

Challenges faced by LGBTI youth activists for their full participation in public life

Submission to United Nations Working Group on discrimination against women and girls

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Introduction

OutRight Action International (hereinafter, “OutRight”) is an ECOSOC accredited civil society organization working at the international, regional and national levels to research, document, defend, and advance human rights for lesbian, gay, transgender, and intersex (hereinafter, “LGBTI”)¹ people. This submission is a response to the United Nations (hereinafter, UN) Working Group on discrimination against women and girls call for inputs for a thematic report to be presented at the 50th session of the Human Rights Council in June 2022 on the topic of girls’ and young women’s activism focusing on accomplishments, challenges and opportunities for change.

This submission aims to emphasize and offer recommendations to tackle current challenges faced by youth with diverse sexual orientations and gender identities, challenges which impact their full participation in political activism and civic engagement.

Current legal framework and platforms for LGBTI youth activism

Until the presentation of this submission, an international treaty to protect the rights of LGBTI persons has not been adopted or entered into force. However, general human rights treaties, reports, and other sources of hard law and soft law provide for a foundation to defend LGBTI persons from discrimination, protect the enjoyment of their rights, and guarantee their full participation in public life, democracy and activism.²

¹ OutRight International uses the acronym LGBTI to denote the lesbian, gay, bisexual, transgender, queer and intersex community. We believe this acronym is inclusive of a broad range of people across our community. It is not exhaustive, nor is it universally accepted or used.

² A non-exclusive list of such sources includes: The International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, <https://www.ohchr.org/en/issues/sexualorientationgender/pages/index.aspx>; The OHCHR Report on youth and human rights <https://www.ohchr.org/EN/Issues/Youth/Pages/ReportYouthHR.aspx>; The Joint UN Statement on SOGIE <https://www.ohchr.org/en/issues/discrimination/pages/jointlgbtistatement.aspx>; The Yogyakarta Principles, <https://yogjakartaprinciples.org>; among others.

The Office of the High Commissioner for Human Rights (hereinafter, OHCHR) in their 2018 report on “Youth and Human Rights” recognized sexual orientation and gender identity and expression (hereinafter, “SOGIE”) as a factor that made individuals more vulnerable to discrimination in the exercise of human rights, particularly, in the access to decision making spaces and participation in public life. The OHCHR declared that the inclusion of young people in politics is an urgent need, and called for States to improve participatory decision-making mechanisms and to explore new ones, to ensure the participation of young people from all backgrounds and to take into account intersecting forms of discrimination that affect LGBTI youth.³

In the same line of thought, the Committee of the Rights of the Child (hereinafter, “the Committee”) has called for the full recognition of the right of children to participate in peaceful assemblies for civic purposes, with or without their parents, and to guarantee their civic participation in online spaces without harassment of any kind.⁴ The Committee has also recommended States to fully protect certain vulnerable groups of children against discrimination through promoting awareness-raising, preventive activities and affirmative actions in their benefit, including protection from discrimination based on sexual orientation.⁵

Even though efforts have been made within the UN system to ensure that youth can fully participate in public life, LGBTI youth still face specific barriers to access public life and participate in activism, as explained hereafter.⁶

Challenges and Structural Barriers

This section aims to identify some of the key barriers affecting LGBTI youth participation in activism and their civic engagement in democracy, including the ability for them to engage in public spaces free from restrictions on freedom of expression, speech, assembly, and liberty. This submission highlights the specific systemic inequities and barriers experienced by gender nonconforming and trans identifying individuals, providing with examples on how such barriers play a role in preventing them from fully participating in society.

³ United Nations High Commissioner for Human Rights. Youth and Human Rights. A/HRC/39/33. Available at: <https://undocs.org/en/A/HRC/39/33> Par. 38

⁴ Committee on the Rights of the Child. Comments on Human Rights Committee’s revised draft General Comment No. 37 on Article 21 of the International Covenant on Civil and Political Rights. Available at: https://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle21/EXPERTS_CRC.pdf

⁵ Committee on the Rights of the Child. Consideration of Report submitted by the State Parties under article 44 of the Convention. CRC/C/SVK/CO/2. Available at: <https://undocs.org/CRC/C/SVK/CO/2>, Par. 28

⁶ United Nations. UN News. Youth activism comes to the United Nations. Available at: <https://news.un.org/en/gallery/600702>.

