

ARTICLE 19

Queer resistance  
to digital oppression

# Legal, social, and political context of digital oppression in MENA

July 2024

Part I

In collaboration with



the  
**DeCenter**



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ARTICLE 19 is an international think–do organisation that propels the freedom of expression movement locally and globally to ensure all people realise the power of their voices.

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# Contents

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List of abbreviations	4
Acknowledgements	5
Introduction	8
The legal, social, and political overlay	10
<b>The rise of the internet</b>	<b>14</b>
<b>International obligations in brief</b>	<b>16</b>

---

A closer look at the local context	20
Algeria summary: legal, social, and political	21
<b>Algeria: legal context</b>	<b>22</b>
<b>Algeria: cyber laws</b>	<b>24</b>

---

Egypt summary: legal, social, and political	25
<b>Egypt: legal context</b>	<b>28</b>
<b>Egypt: cyber laws</b>	<b>30</b>

---

Iran summary: legal, social, and political	32
<b>Iran: legal context</b>	<b>35</b>
<b>Iran: cyber laws</b>	<b>36</b>

---

Jordan summary: legal, social, and political	39
<b>Jordan: legal context</b>	<b>41</b>
<b>Jordan: cyber laws</b>	<b>43</b>

---

Lebanon summary: legal, social, and political	45
Lebanon: legal context	47
Lebanon: cyber laws	49

---

Morocco summary: legal, social, and political	50
Morocco: legal context	53
Morocco: cyber laws	54

---

Sudan summary: legal, social, and political	56
Sudan: legal context	58
Sudan: cyber laws	60

---

Tunisia summary: legal, social, and political	63
Tunisia: legal context	66
Tunisia: cyber laws	67

---

Endnotes	69
----------	----

## Abbreviations

COLIBE	Tunisia's Individual Freedoms and Equality Committee
EFF	Electronic Frontier Foundation
EIPR	Egyptian Initiative for Personal Rights
ICT	Information and communications technology
IPC	Islamic Penal Code
LGBTQ	Lesbian, gay, bisexual, transgender, and queer
MENA	Middle East and North Africa
NGO	Non-governmental organisation
RSF	Rapid Support Forces
SOGIE	Sexual orientation, gender identity, and expression

## Acknowledgements

These acknowledgements are drafted by Afsaneh Rigot. Afsaneh is the creator, principal researcher, and coordinator of the project on the tech-facilitated harms against lesbian, gay, bisexual, transgender, and queer (LGBTQ) communities in the Middle East and North Africa (MENA) and its reports, working alongside the LGBTQ community. She led this project as part of ARTICLE 19 from 2016 to 2023 and has continued as a consultant senior adviser and principal researcher for the reports while transitioning into new positions outside ARTICLE 19. This research was built out of her deep love and admiration for the MENA queer community and her belief in the vision for their better futures.

Afsaneh and the De|Center team continued to collaborate in the writing of these reports, and their analyses provided necessary tech methodology practices under Design From the Margins.

The list of those who supported this work is too long to fit into this section, but we deeply thank every person involved in the project. These include the following teams:

In **Algeria**, we would like to thank the Algerian team (who will remain anonymous for their safety). We especially thank them for the data they gathered and for conducting focus groups in a context that had not been covered before due to its great risk.

In **Egypt**, we thank the partnership and work of the Bedayaa organisation whose work and support have been pivotal throughout this project, especially for gathering data and lived experiences via interviews and focus groups from Egypt's queer community.

In **Iran**, we would like to thank our advisers and LGBTQ experts, but especially journalist and human rights defender Khosro Isfahani. Khosro conducted desktop research and in-depth interviews to gather vital insights from a particularly at-risk community.

In **Jordan**, we would like to thank Bin Amman (alias), Khalid Abdel-Hadi (editor-in-chief at *My Kali* magazine), and activist Hasan Kilani for their brilliant work in gathering context and conducting deep interviews in Jordan under increasing risks and difficulties.

In **Lebanon**, we would like to thank the many people that supported the work, especially researcher and sexual orientation, gender identity, and expression (SOGIE) expert Genwa Samhat, who was the lead coordinator and conducted deep interviews with some of the most marginalised community members, and Helem, an LGBTQ non-governmental organisation (NGO), for their pivotal support in conducting focus group discussions (with support from Sally Chamas) and gathering data for the surveys. We also thank the legal experts from Legal Agenda who provided invaluable legal and policy reviews and advice for this work.

In **Morocco**, we would like to thank Youba Darif and Roots Lab Morocco for their continuous and rich collaborations, impactful work, and leading data gathering in interviews and focus groups.

In **Sudan** we would like to thank Azza Nubi, Sam Adam, and Gamil for their deeply important work during one of the most painful periods of the country's history. They gathered contextual information and conducted deep interviews in a complex environment. Due to their meticulous work, we are able to present a small insight into the tremendous power of the Sudanese queer community, even during one of the worst humanitarian crises in modern history.

Finally, in **Tunisia**, we would like to thank Mawjoudin for their rich knowledge, interdisciplinary work, and support in this project, especially for gathering meaningful interviews and conducting focus groups.

We would also like to thank all the legal experts who provided reviews and insight for the complex legal labyrinths in each legal context. None of this would have been possible without the work of the community behind this report.

Further, we would like to thank our research and project assistants throughout the years: queer feminist expert Senda Ben Jebara; Ali Bousselmi, co-founder and executive director of Mawjoudin; and our Algeria expert, who will remain anonymous. They were a guiding light for this report and the main reason this project continued to function through all its complexities.

We would also like to thank our technical and international experts, many of whom have supported the work behind the scenes and attended our convenings to push for the implementation of the community's needs by tech companies. These include Kendra Albert, Mohammed Al-Maskati, Mahsa Alimardani, Sarah Aoun, Dia Kayyali, Moussa Saleh, and Apryl Williams.

We especially thank Nathan Freitas and the Guardian Project, Carrie Winfrey of Okthanks, and Norman Shamas, who were our technical experts co-leading the tech recommendations of these reports and many of its technical paths.

We also thank writer and editor Roja Heydarpour for her diligent, deeply attuned, and brilliant editing of texts of this project. We thank Manar Elharaké, the director of Astrum, for his excellent work coordinating the analysis of the thousands of complex survey data from many different dialects and languages and supporting the work to bring the findings to light. We thank our brilliant designer for the striking design work; as they are part of the community, they will remain anonymous. We thank Jessica Fjeld and Aymen Zaghdoudi for reviewing the report and their continuous support for the work.

Finally, we would also like to thank the numerous ARTICLE 19 teams and individuals who made this report possible, such as Maria Luisa Stasi who conducted our legal oversight, the ARTICLE 19 comms, editorial, and production team, and the Iran and MENA team.

This set of reports and the impact this work has had in the last eight years would not have been possible without the deep commitment, bravery, and genius of the LGBTQ community and experts on the ground fighting for better futures for all. This work is dedicated to them and their resistance. It is also dedicated to Palestine and the Palestinians, who, during the finalisation of this report, have been facing one of the most devastating and violent periods in modern history. Palestine might not be a focus of this report, but many of us learned the true meaning of living our truth, and living in resistance and resilience, from them.



## Introduction

In this [three-part series](#), ARTICLE 19 explores and investigates technology-facilitated harms and abuses faced by the queer community in MENA, in collaboration with [the DelCenter](#) and with support from local experts in eight MENA countries. We focus on Algeria, Egypt, Iran, Jordan, Lebanon, Morocco, Sudan, and Tunisia. These reports cover the work we have conducted on this topic since 2015–16.

Between 2019 and 2024 we conducted research and investigation in the **eight MENA** countries which covered **15 focus groups, 93 in-depth interviews, over 5,000 surveys, and two large community convenings** to highlight and show the methods of harm and human rights abuses faced by the LGBTQ community in the region. This undertaking was massive and took place during an especially turbulent period. Thus our findings show some of the most extreme dangers and contexts for the population at large, with LGBTQ communities facing further compounding harms and abuses. During this time period, the weaponisation of technology in law enforcement, as well as state and military violence, increased. It also encompassed the devastating effects of the Covid-19 pandemic, major uprisings, violent wars, coups, and increasing militarisation and occupation.

These years of work, and the years prior, have been condensed into reports that outline the situation on the ground. With a community of researchers, experts, and organisations in the region, we created this three-part report on technology-related issues faced by the community. This work includes recommendations and changes companies need to make to ensure the safety of their users in MENA and globally. It lays major groundwork for understanding the harms, abuses, and also the needs of the community.

In this first report, we outline the background penal, moral, and cyber laws that affect the MENA LGBTQ community, as well as short political and historical contexts that surround the criminalisation of their identities.

Our research provides insight into the region-wide pattern of using over-broad laws, many with colonial roots, that directly criminalise LGBTQ people. Other concurrent and indirect laws under the umbrella of ‘morality’ laws (such as Islamic values laws, ‘family values’ laws, and laws targeting sex workers and trans people) are also used alone or in

combination with direct laws to criminalise LGBTQ people in the region. In addition, we see rampant social isolation, stigmatisation, and discrimination. The history of resistance and collective movements for the rights of queer people alongside all disenfranchised groups is also a vital part of this report. We see the LGBTQ community at the [forefront](#) of movements in the region, from widespread uprisings in Lebanon in 2019 to [revolutionary protests in Iran in 2023](#). The first groups that advocated for the rights of LGBTQ people emerged in Lebanon and Palestine, coinciding with the establishment of [Aswat group](#) in 2003 and the [Lebanese Helem organisation](#) in 2004. By 2007, activists and community members had formed [alQaws for Sexual & Gender Diversity in Palestinian Society](#). Soon after, activists and civil society [formed similar groups and organisations](#) in the greater Maghreb region in Algeria, Morocco, Tunisia, and the rest of North Africa, including Egypt and Sudan.

Due to ever-present risks and turbulent political and historical junctures, technology and the internet play an important part in putting these communities at risk while also simultaneously providing safe spaces for communication and networking. A deeper understanding of the conditions of the LGBTQ community in its legal, political, and social frameworks in high-risk environments, such as the countries in this report, will help mitigate risks related to the use of technology for these highly marginalised and criminalised groups. Our report, especially [Part III](#), adopts the [Design From the Margins](#) methodology, which states that in order for us to make technology more equitable and safer, it must centre the most marginalised and criminalised users from ideation to production. This cannot be done without understanding the legal, social, and political context within which these harms and abuses arise. Without this context, meaningful change to our technologies and policies will be impossible to achieve without leaving gaps.

Technology companies whose tools are used by LGBTQ people are encouraged to use this knowledge to pay attention to these patterns and the community's needs within the design and deployment of their products. The teams who worked to gather data for these reports took great personal risk and provided invaluable contributions. We encourage our audience to read and act upon the reflections provided at the end of each country section.

## The legal, social, and political overlay

Understanding the conditions of the LGBTQ community in its legal, political, and social frameworks in the high-risk environments in Algeria, Egypt, Iran, Jordan, Lebanon, Morocco, Sudan, and Tunisia will help mitigate the risks related to technology use for these marginalised groups. It will also contribute to encouraging technology companies whose tools are used by LGBTQ people to pay attention to these patterns and the community's needs within the design of their products.

Hate speech, targeting, and violence against the LGBTQ community did not start with the introduction of the internet, of course. LGBTQ people in the region have been visible, pivotal, and present in art, history, culture, and literature while simultaneously tackling criminalisation on differing levels for decades, if not hundreds of years.

