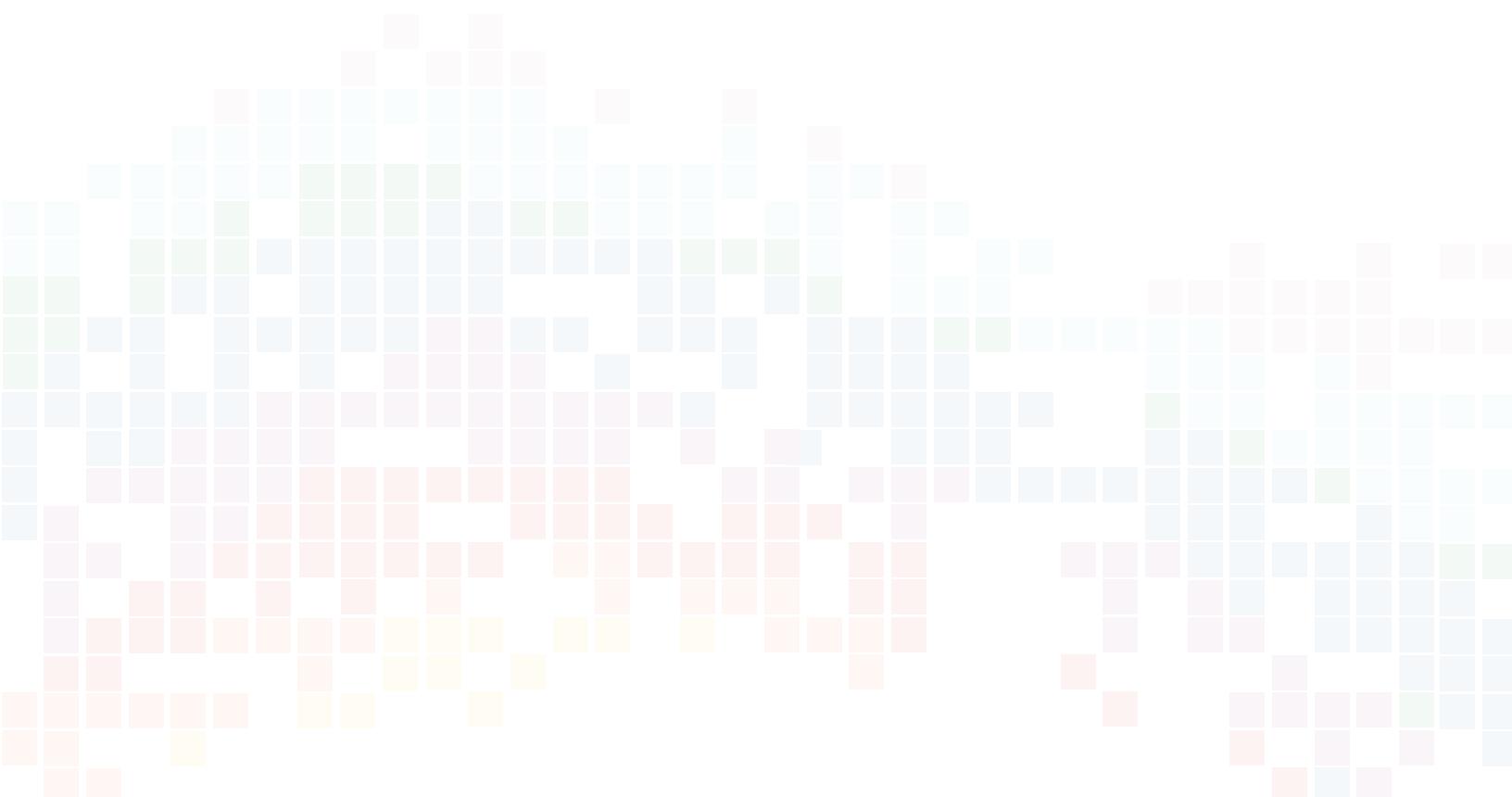
Our technical findings, along with legislation pertaining to LGBTIQ people, are summarized for each country in the following chart.

	Indonesia	Malaysia	Iran	Russia	Saudi Arabia	UAE
Criminalization of same-sex relations	No	Yes	Yes	No	Yes	Yes
Other legislation used to curtail LGBTIQ human rights (e.g., so-called gay propaganda laws, pornography laws, anti-cross-dressing laws)	Yes	Yes	Yes	Yes	Yes	Yes
Unique LGBTIQ URLs blocked	38	6	75	32	26	51
International LGBTIQ sites blocked	Yes	Yes	Yes	Yes	Yes	Yes
Local/Regional LGBTIQ sites blocked	No	No	Yes	Yes	Yes	Yes
Number of AS networks where LGBTIQ site blocking detected	43/97 (44.33%)	8/41 (19.51%)	84/104 (80.77%)	172/1012 (17.00%)	12/23 (52.17%)	3/12 (25.00%)
Top ISP where most LGBTIQ site blocking detected	*Telekomunikasi Indonesia (Telkom)	Telekom Malaysia (TM Net)	Shatel	*MGTS	*Saudi Telecom (STC)	*Du
How blockpages are primarily served	DNS hijacking	DNS hijacking	DNS injection	HTTP transparent proxies	WireFilter technology	WireFilter & Netsweeper technologies
Number of blocking annotations	84	4	6	148	2	9

	Indonesia	Malaysia	Iran	Russia	Saudi Arabia	UAE
Average percentage of blocking consistency	> 50%	> 50%	> 50%	< 2%	> 75%	~ 25%
Censorship technology detected	No	No	No	No	WireFilter	WireFilter, Netsweeper
Other findings	Variance in the blocking of LGBTIQ websites across Indonesian ISP networks	Potential “censorship leakage” from Indonesia (involving fifteen other unique URLs)	Uniform Centralized censorship apparatus	Ads served in some blockpages	All ISPs in Saudi Arabia consistently implement Internet censorship in the same way	Many of the blocked LGBTIQ websites are currently non-operational

Table 13: Summary Chart of Basic Technical Findings.

* Denotes majority or complete state ownership of that ISP.





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