I. Criminalization of sexual orientation and gender identity and its impact on access to public life

Criminalization of sexual orientation and gender identity (hereinafter, SOGI) is a violation of human rights, and it creates a false legitimization prejudice in societies, exposing LGBTI people to hate crimes, State officers abuse, ill treatment and non-State actors attacks, such as intra-family violence.⁷ In spaces where LGBTI persons, including LGBTI youth, are under the constant threat of criminalization and violence, they are unable to publicly express themselves and participate in public life, due to a constant threat of prosecution and persecution.

As an example, in 2019 in Uganda, where same- sex relations are criminalized with severe punishments, police officials arrested sixteen LGBTI activists who were gathered peacefully at a sexual health organization. The arrest cited presence of condoms, lubricants, HIV-medicine; anal exams were performed and interrogations about sexual orientation were all used as evidence of the crime of “carnal knowledge against the order of nature” under Section 145 of the Ugandan Penal Code.⁸

This is not an isolated event, and LGBTI activists fear imprisonment when publicly expressing their identities or gathering for any LGBTI oriented activity, including Pride events.⁹ In March 2020, during the COVID-19 pandemic, police arrested 23 young persons who were at an LGBTI youth shelter run by the non-profit Children of the Sun. Reports show that the police first attempted to gather evidence of the sexual orientation of the detainees to charge them under Section 145 of the Criminal Code, but then settled for charges of spreading COVID.¹⁰

In countries where SOGI is criminalized, participation in public life and visibility of LGBTI persons is severely limited. The impact of this in LGBTI youth is devastating as they cannot find community to reach out to, shelter when in homelessness, essential resources for their sexual health and education, or a safe space in which they can engage in building any form of activism. LGBTI youth could even risk violence or arrests at LGBT non-profit organizations or Pride parades, which are perhaps the most common places of civic engagement for LGBTI communities.

⁷ United Nations. Free & Equal Fact Sheet. Available at: [https://www.unfe.org/system/unfe-43-UN_Fact_Sheets_-_FINAL_-_Criminalization_\(1\).pdf](https://www.unfe.org/system/unfe-43-UN_Fact_Sheets_-_FINAL_-_Criminalization_(1).pdf)

⁸ The Washington Post. “Uganda arrested 16 LGBTQ activists. Here’s where else gay rights are a battleground in the world”. Available at: <https://www.washingtonpost.com/world/2019/10/26/uganda-arrested-lgbtq-activists-heres-where-else-gay-rights-are-battleground-world/>; Young Park, Onen Cylus. Stigmatization and Criminalization of LGBT Persons in Uganda during the COVID-19 pandemic. Available at: <http://opiniojuris.org/2021/06/30/stigmatization-and-criminalization-of-lgbt-persons-in-uganda-during-the-covid-19-pandemic/>

⁹ Human Rights Watch. Uganda: Police Attack LGBTI Pride Event. Available at: <https://www.hrw.org/news/2016/08/05/uganda-police-attack-lgbti-pride-event>

¹⁰ Kuchu Times. Statement on the Raid of Children of the Sun. Available at: <https://www.kuchutimes.com/2020/04/statement-on-the-raid-of-the-children-of-the-sun-foundation-shelter-for-lgbt-youths-in-uganda>

If LGBT youth cannot engage in public life out of fear of criminal consequences, or violence encouraged by such criminal laws, their social inclusion is impossible. For this reason, “dismantling and reforming the legal and policy frameworks that enshrine criminal persecution on the basis of sexual orientation and gender identity”¹¹ is urgent.

II. SOGI Change Efforts

Discriminatory and harmful practices of “SOGI change efforts” make LGBTI youth feel unsafe and unable to openly participate in the societies they inhabit, preventing them from engaging in civil and political life.¹² The term “conversion therapy” is often inaccurately used to describe this process. The term suggests that treatment is needed for a disorder and that people can be converted to cisgender heterosexuality through “treatment.” Neither is true. Instead, the terminology “SOGI change efforts” is used to describe any efforts to change, suppress, or divert one’s sexual orientation, gender identity or gender expression to provide a more accurate description of the scope and impacts of this practice.¹³

The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (hereinafter, “IE SOGI”) argues that SOGI change efforts are “premised on the belief that a person’s sexual orientation and gender identity, including gender expression, can and should be changed or suppressed when they do not fall under the desirable norm, in particular when the person is lesbian, gay, bisexual, trans or gender diverse.”¹⁴