However, queerness has not always been criminalised or penalised in the region. From poetry to everyday politics, queer expressions [were common and rarely criminalised pre-19th century](#) in the MENA region. Yet, throughout the years, methods of targeting the community gradually increased in a variety of forms, from social to legal (including direct and indirect laws).

Rooted in remnants of French and British colonial rule, as well as political and religious conservatism, the landscape in the MENA region is currently turbulent. The community faces human rights violations and harms that are formulated and furthered through three channels: **authoritarian legal criminalisation**, **conservative interpretations of religion**, and **discriminatory societal norms**, which have led to increased risks, criminalisation, and social exclusion for the LGBTQ community.

**Colonial scars** have impacted and spread the criminalisation of the LGBTQ community globally. As Victor Madrigal-Borloz, the [UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity](#), [reported in 2023](#):

*The vast majority of countries that have laws and policies targeting individuals based on their sexual orientation or gender identity have inherited these practices from the legacy of colonisation ... [and this is a colonial] tool for social control to reinforce discriminatory hierarchies using the law against persons characterised as deviant.*

The impacts of this go beyond law, the UN Independent Expert said, and have a far-reaching role in shaping how gender and sexuality are understood today.

Even post-independence and/or following the repeal of certain colonial anti-LGBTQ laws, much of the de facto criminalisation, social stigma, and the wrath of the three channels of discrimination (authoritarian laws, religion, and popular culture) impact the everyday life and freedom of expression of the community.

In relation to the countries focused on in this report, Morocco, Tunisia, and Algeria inherited these laws from French colonial rule and have maintained them with varying interpretations through current national laws and standards despite gaining independence in 1956 (Morocco and Tunisia) and 1962 (Algeria). Jordan [inherited legislation outlawing homosexuality](#) from British colonial rule and decriminalised it six years after its independence from the British Empire in 1946.

The Lebanese law [most used against the LGBTQ community](#) is also a colonial relic [put in place by the French Mandate](#) in the early 1900s. British colonial rule subjugated Sudan from 1899 to 1956, and the country's strict criminalisation of homosexual acts was initially [inherited from the British](#) during the colonial period and later maintained through Islamic laws and interpretations of laws.

Unfortunately, whether through colonisation or not, the social norms and persecution of the community remain specifically under policies and laws framed in terms of 'morality'. Egyptian law criminalising the LGBTQ community does not have direct colonial origins. The British occupied Egypt from 1882 until 1922, but did not [withdraw their troops until 1952](#), thus retaining a different method of legal and social control and influence.

Nonetheless, colonial area laws of the region and period impacted the creation of the Egyptian 1961 'anti-prostitution' law, which [Human Rights Watch reports](#) 'arose partly out

of, and partly in reaction to, the colonial regulation of female sex work', as well as from religious and political resistance to colonisation:

*The language of the law sprang from a sense of moral urgency as colonial domination drew to a close. In a rush to prohibit prostitution – seen as representing not just sin but political subjugation – Egypt's parliament enacted a much more sweeping prohibition.*

In Iran, the [Pahlavi dynasty](#) initially criminalised sodomy and prescribed the death penalty for anyone convicted, although the penalty was changed in 1933 to 3–10 years of imprisonment. The Islamic Republic introduced even more stringent laws after the revolution in 1979, bringing in Sharia interpretations and criminalisation of LGBTQ people, including the death penalty and some of the harshest penalties in the region.

Laws criminalising the community, and their further encroachment within the current political contexts in the eight countries, came with **intense policing and harassment** of LGBTQ people. From mass arrests at bathhouses and private parties, on boats, and in parks to profiling on the streets and intercommunity reporting, the police have used many methods to find, arrest, humiliate, torture, and/or abuse LGBTQ people. **Anti-queer political campaigns** have remained a unifying element in the region, often using the 'LGBTQ issue' as a scapegoat for their own internal problems. On top of directly criminalising laws that affect the LGBTQ community, concurrent laws under the umbrella of '**morality**' laws (such as Islamic values laws, 'family values' laws, and laws targeting sex workers and trans people) have been used to criminalise LGBTQ people in the region. In addition, intense social isolation, stigmatisation, and discrimination have been rampant.

Nevertheless, the LGBTQ community has played an instrumental role in shaping the cultural fabric of the region. Still, the academic neglect of LGBTQ stories until recent decades – the '[institutional heteronormative bias](#)' – means much of queer history has remained uncharted. This lacuna in historical understanding has become even more acute in contexts like the countries featuring in this report, where political transitions have had the potential to both uplift marginalised voices and further silence them.<sup>1</sup>



Despite turbulent times in the region and globally, the LGBTQ community has found resilience and drive to organise and resist. In fact, the community has been at the [forefront](#) of movements throughout the region even as its existence has increasingly been criminalised. Massive political and social shifts have further compounded the impacts and risks facing the community while we worked on this report and researched online hate campaigns and outings against the LGBTQ community. In 2023, there was another violent shift for Sudan. War erupted on 15 April 2023 between two rival factions of the military government: the Sudanese Armed Forces and the paramilitary Rapid Support Forces (RSF). As of July 2024, this [has resulted in more than 14,000 people killed](#) and a total of [9.1 million people displaced](#), of whom 2 million have fled the country. Sudan is currently experiencing a colossal [humanitarian disaster](#) with increasingly imminent [risk of genocide](#). Even in conducting this research, our local and community partners needed to prioritise their and their loved ones' immediate humanitarian needs and thus halted much of their data collection effort for long periods.

In Iran, we have seen numerous courageous and [savagely repressed uprisings](#), from the mass Aban protests in 2022 to the 2022–2023 Woman Life Freedom protests that resulted in brutal repression, thousands of deaths, and tens of thousands of arrests, including of many [members of the LGBTQ community](#). The risks involved in communications became more and more apparent.

Since September 2021 and President Kais Saied's [power grab](#), Tunisia has moved more towards [regression of rights](#). President Saied has introduced a series of regressive reforms, undermined the judiciary, and increased bigoted, racist, and xenophobic violence on a national scale. These moves have led to massive arrests and protests including the targeting of the LGBTQ community and further destabilisation of NGOs on the ground.

Israel's ongoing occupation and military offensive on Gaza – [including digital oppression](#) – which started in October 2023, has since expanded its effects to [Lebanon](#), to [broader Palestine](#), across the region, and [around the world](#). There has been documentation of major human rights abuses, including against [freedom of expression](#), as well as [war crimes](#). As of July 2024, [the Israeli military has killed 38,000 people, which researchers fear might increase to 186,000](#). On 26 January 2024, the [International Court of Justice](#)

determined the plausibility of genocide committed by Israel against the Palestinian people in Gaza and ordered the State of Israel to prevent the crime of genocide, which is a 'real and imminent risk', according to the court's order. This increasing military action against the Palestinian people, and the consequent death, destruction, and regional destabilisation, have brought about a consolidation of efforts in solidarity with the Palestinians under occupation and war.

Meanwhile, the [region's LGBTQ communities](#) have also had to push back against 'pinkwashing', which has brought them into a political [propaganda battleground](#). As a result, work for this project halted for much of the period as the situation remained uncertain for many organising movements, at the same time as risks increased for the LGBTQ community – financially, physically, and socially. Many of the participants in, and researchers of, the report are of Palestinian descent, creating an even more sensitive situation.

Technology and the internet play an important role in these global movements and their organising and community-building efforts. The duality of both putting these communities at risk while simultaneously providing safe spaces for communication and activism has been a perpetual tension that we must work to reduce so communities can connect and communicate without fear of repression.

### The rise of the internet

This report is largely concerned with the use of the internet and technology platforms and applications in the targeting, arrests, and prosecution of LGBTQ people. The targeting of the LGBTQ community in no way started with the rise of the internet. However, with increasing presence and reliance on social media and the internet, there has been a transfer of historical **harm and criminalisation that has moved online**. Simultaneously, the internet and social media have also become a weapon for the LGBTQ community itself to use in fighting back and maintaining its existence online and offline. They allow people to meet, connect, have sex, and fall in love.

In turn, methods used by police and states to track down queer people have played out online as the community's existence has moved further online. With increasing use of the

internet, methods of persecution of people with stigmatised sexualities have changed to fit the times.

Instructive in this [history is Egypt](#). The internet came to Egypt in 1993. Prior to this introduction, arrests of LGBTQ people in places where they congregated was common. However, with the introduction of the internet, many of those who had been arrested and targeted in person started to seek [connections online](#). Not long after, the introduction of policing methods we see more of today started, with the first identified case of **online arrest through 'entrapment' in January 2001**.

**Digital policing** gradually escalated throughout the region as the power of the internet became more apparent. States made rapid moves to invest in surveillance and [authoritarian digital](#) policing infrastructure after the [2009 Iranian uprising](#) and the start of the [Arab Spring in 2011](#). These powerful social movements accelerated the push by autocrats to invest further in [surveillance, censorship, and policing technology](#) in order to protect themselves from challenges to the status quo. They have blocked more and more avenues of connection, opposition, and organisation.

The proliferation of digital technology and acceleration in interest in controlling the digital space have predictably spawned cyber laws that have intensified anti-queer persecution.<sup>2</sup> The region's authorities have invested heavily in framing control in terms of preserving 'morality', dealing with 'corruption', and promoting 'national security' – in effect, dealing with anyone deemed 'undesirable' or subversive<sup>3</sup> – with a heavy clampdown on queer spaces deemed 'immoral' and too queer to be legal. This approach has also ensured the retention of power and the heteronormative patriarchal standards embedded in the legal and social structures of the states.

However, intensified control, as outlined, is a response to the increased presence of communities online. Despite the hegemonic walls of power closing in, the LGBTQ community has continued to exist and thrive online. Stealth and ingenuity have been its weapons to fight back against barriers and criminalisation.

This report looks at the ways in which LGBTQ people in the region have used technology tools for their connections and their wants, and how such tools can serve them better. As

history shows, the more we entrench our lives online, the further we also wade into digital policing by states and digital surveillance by companies. The only route to protect and support our communities is to look into **what has been happening and what needs to change**.

### International obligations in brief

Our communication technologies – such as LGBTQ-focused apps, social media apps, and messenger apps – are important tools to connect individuals and communities that are otherwise often targeted because of their identities. Due to these platforms' unique ability to connect, empower, provide avenues for expression, and build personal relationships, our research shows that LGBTQ users will continue to use them even when usage entails serious risks to personal safety or privacy – and users have taken many measures to protect themselves in this endeavour. Technology companies have a [duty to protect their users](#). The onus for protection against human rights abuses and harms should not fall solely on the individual, especially when it is protection against state-facilitated violence – which makes business and human rights standards vitally important.

Guaranteeing the **right to privacy in online communications** is also essential for ensuring that individuals have the confidence to freely exercise their right to freedom of expression.<sup>4</sup> As this research shows, the LGBTQ community relies heavily on the safety of varying levels of privacy to continue to express itself and exist online. The inability to communicate privately and safely [substantially affects individuals' right to freedom of expression](#).

In order to meet the responsibility of respecting the human rights of users, apps and social media companies must implement effective prevention and mitigation strategies against established threats – as set out in the [UN Guiding Principles on Business and Human Rights](#) – including proactive efforts to **support users in staying safe**. They should also adhere to principles of design that ensure the safety of their most impacted and vulnerable users, such as [Design From the Margins](#).

Proactive measures for user safety require the application of human rights principles throughout the operations of communication platforms. This need is even more significant

when apps function in countries where LGBTQ users face higher risks of human rights violations.

Human rights considerations need to be front and centre in decision-making at every stage of technology design, development, manufacturing, standardisation, and deployment.<sup>5</sup> Although governments have the primary responsibility to promote and respect human rights for their citizens, private sector actors must enact their responsibilities as well, as per the [UN Guiding Principles](#). The Guiding Principles, endorsed in 2011 by the UN Human Rights Council, set out the human rights responsibilities of all business enterprises, including the information and communications technology (ICT) sector. They specify that businesses have a responsibility, inter alia, to:

- Make a policy commitment to respect human rights, endorsed by senior or executive level management.
- Conduct human rights due diligence in order to identify, prevent, mitigate, and account for potential negative human rights impacts of the company's operations, including taking appropriate action to respond to identified human rights risks.
- Track and communicate performance, risks, and government demands.
- Provide effective remedies to victims after causing or contributing to adverse human rights impacts.

For businesses within the ICT sector, [these responsibilities are particularly pertinent](#) when it comes to respect for users' rights to freedom of expression, privacy, association, and online assembly, free from discrimination. The former UN Special Rapporteur on freedom of expression clarified that, for ICT companies, a proper process of due diligence requires taking into account the human rights impacts of ['design and engineering choices'](#).

In particular, companies must exercise human rights due diligence throughout their operations. In practice, that means that technologies need to be designed – through a [Design From the Margins](#) lens – in ways that **centre the most vulnerable and marginalised communities**, rather than treating them like exceptional 'edge cases',<sup>6</sup> as this [approach is seen](#) as the 'most promising pathway to a digital economy and world grounded in dignity



and equality for all'. Otherwise, real harm risks being perpetrated against these communities, as we see in this report and have seen in [previous investigations](#). In [previous work](#), we examined how technology without safety and privacy guardrails perpetuated human rights abuses in the way law enforcement in the MENA region appropriated and weaponised technology to target queerness, including using photos, dating apps, and posts on social media platforms as tools for prosecution.

On top of the need for Design From the Margins-style harm reduction safety measures in technologies, social media companies in particular need to ensure that all of their products and services are in line with international human rights law, including data collection practices and design of recommender systems – and they need to ensure [sufficient investment in adequate and context-specific moderation of content in regional contexts](#). David Kaye, the former UN Special Rapporteur on freedom of expression, [expressed concerns](#) over states and private actors monitoring and collecting information about individuals' communications and activities on the internet. These practices can constitute a violation of internet users' right to privacy, and ultimately impede the free flow of information and ideas online.

The [former Special Rapporteur](#) on freedom of expression [also recommended](#) that states should ensure individuals can **express themselves anonymously online** and **refrain from adopting real-name registration systems**. Further, he recommended that **states refrain from making the identification of users a precondition** for access to digital communications and online services, and from requiring **SIM-card registration for mobile users**. He also recommended that corporate actors reconsider their own policies that restrict encryption and anonymity (including through the use of pseudonyms).

The Guiding Principles also highlight the importance of **transparency** in the implementation of standards. Businesses must communicate their efforts to address human rights impacts externally, especially to relevant stakeholders and affected parties. ARTICLE 19, in partnership with numerous LGBTQ organisations and experts, has made efforts to collaborate with specific tech companies to support their implementation of these standards in their apps and improve the protection of LGBTQ users' rights since 2017, while bearing in mind the companies' business and technological needs. Our

findings show more needs to be done by corporate actors for them to meet the threshold of their responsibilities, and much of the necessary action emerges from the demands and experiences of communities such as those this report concerns.

## A closer look at the local context

Organisations and country experts with lived experiences of the histories we outline in the next few pages have provided briefings on which the following descriptions of country contexts are based. Their briefings outlined the legal, social, and political contexts up to around December 2023 (with some high-level updates up to July 2024, particularly on the outbreak of war in Gaza and Sudan), and we combine these our desk research and analysis to compile a country-by-country contextual overview.

## Algeria summary: legal, social, and political

Algeria has undergone numerous political transitions that have led to increased repression against voices seen as going against the status quo, including clampdowns on the LGBTQ community. Though mistreatment of LGBTQ people has long existed, in the recent history of Algeria – especially after the Arab Spring – targeting of and violence against the community have increased considerably.

Algeria has had a turbulent history of battling autocracy and colonialism for decades. It won independence from French colonial control in 1962, following a [seven-year war of liberation](#); however, it has maintained its colonial era anti-LGBTQ laws. During this period, de facto criminalisation of the LGBTQ community has continued. In 2019, in response to the autocratic rule of Abdelaziz Bouteflika, a protest movement known as the Hirak in Arabic initially sparked people to take to the streets against the ruling power and eventually [brought down his government](#). In December 2019, Abdelmadjid Tebboune became Algeria's President after a [highly controversial election](#), with promises of a progressive future for the country. Unfortunately, these promises have not transpired for the majority of the country even within its political movements. In the years since, there has been a further clampdown on rights and freedom of expression,<sup>7</sup> including harm against the LGBTQ community. As our researchers for this project note: 'The authorities on the one hand as well as some figures of the Hirak violently attacked LGBTQ people to the point of making the situation of this community worse than it was before. [Thus] the repression that started with President Bouteflika continued under President Abdelmadjid Tebboune's rule.'<sup>8</sup>

Since 2019, independent civil society organisations, political opposition groups, activists, human rights defenders, and journalists have all been targeted, arrested, and repressed. The state introduced [restrictive legislative reforms](#) aimed at crushing any form of organised contestation and tightened its [control over internet media](#).

The LGBTQ community has continued to be affected by these shifts. It faces pressures from multiple repressive forces with close to no protection. [Socially](#), it also faces

blackmail, forced marriage, and other forms of abuse, as well as economic discrimination.<sup>9</sup> Our researchers highlight that:

*Calls for hatred and murder against the LGBTQ community have become very common. Religious extremists allied with conservative and hateful media are constantly calling for the extermination of LGBTQ people whom they consider as a paedophilic danger that must be permanently removed from the national scene.<sup>10</sup>*

This has meant cases of violence and even murders of LGBTQ people, many of which go unreported. In more recent years, the impunity of violence against the community, including on the part of the police and the army, who harass and brutalise queer people, has been [documented](#). For example, in 2019 a medical student, Assil Belalta, was found murdered inside his university dormitory room with his throat slit and the words 'he is gay' [written in his blood on the wall](#).

Another [recent public example](#) occurred on 24 July 2020. Police in el-Kharoub, a district in Constantine Province, northeastern Algeria, conducted a raid on a private property and detained 44 people – 9 women and 35 men, the majority of them university students – after reports to police by neighbours of a 'gay wedding'. The court utilised basic symbols of celebration as evidence, 'describing the decorations, flowers, and sweets indicative of a wedding celebration, and the men's supposedly gay appearance, as evidence of guilt', as reported by [Human Rights Watch](#). On 3 September 2020, two of the arrested men were sentenced to prison terms and 42 others received suspended terms.

We continue to see a deterioration in the criminalisation of LGBTQ people, as detailed in [Part II](#), which outlines types of arrest, levels of monitoring, and the online safety demands of the community from technology platforms.

### Algeria: legal context

Our local research team stated that:

*Before getting into the laws that criminalise homosexuality and queer identities in general, we need to address the fact that all charges under these articles are trialled under closed trials. This does not only suppress all information we can have*



*on these cases ... but it also means that all statistics on the number of people charged/arrested under these charges is solely in the hands of the department of justice and cannot be obtained by [independent organisations].<sup>11</sup>*

There are several pieces of legislation that directly violate the rights of LGBTQ people. These laws include:

- Article 338 of the [Penal Code](#):

*Anyone guilty of participating in a homosexual act will be punished with imprisonment between two months and two years and a fine of 500–2,000 dinars [USD 4–15]. If one of the participants is under 18 years old, the punishment for the older participant can be raised to three years imprisonment and a fine of 10,000 dinars [USD 74].*

This is a vague and broadly applied discriminatory law. The notion of any ‘act of homosexuality’ keeps the definition of homosexuality extremely vague and ‘[in] general allows the prosecutor to charge them for different reasons sometimes even outside the reality of homosexuality’.<sup>12</sup> The breadth of Article 338 is applied to same-sex and trans individuals and couples alike.

- Article 333 of the [Penal Code](#) criminalises:

*Any person who engages in a sexual act against nature with an individual of the same sex.*

Here again ‘sexual act against nature’ is not defined and is left to the interpretation of courts. In this context, LGBTQ people and their existence are deemed ‘against nature’ and thus any act deemed sexual and linked to LGBTQ people can be interpreted here as ‘against nature’. The punishment for such acts is imprisonment for two months to two years and a fine of 500–2,000 Algerian dinars (DZD; USD 4–15). If that outrage of public decency consists of an ‘act against nature’ with an individual of the same sex, the punishment will be 6 months to 3 years’ imprisonment and a fine of DZD 1,000–10,000 (USD 7–74).

- Article 333 bis of the [Penal Code](#)<sup>13</sup> criminalises:

*Anyone who participates in the creation or the distribution of any materials that are inconsistent with public decency [who] will be punished to two months to two years imprisonment and a fine of 500–2,000 dinars [USD 4–15].*

The concept of ‘decency’ here again receives limited definition and allows interpretation by the courts whereby all queer identities could be deemed ‘indecent’ or ‘immoral’.

According to our research and legal team for this project in Algeria, these were the laws used in 2020 to sentence two men for the alleged ‘gay wedding’ mentioned earlier to prison terms and 42 others to suspended terms.

### Algeria: cyber laws

There are no laws specifically targeting LGBTQ people in the [cybercrime code](#). However, all offences under the articles of the Penal Code are punished with the same severity whether identified online or offline, including, for example, through **device inspections** or **reports to the authorities about online acts**.<sup>14</sup> Internet service providers are encouraged to censor or monitor LGBTQ content, including under the vague cybercrimes laws that makes them liable for criminal charges for hosting content ‘incompatible with morality or public opinion’.<sup>15</sup>

#### Algeria: A note from an anonymous researcher and contributor to this report

Even as an activist for over 15 years, working on this project has shown me how the violence that affects LGBTQ people is numerous, repetitive, and increasingly dangerous. Calls for hatred and the murder of queer people on social media increase this violence tenfold in general society and, even worse, normalise it.

We hope that the effort put into this project will raise the awareness of the platforms, which truly have the life and death of queer people in their hands. Every positive action on the part of these platforms will save us from violence and suffering.

## Egypt summary: legal, social, and political

Egypt has continued to have one of the more prolific and coordinated targeting operations against LGBTQ people in the region. The country has undergone turbulence and shifts of political control through cycles of colonisation, revolutions, and dictatorial control. However, the criminalisation of queer people did not rise out of the penal code but rather form a supplemental law, enacted in 1961, to combat 'prostitution'.

The Egyptian legal framework has allowed for the criminalisation of [LGBTQ individuals for decades](#). During the reign of Hosni Mubarak (1981–2011) the targeting of LGBTQ people became operationalised through the use of 'morality' and 'public indecency' laws. [By 2000, gay couples' arrests](#) became the subject of public scandal leading to more politicians calling for further criminalisation and also the death penalty for homosexuality.