SOGI change efforts are being actively practiced in all regions of the world, making them an ongoing barrier for political participation and activism for LGBTI youth.¹⁵ Over half of survivors undergo the change efforts as children, and 80 percent being 24 or younger,¹⁶ highlighting the disproportionate impact of this practice on LGBTI youth as they lack full legal control over their health care decisions.¹⁷

¹¹ IE SOGI. Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. A/74/181. Available at: <https://undocs.org/A/74/181>. Par. 68

¹² United Nations High Commissioner for Human Rights. Youth and Human Rights. A/HRC/39/33. Available at: <https://undocs.org/en/A/HRC/39/33>. Par 33.

¹³ OutRight International. “Harmful Treatment: The Global Reach of So-Called Conversion Therapy.” Page 14. Available at: <https://outrightinternational.org/reports/global-reach-so-called-conversion-therapy>

¹⁴ OHCHR, Independent Expert on sexual orientation and gender identity mandate webpage. <https://www.ohchr.org/en/issues/sexualorientationgender/pages/index.aspx>

¹⁵ Reuters News. U.N. expert calls for global ban on 'cruel' conversion therapy. Available at: <https://www.reuters.com/article/global-lgbt-rights/u-n-expert-calls-for-global-ban-on-cruel-conversion-therapy-idUSL8N2DE4KB>

¹⁶ In the US alone, the Williams Institute estimates that 20,000 LGBTI youth (ages 13-17) will receive SOGIE Change Efforts from a licensed health care professional before reaching 18, and 57,000 youth (ages 13-17) will receive SOGIE Change Efforts from religious or spiritual advisors before reaching 18.

¹⁷ NBC News. U.N. Calls for GLOBAL End to Conversion THERAPY, Says It 'MAY Amount TO Torture'. Available at: <https://www.nbcnews.com/feature/nbc-out/u-n-calls-global-end-conversion-therapy-says-it-may-n1230851>

The long-term health impacts are a greater risk of reported suicide, depression, use of drugs, and engagement in unsafe sex.

Violations of the Right of the Child

SOGI change efforts are in direct violation of the right of children and adolescents to identity, physical and psychological integrity, health and freedom of expression, and bodily autonomy. The Committee on the Rights of the Child has clarified that the right of the child to identity includes sexual orientation and gender identity, making it a protected classification under international human rights law.¹⁸

Along with this condemnation by key members of international bodies, numerous high level medical and psychiatric association have stepped forward to discredit the efficacy of SOGI change efforts and affirm it as a dangerous practice, including the American Medical Association, the American Psychiatric Association, the American Academy of Pediatrics, and the American Academy of Child & Adolescent Psychiatry.¹⁹ Therefore, it is the duty of States to put in structural barriers to protect those most vulnerable from these practices through laws and policies.

Case Studies of SOGI Change Efforts

Despite its condemnation by medical professionals and international human rights bodies, SOGI change efforts are a rampant practice throughout the world. We bring examples of such practices below from Mozambique, Ukraine, and China.²⁰ In Mozambique, while discrimination protections for gay, lesbians, and bisexuals have been in place since 2007, LGBTI identifying individuals are still subjected to violent and discriminatory SOGI change efforts. Instances of “cures” conducted by churches or traditional healers are common, including included corrective rape for lesbian women and other punitive measure for a disease that needs to be “cured”.²¹

¹⁸ Committee on the Rights of the Child: General comment on the implementation of the rights of the child during adolescence. (April 2016). https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/HRBodies/CRC/GC_adolescents.doc&action=default&DefaultItemOpen=1

¹⁹ Tim Fitzsimons. “U.N. Calls for GLOBAL End to Conversion THERAPY, Says It 'MAY Amount TO Torture'.” NBC News. Page One. Available at: <https://www.nbcnews.com/feature/nbc-out/u-n-calls-global-end-conversion-therapy-says-it-may-n1230851>

²⁰ IE SOGI. Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. A/74/181. Available at: <https://undocs.org/A/74/181>. Par. 68

²¹ OHCHR. End of mission - Visit to Mozambique. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24002&LangID=E>