One of the most well-known cases of targeted arrests of LGBTQ people was in the *Queen Boat* case in May 2001. In Cairo, the vice squad and officers from State Security Investigations raided the *Queen Boat*, a discotheque on a cruise vessel moored in the Nile, [after reports](#) of homosexual conduct. Through this orchestrated raid, [many were arrested and 52 men](#) ultimately went to trial under debauchery laws. The trials led to a flurry of homophobic press coverage and intensified pressure and intimidation against the LGBTQ community in Egypt. However, the harassment of LGBTQ individuals in Egypt, particularly of gay men and trans individuals, had been happening long before the *Queen Boat* case. What differentiated this case was the numbers – and that prior to the *Queen Boat* case and the arrests of gay couples in 2000, arrests [rarely led to prosecution](#). The situation is vastly different now and Egyptian law enforcement has become one of the most prolific not only in prosecutions but also in the use of technology.

With increasing use of the internet, the methods of persecution of those with stigmatised sexualities have changed. The internet came to Egypt in 1993, and by 1 January 2002 the era of 'free' [internet access had begun](#) in Egypt as well as globally. With an increasing atmosphere of fear, as induced by raids such as in the *Queen Boat* case, more and more LGBTQ individuals used virtual platforms to connect. Many used personal advertisement

pages ('personals') to find and email other queer people. Others used the newly introduced [instant-messaging apps to communicate](#).

With the shift to online communications for LGBTQ people in Egypt came a shift in targeting methods. Human Rights Watch reported the first identified case of online arrest through 'entrapment' even before the [May 2001 Queen Boat](#) case. The second was published in the Egyptian tabloid *Al-Naba*, which announced the arrest of two men who had responded to online personal ads in March 2001.

As with many neighbouring countries, the Arab Spring uprisings and revolutions of 2011 'contributed to developing the LGBTIQ+ movement and crystallising its advocacy and support – the participation of the movement was a fundamental and pivotal issue in the link between the [queer movement and the Egyptian revolution](#)'. The grapple to [maintain control over digital spaces](#) and consolidate power also became common in the region, including in Egypt. However, with the takeover by Abdel Fattah el-Sisi in 2014, [things shifted for the worse](#).

Currently, under the presidency of el-Sisi, the state's attention has again turned to **morality policing** through the [heightened surveillance and penalisation of LGBTQI people](#). Around 2014–2015, this shift intensified. For example, in 2015, LGBTQ people noticed a [new targeting strategy](#) used by Egyptian authorities: the monitoring of LGBTQ apps and community websites. One early notorious case was the arrest of [11 individuals in September 2015](#) in Giza's Agouza neighbourhood for 'practising, inciting, and publicising immoral practices'. They were sentenced to 3–12 years' imprisonment. According to the Egyptian Initiative for Personal Rights (EIPR), one of the accused was initially targeted via a dating application entrapment (seemingly Grindr), which led to [his arrest as well as the arrest of eight other individuals](#). The raid of a second address followed.

[In April 2016](#), Mada Masr, an Egypt-based media organisation, reported that an officer of the 'morality police' had confirmed that the police were heavily monitoring LGBTQ people using the community's dating websites, apps, and internet forums. [He had stated](#) that it was common practice for a police officer to engage with someone online, agree to meet them in person, and then send the messages to the public prosecution to issue a warrant

of arrest. Our research findings<sup>16</sup> confirmed this tactic, which showed new, increased entrapment operations via LGBTQ-focused dating apps.

With the complexity of cases and how people are arrested or charged – and the overwhelming workload of local NGOs – it has not been possible to gather a fully accurate number of all the cases and arrests in Egypt (or any of the report’s countries). EIPR [provides](#) the minimum estimate for arrest numbers between 2013 and 2017 as 232. Under el-Sisi’s presidency, the Ministry of Interior introduced new campaigns to target LGBTQ communities in Egypt. Between 2000 and 2013, there was an average of 14 arrests per year for LGBTQ ‘crimes’. From late 2013 to 2017, the [yearly average increased to 66](#). One of the biggest crackdowns on the community was in 2017, with [75 arrests after someone raised a rainbow flag](#) at a concert. The LGBTQ NGO Bedayaa [covered, reported, and worked on](#) 65 court cases and 92 arrests in 2019 and 21 cases in 2020. Arrests did not stop during the Covid-19 lockdowns, though they slowed down temporarily due to restrictions and reduced movement. This pattern of targeting and arrest has always been formed through the methods [used against sex workers in Egypt](#), especially queer sex workers who are faced with the harshest sentences. Legal research by the [NGO Cairo 52 outlines](#) a history and evolution of ‘cyber informants’ in the early 2000s used to identify and arrest sex workers, which quite immediately was applied more broadly to the queer community.

[In 2022, EIPR reported 19 cases](#) that involved 43 defendants on ‘debauchery’-related charges. Bedayaa found the number was higher in 2023: between January and August 2023 alone, Bedayaa reported 32 arrests.<sup>17</sup> Of these, 15 were arrested via Grindr/dating apps in March.<sup>18</sup> According to Bedayaa:

*Egypt is going through many economic and social obstacles, negatively affecting us as a community and organisation ... here is a tightening of security, and the police always stop citizens randomly in the streets and they always look into their mobile phones and search for anything to expose their sexual orientations. This exposes our queer community dangerously.<sup>19</sup>*

The numbers of arrests in the last decade have [been high and consistent](#) (often with some increases through [campaigns and operations](#)) year by year, with Egypt still having some of the highest recorded numbers of arrests.

The types and numbers of arrest, methods of monitoring, digital resilience of the community, and safety measures demanded from technology platforms are further documented in [Part II](#).

These state-backed abuses are confounded by non-state-related hate campaigns such as an **increase in hate speech and political rhetoric against the community**. In 2022, a massive viral anti-LGBTQ social media campaign called [Fetrah](#) (Arabic for 'instinct') spread widely throughout the region.

### Egypt: legal context

In Egypt, the **criminalisation of queerness** is framed as a [campaign against sex work](#). Broadly interpreted laws and extensive judicial precedent support continuous and targeted prosecution of LGBTQ individuals and those suspected of [engaging in gender non-conformist behaviour](#).

The primary law used to prosecute queer people is Law No. 10/1961 on the [Combating of Prostitution](#), which repeatedly uses the phrase 'debauchery or prostitution' to describe the behaviour it targets:

- [Article 9\(c\)](#) provides for up to three years in prison and/or fines for anyone who 'habitually engages in debauchery or prostitution'. The statute does not offer a definition of debauchery.

Egyptian judges have routinely interpreted the term 'debauchery' in this statute – in Arabic, *fujur* (الفجور) – to be a [synonym for homosexuality or more generally queerness](#). This is [based on several decisions of the Court of Cassation](#). Lower courts have adopted this definition without scrutiny or much further analysis.

The statute also fails to offer any definition of 'habitually', [leaving interpretation to the courts](#).<sup>20</sup> The Court of Cassation [has subsequently required that](#) to meet the element of

habituality, the accused must have engaged in 'indiscriminate' sexual acts for three years preceding arrest, in addition to the incident that triggered the arrest, which in itself is wildly difficult to define and prove (such as requiring the involvement of monetary exchange).

LGBTQ people in Egypt are also prosecuted under other provisions of Law No. 10/1961 on the Combating of Prostitution, including for accessory crimes like incitement to or publicising of debauchery.

- [Article 1\(a\)](#) provides for prison terms of up to three years and/or fines for 'Whoever incites a person, be they male or female, to engage in debauchery or in prostitution, or assists in this or facilitates it'.
- [Article 14](#) provides similar penalties for publicising or drawing attention to debauchery.

Police and prosecuting teams work together to ensure a [conviction is achieved under at least one of the laws](#). When the crime of habitually engaging in debauchery under Article 9(c) cannot be proven from evidence on the defendant's conduct, the court relies on digital evidence.<sup>21</sup>

[Human Rights Watch](#) has described the supplementary [penal code articles](#) used against LGBTQ people and their supporters:

- Article 178 punishes anyone who trades or distributes materials, including photos, that violate 'public morals' with up to two years in prison and a fine up to 10,000 Egyptian pounds (EGP; USD 210).
- Article 269 bis punishes anyone found to incite a passerby with 'signals or words to commit indecency' with imprisonment for up to one month and heightened penalties for repeat offenders.
- Article 278 punishes anyone who publicly commits 'a scandalous act against virtue' with detention for up to one year or a fine of up to EGP 300 (USD 6).



## Egypt: cyber laws

Due to the overwhelming reliance on digital evidence, it should not be surprising that there is **increasing use of cyber laws to prosecute queerness**. Among the eight countries of this research, [Egypt is the most accustomed](#) to using cyber laws in [prosecutions against LGBTQ people](#) and groups, with an uptick in the use of cyber laws in queer cases from [March 2020](#) in the [country's economic courts](#).

The economic courts have [jurisdiction over](#) financial laws, including the [2003 Telecommunication Regulation Law](#). In 2019, jurisdiction over Egypt's Law No. 175/2018 [Anti-Cyber and Information Technology Crimes Law](#) (known as the Cybercrime Law) was added by [decree](#).

With this addition, the economic courts began exercising influence over public life by policing online 'morality' and reinforcing digital surveillance, as seen in the [recent TikTok cases](#) where six social media influencers were charged with crimes against 'public morals'.

Transfers to the economic courts have generally been accomplished through the addition of charges under:

- [Article 76](#) of the Telecommunication Regulation Law (criminalising the 'misuse of telecommunications').
- [Article 25](#) of the Cybercrime Law (criminalising the use of technology to 'infringe on any family principles or values in Egyptian society').
- [Article 26](#) of the Cybercrime Law (criminalising the use of technology for 'content [in] contrary to public morals').

Through the shift, police and prosecutors optimised their use of digital evidence to gain more stringent sentences under more combined charges, setting a dangerous precedent.<sup>22</sup> This is also accelerated as cybercrimes courts have lower barriers of proof for these sentences.

**Egypt: A note from Salma El-Masry, Executive Director of Bedayaa, and a contributor to this report**

Walking the streets of Egypt as a queer person is fraught with danger and uncertainty, overshadowed by the looming threat of violence and discrimination. Walking in public spaces as a queer man means constantly looking over your shoulder, hyper-aware of the potential threats lurking in the shadows. We are in a society where LGBTQ people are often marginalised and stigmatised, and where the simple act of walking down the street can become a perilous journey marked by fear and vulnerability. The pervasive homophobia and transphobia ingrained in Egyptian society have resulted in alarmingly high hate crimes and a hostile environment for queer people online and offline. We face the constant risk of verbal and physical harassment, assault, arrest, and even death. We do this work for the rights of our communities and to make these lives easier.

## Iran summary: legal, social, and political

Iran is among the few countries where **consensual same-sex relations are punishable by the death penalty**, where top ranking officials publicly deny the existence of queer people and justify harassment of the community by referencing Iran's Islamic Penal Code and 'moral' principles.

The anti-LGBTQ laws in Iran are rooted in a narrow interpretation of Shia Sharia laws. Under the [Islamic Penal Code of Iran](#), extremely harsh anti-homosexual laws were introduced.<sup>23</sup>

Despite this, Iran's political elite have gone as far as **denying the existence** of the community. In a 2009 interview, Iran's then-[President Mahmoud Ahmadinejad said](#), 'In Iran, we don't have homosexuals like in your country. In Iran, we do not have this phenomenon.' Hardliners in the Iranian political regime regularly weaponise queerness to smear their political rivals and opposition figures while perpetuating conspiracy theories that link the LGBTQ community to 'satanic cults' or foreign 'conspiracies'.<sup>24</sup>

A legal structure that criminalises various aspects of the lives of LGBTQ people leaves individuals belonging to the LGBTQ community at risk of violence, hate crimes, and discrimination at the hands of state actors, including public officials who refer to the community as '[subhuman](#)' and '[diseased](#)', as well as [non-state actors who act with impunity](#).

Since the 1979 Islamic Revolution, Iranian media have published many accounts of executions for same-sex conduct. In 2022 two gay men, Mehrdad Karimpour and Farid Mohammadi, were [executed on charges of sodomy](#) after six years on death row. In September of that year, a court sentenced Zahra Sedighi-Hamadani and Elham Choubdar to death for over-broad charges based on their sexuality, but they were [later released](#).

Historically, the Iranian government has maintained that most of these individuals have been charged for forcible sodomy or rape. Because trials on moral charges in Iran are usually held in closed court proceedings, it is difficult to determine what proportion of those charged and executed for same-sex conduct have been LGBTQ and what proportion of the alleged offences was consensual.<sup>25</sup>

However, **trans individuals are acknowledged by the state**. Being trans is extremely medicalised in Iran.<sup>26</sup> This comes from a religious decree, or *fatwa*, that was [created almost four decades ago](#) by the Islamic Republic's founder, Ayatollah Ruhollah Khomeini. Citing the decree, Islamic Republic officials and media have tried to picture Iran as a haven for trans people in the heart of the Middle East; however, [trans people face endemic discrimination](#) and abuse in the country. Furthermore, the media has [reported](#) cases of gay people being forced to change their gender. Human rights organisations have also [documented cases](#) that indicate medicalisation of trans people and transphobia leading to individuals being deprived of job opportunities or being sacked after having gender affirmation surgery.

The community, like the whole population in Iran, has been systematically targeted and suppressed under highly repressive laws and the system as a whole. This has especially been the case during mass protests that have often erupted in Iran. Uprisings such as the [massive protests in 2009](#), the November [2019 protests](#), and the 2022–2023 [Woman Life Freedom protests](#) result in brutal repression, deaths, and tens of thousands arrested. The LGBTQ community has always been a part of such protests. It had a prominent presence in the Woman Life Freedom uprising under the [additional banner of Queer Life Freedom](#), where the community announced its [existence](#) online with the words: 'We are countless.'

Despite facing widespread discrimination and systemic criminalisation, the Iranian queer community has thrived, especially on the internet.<sup>27</sup> The internet has empowered the community since its humble beginnings, from the use of sparse blogs with queer themes in the early 2000s<sup>28</sup> to today, when Iran-based trans people are outspoken and defend LGBTQ rights on X (formerly Twitter) and Instagram.<sup>29</sup>

Furthermore, in recent years there has been increased discussion of the LGBTQ community inside Iran. LGBTQ individuals and observers have told ARTICLE 19 about concerns over the increased visibility of the Iranian queer community online. As our research briefing put it:

*Few years back, many didn't even know what LGBTQ stands for. We were kind of invisible. The social media and popular foreign TV series which have become popular in Iran have changed that. You see debates about LGBTQ rights on Twitter every other day. The increased visibility can evolve into a state clampdown. I*

*personally expect to wake up one day and hear that my friends have been arrested simply for being queer.*<sup>30</sup>

Iranians have struggled against one of the [strictest online censorship regimes in the world](#). The Islamic Republic has barred access to all major social media platforms except Instagram and banned encrypted messaging tools like Signal and Telegram. [All dating apps and websites have also been banned](#) in Iran.

Importantly, any form of activism towards recognition of LGBTQ individuals, documentation of human rights abuses, and activism towards securing human rights for the community is treated as an **'act against national security'** by the Islamic Republic; therefore, on many occasions, cases involving LGBTQ individuals are reported as ['national security' or 'political' cases](#) (see [below](#) for an outline of the laws used). In some cases, the individuals are exclusively charged for 'national security crimes', and the court does not apply Islamic Penal Code articles that criminalise LGBTQ individuals.

Iranian gender equality activist Rezvaneh Mohammadi [was sentenced](#) to five years in jail in December 2019 for allegedly trying to [persuade Iranian society to accept same-sex intimacy](#). She was [charged](#) and tried *in absentia* for offences including 'gathering and colluding against national security by normalising same-sex relations' (based on Article 610 of the Penal Code). This was the first time a human rights defender had faced such an accusation in Iran.

In some cases, individuals have been [arrested](#) for giving an interview to foreign media or running a social media account raising awareness about LGBTQ issues. For example, a Kurdish activist [told](#) Human Rights Activists News Agency (HRANA) that, when he was arrested by the Ministry of Intelligence under national security charges, his queer identity was used to pressure him. [Another example](#) is the Iranian Kurdish singer Mohsen Lorestani, who was arrested on 2 March 2018 over charges of 'spreading corruption on earth'. His case is linked to setting up 'an Instagram group for trans people'. Lorestani appeared before court while deprived of the assistance of a lawyer in October 2019. His lawyer later told [Kurdistan Human Rights Network](#) that the evidence presented against Lorestani in court included 'private chats'. A local news website, [Aftab News, speculated](#) that the chats were leaked by individuals who had access to his phone and social media accounts. Despite being taken to court on more than one occasion, Lorestani is still in custody.

These impacts, monitoring, and the arrests of community members are further documented in [Part II](#). This shows how arrests have occurred, what the arrests have been linked to, how the community has been monitored, what type of digital data has been most likely to place the community at risk, and the community's safety demands from technology platforms.

In addition, Iranians have lived in constant fear of increased **online censorship and internet shutdowns**, which have become [key elements of the Islamic Republic's](#) response to any form of social or political dissent. While internet shutdowns affect whole communities, the impact is harsher on marginalised groups like the LGBTQ community, especially since minorities [rely on online encrypted tools to stay safe](#). Iran has also pursued an agenda to further clamp down on internet freedoms through the online '[Protection Bill](#)' that contains many repressive provisions that will directly impact the LGBTQ community. While the bill has not yet passed, unfortunately its content and intentions have already had an impact.<sup>31</sup>

### Iran: legal context

Iran's laws have criminalised [various forms of gender and sexual expression](#) of the LGBTQ community. The only relations the state has recognised and promoted as legitimate are between a man and a woman who are married.<sup>32</sup> Iran subjects gender and sexual 'offences' to punishments, falling under *hudud* (those mandated by Sharia or 'crimes against God') that range from **flogging to the death penalty**.

For example, under the 2013 [Islamic Penal Code \(IPC\), Book Two, Chapter Two – \*Livat, Tafkhiz and Musaheqeh\*](#) defines all the variations of punishments that are mostly applied to same-sex relations. There are nine articles (Articles 233–241) in this chapter that refer to these 'crimes'.

Flogging is used to punish certain same-sex relations, [both between men and between women](#). Sexual relations between two men that amount to *livat* (male–male anal penetration) are subjected to flogging or the death penalty. In imposing punishments, the IPC differentiates between the 'active' and the 'passive' partners of same-sex sexual conduct as outlined under Articles 233, 234, and 237.

Article 234 and its Note impose the death penalty on the ‘active’ partner if he meets the conditions of *Ihsan*, if he is not a Muslim and the ‘passive’ partner is a Muslim, or if the intercourse is by force. The ‘passive’ partner, however, shall be sentenced to death regardless of whether he meets the conditions of *Ihsan* unless the intercourse has been forced on him.

The term *tafkhiz* has a specific meaning, though in practice it is broadly applied. It refers to sexual relations between two men that does not amount to sodomy and is defined as: ‘placing of a man’s sexual organ between another man’s thighs or buttocks’. *Tafkhiz* laid out under Articles 235, 236, and 237 is punishable by 100 lashes (Article 235). Conviction for the fourth time is, however, [punishable by the death penalty](#).

The IPC also criminalises same-sex sexual conduct between two women involving such acts as ‘kissing or touching as a result of lust’ ([Article 237](#)) with the crime of *mosahegheh*, which is when a woman ‘places her sexual organ on another woman’s sexual organ’, and is punishable by 100 lashes. Those found guilty of *mosahegheh* upon the fourth conviction shall be sentenced to death. However, as our research briefing states, conviction for the ‘crime of lesbianism is difficult to prove theoretically insofar as four male witnesses are required for the crime to be proven’.<sup>33</sup>

Other IPC provisions can be and have been used against LGBTQ people. One of the harshest is over-broad capital charges often used against dissenting voices, including ‘enmity against God’ (*moharebeh*) and ‘corruption on earth’ (*efsad-e-fel-arz*) from [Book Two, Chapters 8 and 9 of the IPC](#) respectively. These are broadly undefined, yet they are some of the most used sentences and have increasingly [led to the execution of many dissidents](#). Devastatingly, [two men were executed](#) under this provision as recently as 2023, with two others charged later released.

### Iran: cyber laws

The [Computer Crimes Law](#), adopted in 2010, undermines freedom of expression and information – as well as the right to privacy – and uses over-broad and vague concepts of ‘morality’ and ‘sexual perversion’, which can be used against the LGBTQ community for criminalisation and censorship. Its [vague provisions](#), combined with those of the IPC, give wide discretion to law enforcement authorities – including the Revolutionary Guards



through their Center for Countering Organized Cybercrimes and the Iranian Cyber Police (FATA) – [to police the internet and online content and pursue individuals they wish to silence](#).<sup>34</sup> Law enforcement authorities have been known to be pervasive in targeting LGBTQ people and content.<sup>35</sup>

- [Article 14](#) criminalises producing, sending, publishing, distributing, saving, or financially engaging in ‘obscene’ content by using computer or telecommunication systems or portable data storage devices.
- [Article 15\(a\)](#) criminalises the use of computers and telecommunication systems to provoke, encourage, threaten, invite, deceive, train, or facilitate other individuals’ access to obscene content.

Obscene expressions are undefined and open to be cited against LGBTQ expression and online activity. The vague notion of ‘obscenity’ has been used to describe all LGBTQ expressions. Without any precise definition this ‘perversion’ can be used to criminalise LGBTQ expressions online under the heteronormative and repressive frame of the Iranian government’s view on ‘obscenity’.

- [Article 10](#) facilitates state surveillance by prohibiting internet users and companies from using encryption, which is essential for navigating the legal restrictions obstructing LGBTQ and other users’ ability to express themselves online privately and safely without risking further criminalisation.
- [Article 15\(b\)](#) criminalises the use of computers, telecommunications, or portable data storage devices to provoke, encourage, threaten, invite, deceive, or train individuals to ‘engage in such acts as rape, drug abuse, suicide, sexual perversion or violence’.

Again, here the notion of ‘sexual perversion’ would be applied to LGBTQ expression and online activity due to the state’s default stance on LGBTQ relations.

- [Article 19\(3b\)](#): permits the right to be restricted online for vague ‘morality’ charges as seen in other states ‘for the protection of national security or of public order, or of public health or morals’.

## Iran: A note from Khosro Isfahani, journalist, activist, researcher, and a contributor to this report

Walking in downtown Tehran in the green shade of towering trees of Vali-Asr street, I think about all that Iran's LGBTQ community and our siblings in the MENA region have lost over the years: lives lost to execution, hate crime, and suicide, time lost in the labyrinth of oppressive judicial systems and cruel prison conditions.