In Ukraine, there is no comprehensive protection against discrimination on the basis of SOGI and SOGI change efforts are an on-going part of state policies.²² This lack of state intervention has left the LGBT population vulnerable to violence and human rights abuses. In 2016, active placement of transgender individuals in psychiatric institutions for 30 to 45 days was documented as a state requirement to prove gender identity.²³ Documented human rights abuses included restrictions on freedom of movement and communication outside the facility, dehumanizing medical procedures, lack of association with the bathroom of choice, bullying and discrimination, refusal to address trans persons by their preferred name and pronouns, forced isolation from support units, and threats of violence and death.²⁴

In China, although homosexuality has been legal in the country since 1997 and the Chinese Society of Psychiatry has removed homosexuality from the list of mental disorders in 2001, SOGI change efforts still remain prevalent in the country.²⁵ In most cases, practices occur in public hospitals, which are government- run and monitored, making the state responsible for not only the health and safety of the facilities' patients, but for the human rights violations occurring in these facilities. These include a wide range of abuses, such as involuntary confinement, verbal harassment and intimidation, lack of informed consent, forced use of medicine, and forced psychiatric intervention.²⁶ In some cases, the use of electroshocks in some cases have also amounted to acts of torture.²⁷ These aspects of SOGIE change efforts violate international human rights, including the right to non-discrimination, the right to freedom from arbitrary deprivation of liberty, the right to privacy, the right to health, the right to freedom from non-consensual medical treatment, and, in the case of minors, the rights of the child.²⁸

Survivor of SOGI change efforts, Zhang Zhikun documents his experience of a doctor telling him: “[homosexuality] is promiscuous and licentious. If you don’t change that about yourself, you will get sick and you will die from AIDS. You will never have a happy family ... Have you ever considered your parents’ happiness?”²⁹ This survivor testimony highlights the social and legal dangers of being visibly gay in countless countries in the world, which takes a toll not only on the health of LGBTI people, but their ability to safely engage in public life activities.

²² ILGA. Treatment of LGBT persons deprived of liberty in Ukraine: risks of ill-treatment. Available at: <https://ilga.org/wp-content/uploads/2016/02/Ukraine-Submission-for-Country-Visit.pdf>

²³ Ibidem.

²⁴ OutRight International. “Harmful Treatment: The Global Reach of So-Called Conversion Therapy.” Available at: <https://outrightinternational.org/reports/global-reach-so-called-conversion-therapy>. Page. 16.

²⁵ Human Rights Watch. ““Have You Considered Your Parents’ Happiness?” Conversion Therapy Against LGBT People in China”. Available at: <https://www.hrw.org/report/2017/11/15/have-you-considered-your-parents-happiness/conversion-therapy-against-lgbt-people>

²⁶ Ibidem.

²⁷ Ibidem.

²⁸ Ibidem.

²⁹ Ibidem.

From these three case studies and the above testimony, we see the direct relationship between discriminatory, violent and harmful practices associated with SOGIE change efforts and the lived experiences of LGBTI youth, who feel unsafe being visibly present and active in the societies and communities they inhabit. Therefore, SOGIE change efforts have a direct impact on systematically preventing LGBTI youth from participating in civil and political life, becoming a structural barrier that needs to be addressed by States and international human rights bodies.

Accountability and the Way Forward

State and non-state actors have the responsibility to curb these harmful practices, which not only have psychologically impacts on LGBTI youth, but prevent them from attaining their true potential within the economic, social, and political spheres they inhabit. The IE SOGI, in a 2020 report, specifies historical perpetrators of SOGI change efforts include private and public mental health-care providers, faith-based organizations, traditional healers, State agents, family and community members, political authorities among other agents.³⁰ It is essential to note that only seven countries have any direct legislation on their books at either a national or regional level to curb SOGI change efforts, making it legal in most of the world.³¹ Only the states of Taiwan³², Malta³³, Brazil³⁴, Ecuador³⁵ and Germany³⁶ have successfully enacted nationwide bans of SOGI change efforts. Despite these strides in LGBTI legal protections, this small portion of states is not enough to stem the worldwide practice of SOGIE change efforts.

Because of this, we concur with the IE SOGI's action plan to globally ban SOGI change efforts to protect the universal, indivisible, and inalienable rights of the LGBTI community, whose right to life and freedom from discrimination and torture are vital in their full participation in political and civic engagement.