The internet and the digital world offered us a short-lived respite, a safe space where love and fellowship could thrive, where untold stories of the community could be sung. Of course it was not all roses; there were online bullies, raids, and arrests, but we had found an oasis. But now, patriarchal and oppressive regimes, including the Islamic Republic, increasingly weaponise the internet to target marginalised groups, including queer folks. We, the queer nomads who had claimed the digital world as our 'home', are once again forced to conceal our identity and erase our stories to stay safe.

One of the key aims of this research has been making the cyber arena more secure for queer folks while documenting the abuses of human rights in the MENA region. We do not expect the inherent patriarchy, widespread homophobia and transphobia, or oppressive states in the region to relent and stop persecuting LGBTQ individuals in the foreseeable future. However, this research can have an immediate impact on LGBTQ individuals through engaging tech companies and introducing measures to help keep my community safe.

While interviewing Iranian queer folks and asking about what companies can do to help keep them safe, we heard again and again that 'these companies don't care about us'. I appeal to the companies: prove my people wrong.

## Jordan summary: legal, social, and political

Jordan secured its independence from the British Empire in 1946. The legislation outlawing homosexual activity was inherited from British rule during this colonial period under the British Mandate Criminal Code Ordinance. It was maintained for under a decade after its independence, until 1952, when Jordan [decriminalised consensual adult homosexual intercourse](#).

Before 1952, sexual conduct between two men carried a penalty of ten years in prison under the British Mandate in Jordan and Palestine. After King Abdullah I of Jordan was assassinated in July 1951, his son, King Talal bin Abdullah, came to the throne and founded Jordan's 1952 Constitution before he was forced to abdicate by the parliament [in August 1952](#). The [1952 Constitution](#) was King Talal's [most celebrated achievement](#) as it introduced a new relationship between the government and parliament, implementation of the principles and objectives of the Great Arab Revolt, compulsory free education, and decriminalisation of same-sex relationships. However, until this day there remains a policy and legal void with regards to non-discrimination based on sexual orientation and gender identity categories.<sup>36</sup> With this, the LGBTQ community faces legal barriers and discrimination in many ways. For example, in the judicial system, testimonies from queer witnesses have been deemed invalid and sometimes [dismissed by judges](#) who deem them ['sexually perverted'](#).

Despite decriminalisation and being one of the only MENA countries to fully remove the anti-LGBTQ colonial laws, there is de facto criminalisation of the community, especially under 'disrupting public morality' policies and digital policies.

A [research paper](#) written by Khalid Abdel-Hadi, an activist and editor of queer/feminist e-publication [My Kali](#), explores online opportunities and challenges for LGBTQ people in Jordan. The research points to the fact that dating apps and social media used by LGBTQ people have been exploited to blackmail and attack users and cause risk to the community. Our country expert researchers on this project also highlighted that, in 2021, there was an increase in outings via social media channels, particularly on Facebook, where groups are created specifically to out members of the community in Jordan.<sup>37</sup>

Similarly, in 2023 [Fetrah](#), a hate campaign that pushed anti-LGBTQ agendas across the region, reached Jordan and intensified [doxing and online harassment on social media](#).

The Jordanian government itself has increasingly monitored and restricted access to online content, possibly as a direct result of the Arab Spring protests during which protesters made use of online platforms to organise and disseminate news about events on the ground.<sup>38</sup> *My Kali* has [been censored](#) in Jordan since July 2016, following public [attacks by Dima Tahboub](#), a member of parliament and a representative of the conservative Islamic Action Front party, [who blatantly declared](#) that homosexuality does not align with 'Jordan's ideals and morals'. Following that interview, Tahboub continued to attack Jordan's LGBTQ community – [singling out \*My Kali\* for criticism](#). In 2018, the Telecommunications Regulatory Commission [requested](#) that Jordanian internet service providers block *My Kali* on Medium.com. While the network providers Zain and Orange failed to comply with the request, Umniah blocked the entire domain of Medium.com for several weeks [before lifting the block](#).

The Open Observatory of Network Interference in partnership with *My Kali* [confirmed](#) that Grindr was blocked in Jordan starting on 8 August 2023. Grindr joins the list of other social media apps censored in the country, including TikTok and Clubhouse. There have been [many incidences of bans](#) on events, organisations, and LGBTQ activities.<sup>39</sup> A specific example from 2015 clearly encapsulates the environment today. In the middle of 2015, *My Kali* organised an event in partnership with LGBTQ activists in Jordan's capital. Around 40 people gathered in Amman to show their support for the International Day Against Homophobia.<sup>40</sup> The event invited some Western diplomats in Jordan and caused controversy. One [Jordanian lawyer stated](#) that there was 'a breach of public order and the constitution'. Tahboub, the Islamist member of parliament mentioned previously, wanted the Jordanian Media Commission to open an inquiry into *My Kali's* website. Tahboub's request became a reality when the commission concluded that *My Kali* magazine had violated the Press and Publication Law.<sup>41</sup>

Furthermore, despite the absence of direct criminalisation, LGBTQ people are still **targeted by state actors and criminalised through indirect laws**. In early July 2021, police broke into a private party which was reportedly organised for and by members of the LGBTQ

community.<sup>42</sup> Little has been revealed, however. According to news reports, police knew of the event through monitoring public social media posts that contained an invitation to the event.<sup>43</sup>

In 2023, the situation worsened. A [Human Rights Watch report](#) highlighted that authorities in Jordan had systematically targeted LGBTQ rights activists and coordinated an unlawful crackdown: ‘The combination of vague morality laws, public hostility, and the absence of legal protection, appears to give licence to security forces and private individuals to target LGBTQI people with impunity,’ the report ran. Human Rights Watch documented that Jordan’s General Intelligence Department and the Preventive Security Department of the Public Security Directorate had interrogated LGBTQ activists ‘about their work, and intimidated them with threats of violence, arrest, and prosecution, forcing several activists to shut down their organisations, discontinue their activities, and in some cases, flee the country’. Government officials also used this period to create a smear campaign against LGBTQ rights activists online. All of this was [followed by incidences of entrapment, online extortion, online harassment](#), and reliance in prosecutions on illegitimately obtained digital information based on arbitrary phone searches.

The monitoring and arrests of the community and their impact are further documented in [Part II](#), which shows how the community has been affected by arrests, what has been used against them, and the treatment of digital data in these cases. The safety needs of the community from technology platforms are also documented in the report.

### Jordan: legal context

Jordan’s [Penal Code](#) contains over-broad ‘morality’ provisions. These laws provide broad scope for abuse to suppress LGBTQ content and punish queer rights advocates.<sup>44</sup>

[According](#) to the Director of the Cybercrime Unit in Jordan, ‘moral’ crimes are at the forefront of crimes committed online. Legal provisions expand to written and distributed content. For example:

- [Article 319](#) addresses the sale and possession of obscene printed or handwritten materials, as well as photographs, drawings, and any other content that ‘incites depravity’.

This article could be used against any materials related to the LGBTQ community. Its corresponding punishment can reach up to three months in prison or a fine of up to 50 Jordanian dinars (JOD; USD 70).

Trans communities face legal discrimination based on the Penal Code for their gender expressions:

- [Article 307](#) specifies that: 'Any male who is disguised in a female's dress and enters a place reserved for women only or which cannot be entered by other than women at the time of committing the act; he shall be punished by imprisonment for a period not to exceed six months.'

In 2018, the Jordanian Parliament ratified the [Medical Liability Law](#) that criminalises gender-affirming surgeries.

- [Article 8](#) expressly prohibits sex reassignment surgeries and the doctors who perform them.

This law defines 'sex change' and 'sex reassignment', making the former illegal, and imposes a fine and imprisonment on any doctor who performs what the parliament's Health Commission described as a 'sex change' or changing the sex of a person who has the chromosomes, genitals, and secondary characteristics of one sex.

Another concerning measure that could be used against LGBTQ people is [administrative detention](#). Jordan's governors (heads of governorates) can detain persons for what they consider to be offensive, disruptive, or immoral behaviour.<sup>45</sup> Governors have the right to arrest women for eloping, running away from home, or engaging in other perceived 'immoral behaviour'. Men suspected of prostitution also face protracted administrative detention.<sup>46</sup> The ease with which governors can [administratively detain persons without judicial oversight](#) has allowed them to engage in social policing by removing unwanted persons from public sight without subjecting them, or those suspected of criminal offences, to the criminal justice system.

For example, the [Crime Prevention Law](#) can be used to punish members of the LGBTQ community through measures such as administrative detention. Hasan Kilani, one of the

researchers of the report, witnessed this method first hand while working with the trans community in Jordan, including house arrests ostensibly aimed at maintaining ‘public peace and security’ and preventing crime.<sup>47</sup>

### Jordan: cyber laws

There has been an overhaul, including many additions, of Jordan’s cyber-related laws that affect LGBTQ communities. As part of the ‘modernisation’ reforms of King Abdullah II (who ascended the throne in February 1999), one of the more recently introduced pieces of legislation has created vast provisions that [place at risk human rights, freedom of expression](#), and rights to privacy: the new [Cybercrime Law of 2023](#). [Replacing the old Cybercrime Law](#), the new law uses imprecise, vague, and undefined terminology.

Specifically:

- [Article 13](#) criminalises undefined production, distribution, or consumption of ‘pornographic content’.
- [Article 14](#) criminalises ‘content “promoting, instigating, aiding or inciting immorality”, with at least six months in prison and a fine’.

[The Electronic Frontier Foundation \(EFF\) argues](#) that these articles – and their over-broad and underdefined nature – affect free expression and raise risks that they may lead to over-policing online content that is not harmful at all. The law can be used to ‘target digital content around gender and sexuality, and people who use digital platforms to advocate for the rights of LGBT people’, EFF says, and also threatens internet users’ right to anonymity. EFF also reports that, when the bill was debated in parliament, ‘some MPs claimed that the new Cybercrime Law could be used to criminalise LGBTQ individuals and content online’, and that the Deputy Leader of the Opposition claimed that ‘Jordan will become a big jail’.

[Article 12](#) stipulates that the use of tools that alter internet protocol (IP) addresses are illegal when associated with the intention of committing a crime.<sup>48</sup> LGBTQ communities depend heavily on these tools to safely access apps and websites that have been blocked and whose safety is compromised when expressing themselves online.



Cybercrime laws have been used in the past to target LGBTQ people, [intimidate activists](#), [and censor content](#) around gender and sexuality, including imprisonment under the previous Cybercrime Law for ‘promoting prostitution online’. There are also [numerous provisions](#) in the Press and Publications Law (1998) that allow for the censorship of LGBTQ materials under ‘morality’ provisions.

### **Jordan: A note from Bint Amman (alias), a contributor to this report**

I am in love with her and we talk over Signal. We have disappearing messages set to one week, and it has been the case since the first message we exchanged. I have no record of how we started talking, no record of how our texting unfolded over the last few months, no record of the first thing we texted after I kissed her.

Even our pictures are ‘view-once’.

I confess, I have been taking screenshots of some of the ‘miss you’ and the selfies she sends me. And when we meet up, I absorb every detail, the forms of her cheeks and her shoulders, all in biological memory. The only permanent feature about our conversations is that they are ephemeral, counter-reflecting the state of my feelings towards her.

The world outside is harsh, with enemies aplenty. From the state to society, and even within our own families, we lose count of the ways to protect ourselves. We cannot exist offline; and it seems we must also hide online. Yet, as facts stand, we do exist.

While it might seem otherwise, I don’t hold animosity towards these features, only towards the reason we need them. I am actually indebted to those who push for them and those who design them. They protect me, and hundreds of millions of others. This report seeks to push for these changes and emphasise platforms’ responsibility to ensure we can continue to exist online, and therefore, offline, safely.

## Lebanon summary: legal, social, and political

The perception of Lebanon as a queer-friendly oasis is often accompanied by contrasting [reports of repression](#). The persecution of queer people in Lebanon is [complex](#) and often dependent on context, gender identity, social-economic background, and nationality.

Lebanon still **criminalises homosexuality** in accordance with a [law that dates to the late days of the colonial French Mandate](#). France controlled the country from its modern founding in 1920 until 1943. [Article 534 of the Penal Code](#) and its application against LGBTQ people have been very well documented. This law has continued to be used despite a [handful of court rulings between 2007 and 2018](#) that interpreted the law stating that consensual same-sex relations are not illegal.

The political landscape in Lebanon is complex and sectarian, and several religious institutions that reject LGBTQ people [hold enormous power](#). Lebanon is still recovering from a 15-year civil war that ended in 1990 and is currently in the fourth year of a [crippling economic and political crisis](#) with over 80% of the population living in poverty. This situation has left the population without adequate access to [healthcare and water](#).

Amid a campaign against the LGBTQ community, in July 2023 nine members of parliament bravely submitted a draft law to repeal Article 534. The signatories have faced an online harassment campaign from political and religious authorities, resulting in one parliament member [withdrawing his signature](#). In August 2023, [Amnesty International reported](#) that ‘Two Lebanese officials introduced separate bills that would explicitly criminalise same-sex relations between consenting adults and punish anyone who “promotes homosexuality” with up to three years in prison.’ The results of these moves are yet to be seen.

Marginalised communities, many of whose members are also part of the LGBTQ community, are the most impacted. The economic collapse and the Covid-19 pandemic have been shown to have generally impacted [LGBTQ people disproportionately](#).

Many of those most policed and impacted in the LGBTQ communities in Lebanon are Syrian and Palestinian refugees. In early 2023, Lebanese authorities commenced a [new campaign of](#)

[Syrian refugee deportations](#). Trans and sex worker communities are also among the most impacted, with those at the intersection of these groups being, of course, at most risk.

On 17 October 2019, nationwide protests swept across Lebanon against the economic hardship and political abuse and corruption. In response, anti-riot police – and the parliamentary police – used excessive and, at times, [lethal force against protesters](#). The demands and calls of LGBTQ protesters have been strong in support of [intersectional demands](#) made of the government, highlighting that gender and sexuality-based rights cannot be gained without broader restructuring and changes to .

Since October 2023 and the start of Israel's [deadly military \(and digital\) offensive and war](#) on Gaza, the impacts of Israel's actions have extended to Lebanon, to broader Palestine, across the region, and around the world. Lebanon has been intensely impacted by Israeli military offensives that have killed numerous [journalists and civilians](#) in Lebanon. These offensives have impacted protests and other movements in Lebanon because much of the focus of the LGBTQ community has been on survival and preparations for potentially increasing military engagements. Many queer Palestinian refugees – who are one of the most affected demographics in Lebanon – have been impacted directly with the death of family and friends from Israeli bombardment. They experience grief at the sheer devastation inflicted on their homeland as well as the risks that come with being queer refugees in Lebanon. In turn, queer communities in [Lebanon, as well as across the region](#), have overwhelmingly come together in solidarity with Palestine and Palestinians.

In 2022, the local LGBTQ NGO [Helem documented 475 non-state-actor](#) (i.e. just average people) cases of **violence against LGBTQ individuals**, including **15 kidnappings, 299 instances of physical abuse, 132 death threats, 29 rapes, and 311 cases of verbal abuse**. In 2023, there was an increase in attacks on the [LGBTQ community](#). A wave of violence commenced in Lebanon from violent rhetoric against the community from [political leaders](#) to physical attacks on LGBTQ gatherings. Examples include attacks on a [queer bar in Beirut](#), on protesters' [Freedom March for LGBTQ rights](#), and a [clampdown on journalists and media](#) reporting on anti-LGBTQ shifts. [Reports](#) also show increasing cases of cyberstalking, threats, and intimidation against journalists who report on gender and sexuality issues in Lebanon. State actors have [cancelled](#) and shut down many LGBTQ events.

In such times, the situation of the substantial number of LGBTQ refugees inside the country is [much worse, with limited legal protections](#). LGBTQ refugees in Lebanon experience increased discrimination due to their nationality and are more likely to face punishments than their Lebanese counterparts. [Trans people](#) also face some of the most brutal consequences of these clampdowns and system discrimination.

There has also been documentation of the abuse and ill-treatment of LGBTQ people, including in detention centres. This treatment has continued throughout the years. Police and security forces have punished those perceived to be gay or trans. Reports of apps, specifically **LGBTQI+-oriented apps, being used by police to entrap and extort from people** have added to the documentation of such impacts on the community.<sup>49</sup> Reports also outline how LGBTQ people are **stopped** at [checkpoints](#), have their **phones checked by police** – including their use of apps – and are **arrested, beaten, and/or humiliated** based on the [contents of their phones](#).

These arrests, the monitoring and targeting of the community – especially the most vulnerable – and the safety demands of the community from technology platforms are further documented in [Part II](#).

### Lebanon: legal context

The [Lebanese Penal Code](#) does not directly criminalise acts or behaviour with direct reference to homosexuality or to gender identity. However, through the moralising interpretation of **vague statutory language** in laws that are remnants of the French colonial era, Lebanon [functionally criminalises homosexuality](#).

- [Article 539](#) criminalises ‘any sexual intercourse contrary to the order of nature’ with up to one year in prison.

In most of the cases observed, charges under this article have been brought against individuals after they encountered authorities, and [often after phone searches revealed ostensibly ‘relevant’ digital evidence](#).

Despite positive trends in the courts in progressive interpretations of Article 534 [that do not criminalise the LGBTQ community](#), the dominant trend in the courts today is still to interpret the law as criminalising all same-sex relations<sup>50</sup> as well as all anal sex.<sup>51</sup>

Lebanon's legal framework still **discriminates against LGBTQ people**, directly enabling harassment, raids, arrests, and detentions, with **alleged cases of torture** in custody. While gay men and trans women are the main targets of Article 534, queer women have also been targeted, and are additionally subject to harassment, rape, and other forms of sexual violence at the hands of non-state actors and family members.<sup>52</sup>

Our Lebanese country experts report that:

*The number of gay, bisexual men, and trans women detainees increased over the years. However, Helem was notified that the Morals Protection Bureau of the Internal Security Forces, the moral police station, has been avoiding using Article 534 in some of the records.<sup>53</sup> The investigators focused on questioning detainees about their potential engagement in sex work and/or promoting or sharing 'indecent' data, which in some cases were linked to porn data saved in search engine history. It is assumed that this new pattern is used post-advocacy work done by Helem and Legal Agenda to avoid accusations of human rights violations.<sup>54</sup>*

Laws are mixed and matched to [increase the likelihood of conviction](#). Other laws used include concern 'public indecency' and 'infringing public morality'. This is seen in the Penal Code:

- [Article 531](#) criminalises acts that go against 'public decency' and 'ethics'.
- [Article 532](#) criminalises acts that are 'hurting public morality'.
- [Article 533](#) criminalises 'things that disrupt diffidence'.

These 'offences' are punished with one month to one year in prison and a fine. Also criminalised is involvement in or the facilitation of sex work under Articles 523, 526, and 527 of the [Penal Code](#). [Human Rights Watch](#) reports: 'LGBT people are easy targets of these vague "morality laws", and security forces have used them to shut down LGBT rights conferences [and events].'

The Internal Security Forces, Lebanon's police force, have used Article 521 to arrest or harass [transgender women](#) due to the mismatch between their official documents and their gender identity and expression:

- [Article 521](#) criminalises ‘every man who masquerades as a woman to enter women’s spaces’ with up to six months in prison.

## Lebanon: cyber laws

Thus, while there are no distinct cybercrime laws or articles used to prosecute individuals in Lebanon, there are procedures and legal frameworks that are newly relevant to the acquisition and use of digital evidence, as well as the emergence and application of the authority vested in the new Cybercrimes Bureau.<sup>55</sup>

### Lebanon: A note from Genwa Samhat, researcher and SOGIE expert, and a contributor to this report

One would wonder how a very personal component becomes publicised as a threat. As I have indulged in the field of sexual and bodily rights in Lebanon for the past 12 years, I could witness the absurdity as one’s life can be completely affected by one incident, a picture, a text message, or even a personal search history. As much as this field is complex, one learns to observe and deconstruct layer by layer. It seems the most realistic approach towards any change.

Among these layers lay the digital world that holds within it unexpected threats and risks. As I recall the work I was a part of, I can put everything I learned in a few words: ‘Stay low profile, clear your data regularly, be careful with online and offline interactions, and finally human trust is irrelevant as some threats are intentional, most of the threats are manifested as an error.’

However, there is another complex layer: digital and non-digital interventions that help to protect oneself – this is what this research reflects and pushes for.

Beyond tools, interventions, and movements, living life in dignity is the ultimate compass that directs my thoughts and efforts. It is a human need deeply rooted to our existence, and every individual should – at least – hope for it.

## Morocco summary: legal, social, and political

Morocco is a constitutional monarchy. It has a [parliamentary system](#) under which ultimate authority rests with King Mohammed VI. Mohammed VI became King in 1999 and projected an image [suggesting progressive reform](#). However, after the Arab Spring and the perceived threat to power, the Moroccan authorities soon began [reversing any progressive reforms](#), although they continued to maintain the Kingdom's [image](#) as a champion of human rights. The attacks on dissent and on marginalised communities such as the LGBTQ community show a [different reality](#).

[Human Rights Watch](#) has documented the playbook to crush dissent: 'An ensemble of measures devised to subtly silence prominent critical journalists, dissidents, and human rights activists who either refused to soften their tone or go into exile.'

There has been a simmering [48-year-old conflict between Morocco](#) and the Polisario Front over the disputed territory of Western Sahara. The Moroccan government sees the Western Sahara as its Southern Province and does not recognise the Saharawi claims to self-determination as an independent territory, which has been under [de facto annexation by Morocco since the late 1970s](#). The [UN](#) deems the Western Sahara as on its list of 'Non-Self-Governing Territories since 1963', and the territory is widely considered to be unlawfully occupied by Morocco. **This report, however, only focuses on findings from Morocco. We did not have access to the LGBTQ community in the Western Sahara, showing an area of further work for us.**

[In September 2023](#), a devastating earthquake in Morocco killed more than 3,000 people, and some 1,000 villages were damaged. This natural disaster has put a halt on many human rights missions and reports on the LGBTQ community as humanitarian work continues.

Morocco has the largest number of LGBTQ organisations in the region, with more than 22 associations, collectives, and initiatives.<sup>56</sup> Most of the associations are not able to obtain legal status.<sup>57</sup> Nevertheless, persecution of the community continues. In 2017, 197 LGBTQ people were prosecuted for homosexuality, and in 2018, [170 individuals were prosecuted for the same reason](#). The level of convictions between 2015 and 2016 ranged



from [four months to one year](#) of imprisonment with fines of 500 Moroccan dirham (MAD or USD 50). The country-of-origin information report on Morocco from the Danish Immigration Service published in September 2019 [indicates](#) that the number of prosecutions of LGBTQ people in Morocco could be much higher than officially reported.