³⁰ IE SOGI. "Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity**." A/HRC/44/53. United Nations General Assembly. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/108/68/PDF/G2010868.pdf?OpenElement>. Par. 71.

³¹ United Nations. Universal Declaration of Human Rights. Available at: https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf

³² Taiwan under their Criminal Code and the Protection of Children and Youths Welfare and Rights Act, which made conversion therapy illegal.

³³ Malta became the first country in the European Union to prohibit the use of conversion therapy in 2016.

³⁴ Brazil has forbidden the practice under the Federal Psychology Council since 1999, except for a short time period of overruling, but was reinstated in December 2017.

³⁵ Ecuador under Article 151 of the Penal Code prohibited conversion therapy, equating it to torture. People who undertake the pseudoscientific practice are punished with seven to ten years imprisonment.

³⁶ Germany in 2020 stated that people charged with illegally performing conversion therapy may face up to one year in prison. Offering, promoting and referring to conversion therapy in case of minors would also be deemed illegal and may carry a fine of 30,000 €.

III. COVID's Impact on Youth Housing Stability & Access to Basic Resources

In 2020, Outright conducted literature reviews and in-depth interviews on the impacts of COVID on 59 LGBTI people from 30 countries to accurately characterize the impact of the pandemic on LGBTI lives and movements. The results show a clear presence of “social sidelining” of LGBTI individuals in all stages of the world health crisis, becoming part of a greater prominent trend as LGBTI individuals are often socially and politically sidelined before, during, and after national and global emergencies.³⁷ Within the context of the COVID-19 pandemic, the social sidelining of LGBTI youth has increased systemic and disproportionate inequalities and discrimination, including a lack of access to basic resources, communal isolation, and lack of access to safe and self-affirming spaces for LGBTI youth.³⁸

“Social sidelining” manifests disproportionately in high levels of devastated livelihoods, food insecurity, disrupted health care access, domestic violence, and concerns about organizational survival in the LGBTI community.³⁹ LGBTI youth is specifically at risk of high rates of poverty and homelessness, which is in large part due to the forced closure of homeless centers.⁴⁰

Relief organizations have reported not receiving enough funding, impacting services like the helpline for trans and intersex youth,⁴¹ and essential sexual health services such as PrEP to prevent HIV infections, antiretrovirals for securing a healthy life for people living with HIV, and access to condoms.⁴² LGBTI people during normal times already disproportionately experience barriers to good health, including lower rates of health insurance, higher rates of some chronic illnesses, and experiences of discrimination by healthcare providers, which has only be exacerbated by the global pandemic.⁴³

Regarding the direct correlation between economic and food insecurities amongst LGBTI youth, LGBTI people are among the many subgroups of marginalized groups known to experience especially high rates of food insecurity, meaning the experience of not having enough food to eat. For instance, in the United

³⁷ OutRight International. “Harmful Treatment: The Global Reach of So-Called Conversion Therapy.” Op. Cit. Page 76.

³⁸ Security Council. Women, peace and security. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/249/26/PDF/N2024926.pdf?OpenElement>

³⁹Ibidem.

⁴⁰ Ibidem.

⁴¹ Ibidem.

⁴² Outright International. COVID Language. Available at:

https://outrightinternational.org/sites/default/files/COVIDsReportDesign_FINAL_LR_0.pdf

⁴³ Movement Advancement Project. The disproportionate impacts of COVID-10 on LGBTQ Households in the U.S Results from the July/August 2020 National Poll. Available at: <https://www.lgbtmap.org/file/2020-covid-lgbtq-households-report.pdf>

States the overall percentage of LGBTI people who report not having enough food to eat is more than twice that of the general population.⁴⁴

Overall, LGBT rights organizations have been affected by cuts of financing, or have had to close their community spaces because of the COVID-19 pandemic. Such spaces are essential for LGBTI youth organization and activism, as they provide safe spaces where essential information is shared and activism takes place. Without such spaces, LGBTI youth lack organizational structures that are often the seed for their civic engagement.⁴⁵

Given all these systemic barriers faced by the LGBTI community, especially amongst LGBTI youth, it is critical to provide LGBTI individuals' needs in the pandemic response mechanisms and plans. Ensuring a gender and LGBTI inclusive and sensitive lens in COVID-19 relief plans will enable the LGBTI community and its youth to not only survive during these challenging times, but actively thrive and participate in civil and political society.⁴⁶

IV. Freedom of expression and access to information of LGBTI Youth

Freedom of expression and access to information are fundamental parts of activism. However, LGBTI related content is usually the target of censorship, which affects the ability of LGBTI youth to access information and freely express their opinions.

Around the globe, several countries have passed laws that censor and criminalize the reproduction of any kind of LGBTI information.⁴⁷ The rationale used to justify such bans is the fake argument of protection of public morality, traditional values, children and family. Anti-rights and authoritarian governments use these bans for political gain, in a phenomenon Human Rights Watch has labeled as “political homophobia” using “anti-LGBTI moral panic” for electoral wins, or the legitimization of their authority figure.⁴⁸ Ultimately, the outcome of these bans is the scapegoating of LGBTI people, which increases hostilities towards LGBTI individuals across all levels of society.

⁴⁴ William Institute, UCLA School of Law. National Estimates of Food Insecurity LGBT People and COVID-19”. Available at: <https://escholarship.org/uc/item/18d3g3w2>

⁴⁵ Ibidem.

⁴⁶ Ibidem.

⁴⁷ ILGA World. State-Sponsored Homophobia 2020: Global Legislation Overview Update (Geneva: ILGA, December 2020). Page 24

⁴⁸ Human Rights Watch. No Support: Russia's Gay Propaganda Law imperils LGBT Youth. <https://www.hrw.org/report/2018/12/11/no-support/russias-gay-propaganda-law-imperils-lgbt-youth>. See also, Human Rights Watch. Human Rights and Public Health Impacts of Indonesia's Anti-LGBT Moral Panic. <https://www.hrw.org/report/2018/07/01/scared-public-and-now-no-privacy/human-rights-and-public-health-impacts>

For example, in 2013 the Parliament of Russia unanimously passed the law aimed at Protecting Children from Information Promoting the Denial of Traditional Family Values in 2013. It bans the “promotion” of non-traditional sexual relations to minors, wrongfully stating that LGBTI content is dangerous and could induce children into having same sex relationships. This law prevents teachers, health professionals, traditional press, television, radio, and internet outlets from sharing any LGBTI content. Under this law, many Russian activists have been sanctioned and silenced even for merely sharing on social media posts about the news of LGBTI rights progress in other countries.⁴⁹

This produces self-censoring effects in LGBTI populations and allies: health professionals and teachers at schools have limited their interactions with LGBTI youth, becoming unable to provide correct services and accurate information in fear of being fined and suspended; activists have stopped including underage LGBTI persons in any activities, out of fear of prosecution; and LGBTI youth isolates from participating in social activities because of the hostile environment created by the laws.⁵⁰ Those effects ultimately hinder the ability of LGBTI youth to access adequate information about their rights, health, and well-being, and dismantle safe communities in which they can organize to participate in public life and activism.

Moreover, LGBTI content is widely censored from online platforms. This form of State control over internet resources has a detrimental impact on the active participation of LGBTI youth in political and social activism, and other civil liberties,⁵¹ as they usually use the internet as a safe platform to access resources and find community.⁵²

For instance, in Indonesia, authorities blocked LGBTI sites and other internet outlets that promote sexual health education, HIV/AIDS prevention, and feminism.⁵³ LGBTI sites are typically banned under Section 4:1a of the 2008 Bill on Pornography, which “prohibits the action of, or any writing/audio-visual presentation of sexual activities involving same sex relations.”⁵⁴ The Indonesian Ministry of Information and Communication has also enforced control and suppression of TV stations airing LGBTI content, and even forced the LINE messaging app to remove stickers with LGBTI themes.⁵⁵ All these bans continue to happen while SOGI change efforts are publicly offered on social media accounts, targeting LGBTI

⁴⁹ Human Rights Watch. No Support Russia’s “Gay Propaganda” Law Imperils LGBT Youth. Available at: <https://www.hrw.org/report/2018/12/11/no-support/russias-gay-propaganda-law-imperils-lgbt-youth>

⁵⁰ Ibidem.

⁵¹ OutRight International. NO ACCESS: LGBTIQ Website Censorship in Six Countries. Available at: https://outrightinternational.org/sites/default/files/NoAccess_abridged_1.pdf. Page 20.

⁵² GLAAD. LGBTI Youth: the good and the bad. Available at: <https://www.glaad.org/blog/lgbt-youth-online-good-and-bad>

⁵³ OONI. Indonesia Internet Censorship. Available at: <https://ooni.org/post/indonesia-internet-censorship/#lgbt>

⁵⁴ Ibidem.

⁵⁵ Quartz. Indonesia is Banning Gay Emoji to Protect Nation’s Children. Available at: <https://qz.com/615680/indonesia-is-banning-gay-emoji-to-protect-the-nations-children/#:~:text=All%20LGBT%2Drelated%20stickers%20are,deemed%20sensitive%20to%20local%20cultures.>

individuals and framing them as “confused”⁵⁶, and while online harassment of LGBTI persons and activists has seen a rise.⁵⁷

The effect of LGBTI websites bans is also a self-censorship of what content individuals and activists decide to post, often they are either pushed to find private ways to share relevant information, find mechanisms to avoid being blocked like VPN,⁵⁸ or stop engaging with other LGBTI persons. For LGBTI youth this situation is particularly harmful, as a majority of young LGBTI persons have searched for information online on sexuality, and are more likely to have searched for health and medical information compared to non-LGBTI youth.⁵⁹ The internet often offers a private way of accessing information that is often not available in person, or that is stigmatized in physical environments.

LGBTI youth also find allyship and have high rates of civic engagement online. United States data shows that 77% LGBTI youth have taken part in an online community that supports a cause or issues, 76% gotten the word out about a cause or an issue, and 68% have written a blog post or posted comments on another blog about a cause or an issue.⁶⁰ Consequently, cutting off that lifeline through bans of LGBTI content online would diminish LGBTI youth civic engagement.

Laws limiting the dissemination of LGBTI content and LGBTI internet sources negatively and illegitimately impact the right to freedom of expression and access to information of LGBTI people, ultimately hindering their ability to participate in activism and public engagement. Bans of LGBTI content put a barrier for LGBTI youth to access advocacy tools and essential information for their well-being, community networking, and the ability to express opinions online or offline. These laws can also have a deleterious impact on public health efforts,⁶¹ produce harm to society and perpetuate intolerance towards an already marginalized group.

V. Recommendations

This submission highlights the impact of criminalization of SOGI, SOGI change efforts, COVID-19, and LGBTI content censorship on LGBTI youth, realities that bar LGBTI full participation in political and civil matters, including in political advocacy and activism spaces. The submission focuses on OutRight’s

⁵⁶ PinkNews. Conversion Therapy Websites Target LGBT+ Activists in Indonesia. Available at: <https://www.pinknews.co.uk/2021/02/21/conversion-therapy-websites-targets-lgbt-activists-indonesia/>

⁵⁷ OutRight International. No Access: LGBTIQ Website Censorship in Six Countries. Op. Cit. Page 20.

⁵⁸ OutRight International. No Access: LGBTIQ Website Censorship in Six Countries. Op. Cit. Page 23.

⁵⁹ GLAAD. LGBT Youth online: the good and the bad. Op. Cit.

⁶⁰ Ibidem.

⁶¹ Ibidem.

findings and observations as noted in their comprehensive reports on the Conversion Therapy⁶², COVID-19's impact of LGBTI people⁶³, and LGBTI-based Website Censorship⁶⁴, and sources from other human rights organizations, all of which provide clear documentation of systemic impacts to LGBTI youth political participation. Following those findings, OutRight has the following recommendations:

- **Decriminalization of sexual orientation and gender identity realities and behaviors.**
- **Ban all forms** of SOGI change efforts on the local and/or national level, including in health-care, religious, education, community, commercial or any other setting— public or private.
- **Gather desegregated data** on discrimination and violence perpetrated against LGBTI people.
- **Document and publicize Internet censorship** where and when it occurs.
- **Condemn** anti-LGBTI hate speech and scapegoating.
- **Prioritize** decriminalization and anti-discrimination provisions in law and policy.
- **Promote and defend the right to free and uncensored internet access** as part of the fundamental human rights and civil liberties.

⁶² OutRight International. Harmful Treatment: The Global Reach of So-Called Conversion Therapy. Op. Cit.

⁶³ OutRight International. Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTIQ people. Op. Cit.

⁶⁴ OutRight International. No access: LGBTIQ Website Censorship in Six Countries Outright Censorship. Op. Cit.