Research conducted by the association [Akaliyat](#) followed 400 LGBTQ people across Marrakech, Rabat, Agadir, and Tangier and found that non-conforming gender expressions are subjected to **higher rates of arrest and physical search without reason**. Thirty-four per cent of those surveyed were 'subjected to harassment by the authorities including insults, emotional blackmail, hate speech, and intimidation during the investigation'. One-third of the interviewed queer people reported that they had been subjected to physical violence and torture by a police officer. In 2022, [the state prosecuted 283 individuals](#) for same-sex sexual activity between January and October.

For example, in March 2016 an anti-gay group of youths attacked and brutalised two gay men by breaking into their home and recording a video that later appeared online. It showed the two men naked, one of them covered in blood and being beaten and dragged out of the house. Instead of investigating the crime and abuse against the two men, the [Justice Minister stated](#):

*The law punishes homosexuals and persons who assault others ... If it turns out that they are homosexuals, the justice system will punish them, and if it turns out that they were assaulted, the attackers will also be punished.*

This is a method called '**opportunistic prosecutions**' that we further outline [Part II](#).

On the 26th of the same month, the court in Beni Mellal sentenced one gay man to two months' imprisonment in accordance with Article 489 of the Moroccan Penal Code and obliged him to pay a fine of MAD 500 (USD 50).<sup>58</sup>

In the following years, many other arrests took place, and some gained national and international attention:

- [In 2017](#), two men were arrested and sentenced to six months in prison for ‘engaging in homosexual acts’. They were outed when a 90-second video of them circulated on WhatsApp.
- In 2018, a gay man went out to celebrate the New Year in a hotel in Marrakech. After a minor road accident, police dragged him out of his vehicle because of his non-conformist appearance. Police permitted people who were around to take videos and leaked his personal information and a photo of his ID card on [Facebook and YouTube](#). The social media platforms did not take any action to stop the spreading of the video or delete the video, which still exists on the platforms.<sup>59</sup>
- [In 2020](#), a young gay man in Sidi Kacem – a town in the Rabat-Sale-Kenitra region – was arrested on 10 April after he attempted to press defamation charges against an individual who outed him on Facebook.
- Notably, on [12 November 2022](#), Tangier’s judicial police arrested an adult and three minors after a widely circulated video showed them beating a transgender woman.

Campaigns against and **‘hunt and defamation of queer people through spreading videos on social media’** are reported to be common in Morocco, our research briefing says<sup>60</sup> – so much so that political representatives have [added them to hate speech](#). In 2020, a campaign of outing emerged at the height of the Covid-19 pandemic in April, especially of gay men, by an online Instagram influencer called Sofia Taloni. The [influencer](#) gave instructions on how queer dating apps can be used to find queer people in the vicinity and out them.<sup>61</sup> People then created fake accounts and circulated photos of at least 100 gay men who were using those applications on social media, captioning the photos with insults and threats against them based on their perceived sexual orientation.<sup>62</sup> This organised outing had an impact on the whole LGBTQ community in Morocco, who were particularly vulnerable to social repercussions during lockdown. Many gay, bi, and trans men were kicked out of their homes, others were blackmailed and threatened, and thousands feared that their photos would be spread on social media.<sup>63</sup>

The wave of massive LGBTQ outings in Morocco touched all socio-economic and cultural categories of society (sex workers, students, workers).<sup>64</sup> One of the victims was a young actor (name redacted). The controversial influencer Taloni targeted and insulted him during an Instagram live.<sup>65</sup> He tried to file a complaint for defamation, discrimination, and death threats, but the police officer told him: 'If you were my son, I would burn you alive', and accused him of non-compliance with confinement and contempt of public officials.<sup>66</sup> Police held him in custody for 48 hours. The actor received a suspended sentence of four months with a fine of MAD 1,000 (USD 100).<sup>67</sup>

Similarly, in June 2022, an anti-LGBTQ campaign known as [Fetrah](#) (Arabic for 'instinct') went viral on Facebook and Twitter around the region, including in Morocco. The campaign seemed to copy similar [campaigns in the US](#). [Human Rights Watch reported](#) that it 'encouraged social media users to post a pink and blue flag [a subversion of the trans pride flag], symbols of normative gender identity, to demonstrate support for the campaign'. Human Rights Watch went further to report: 'While Meta, the parent company for Facebook and Instagram, suspended the campaign's page shortly after its inception, it remained active on Twitter with over 75,000 followers until it was eventually suspended in December 2022.'

These methods of arrests, government monitoring, opportunistic prosecutions, the targeting of the community, and the safety demands of the community from technology platforms are further documented in [Part II](#).

### Morocco: legal context

The [Moroccan Penal Code](#) has numerous provisions that directly and indirectly criminalise the LGBTQ community.

- [Article 483](#) stipulates that whoever commits a public 'breach of modesty', by deliberate nudity or 'indecent' in signs or actions, shall be punished with imprisonment from one month to two years and a fine of MAD 200 to 500 (USD 20–50).

- [Article 489](#) criminalises ‘lewd or unnatural acts’ between individuals of the same sex with a penalty ranging from six months to three years and a fine ranging from MAD 120 to 1,200 (USD 12–120).
- [Article 490](#) punishes with imprisonment from one month to one year all persons of different sex who, being ununited by marriage ties, have sexual relations with each other.

Article 489, according to our research, gives the power of judgment to the authorities to arrest and/or check a person depending on their appearances or the situation.<sup>68</sup> This translates to harassment in the streets and online for those who are perceived as LGBTQ and is socially encouraged and supported by Articles 483, 489, and 490.

### Morocco: cyber laws

There are no laws specifically targeting LGBTQ people in the cybercrime code. However, all offences under Articles 483, 489, and 490 are punished with the same severity whether identified online or offline, including, for example, through device inspections or reports to the authorities of online acts.<sup>69</sup> Queer people are an easy target for those wishing to maintain an image of the ‘moral protector’ of social and family values and tradition. A [recent draft law](#), Law No. 22.20, could penalise social media users and is feared to hold the risk of muzzling online expressions against the state and state policies under its Article 16. Many communities, including the LGBTQ community, would be impacted. This law had not been ratified at the time of publishing this report.

### **Morocco: A note from Youba Darif, founder of Roots Lab Africa, and a contributor to this report**

Many people consider Morocco to be a very safe country for LGBTQ people (probably due to the fact that the country is a popular tourist destination). There is some truth in this belief because Morocco remains relatively less dangerous than other countries in the region. However, the work in this project demonstrated a lot of the trauma and attacks that LGBTQ people experience. The LGBTQ community in Morocco still bears the terrible consequences of the hate campaign against them during Covid-19, which resulted in the suicide of several queer people who had been outed.

We hope that applications and networks will realise through this project how important their role is in the safety of queers who use their platform and listen to us.

## Sudan summary: legal, social, and political

Our local researchers in Sudan state:

*To radically comprehend Sudan's socio-political fabric, one must challenge the dominant heteronormative paradigm. The stories and struggles of the LGBTQ community are not mere footnotes; they are integral threads in the tapestry of Sudanese history.*<sup>70</sup>

Recent Sudanese history has been a vicious cycle of colonisation and military coups followed by brief democratic ruling periods, which are then typically followed by the army's seizure of power again. In general, unstable political conditions in Sudan and periods of tyrannical rule characterised by human rights violations, and the spread of poverty and disease, have effectively contributed to the reduction of rights and prioritisation of LGBTQ people.<sup>71</sup>

Sudan gained its independence from [British–Egyptian colonisation in 1956](#). Its history has since continued to be turbulent and, as with many countries in the region, its LGBTQ criminalisation was influenced by the [British colonial legacy](#). Under the dominion of Omar al-Bashir's Islamo-military rule, initiated in 1989, LGBTQ individuals **became prime targets of suppressive laws**, ushering in a dominant narrative of heteronormativity. The Sudanese Penal Code of 1991 also adapted the [colonial penal code and maintained its methods](#) and terms of codifying the criminalisation of queerness.

As a result, under the aegis of Article 148 of the 1991 Penal Code, **acts deemed as 'homosexual' were penalised**, with consequences spanning from **incarceration to the death penalty**. In 1991, the Sudanese government imposed a new penal code and [retained elements criminalising LGBTQ communities](#).

These laws carried over from periods of transitioning movements and protests. Importantly, at the end of 2018, sporadic protests began in some Sudanese cities against the removal of needed subsidies and bread price controls. This movement became a revolution that led to the [regime's overthrow in 2019](#). The ousting of Sudan's long-time ruler Omar al-Bashir was arguably the [most significant event in Africa in 2019](#).

In 2019, the queer movement began to organise itself under the umbrella of the Sudan SOGIE Coalition, which deals with issues of sexual orientation, identity, and gender expression, as the climate of general openness contributed to pushing forward the agenda and discourses of [national, regional, and international advocacy](#). The efforts of the queer movement in Sudan can also be traced back to 2006.<sup>72</sup> The role of the LGBTQ movement in the revolution is often understated. As our research briefing states: ‘The neglect of the LGBTQ community’s experiences in political transformations, like those in Sudan, epitomises the broader structural erasures in historical documentation.’<sup>73</sup>

Throughout the years there has been some documentation, albeit limited, of cases of arrests and abuse of those accused of being part of, or writing about, the LGBTQ community.<sup>74</sup> This area requires further research, and, in some part, this report adds to the documentation.

The post-revolution phase was not without its challenges. The ensuing political strife, economic setbacks, and societal divisions cast a shadow over LGBTQ activists’ aspirations. Nevertheless, in this phase, Sudan witnessed monumental legislative shifts, [including significant amendments to Article 148](#) in 2020, removing the possibility of capital and corporal punishment.

Sudan soon descended into crisis after the military dissolved the country’s power-sharing government and declared a state of emergency [after a coup on 25 October 2021](#). The abrupt military coup marked a stark regression for Sudan’s LGBTQ community, which had recently begun experiencing a tentative ascent in advocacy and recognition.<sup>75</sup> In its attempts to suppress opposition, the military junta enforced infrastructural blockades to mobility within the city and, devastatingly, [instigated an internet blackout](#). While these actions impacted the general populace, the LGBTQ community confronted a compounded set of challenges: battling entrenched societal prejudices while navigating [intensified state-sanctioned aggression](#).

In 2023, there was another violent shift in Sudan that the population is still living through today. War erupted on 15 April 2023 between rival factions of the military government of Sudan, the Sudanese Armed Forces, and the paramilitary RSF. As of July 2024, this [has resulted in more than 14,000 people killed](#), and a total of [9.1 million people displaced](#), of



whom 2 million have fled the country. It is currently a colossal [humanitarian disaster](#). Compounding these struggles is the economic divide in Sudan. With the cost of escape often [exceeding USD 1,000 per person](#), the prospect of safety becomes a privilege available to few. Members of the LGBTQ community, which is among the hardest hit, have found themselves at the intersections of societal prejudice and the turmoil of displacement, facing compounded risks due to their identity.<sup>76</sup> Within this context, many queer and trans individuals find themselves **trapped in hostile and violent domestic environments** internally, or face **multiple harms and discrimination as refugees**, as well as being **targets of the militias** (more on this in [Part II](#)). Amidst this backdrop, one of the RSF's darkest legacies is its systematic use of violence, especially [rape, as a weapon of war](#).

Forced displacement inside the country – and/or migration to neighbouring countries – has included many Sudanese LGBTQ activists and various organisations' staff, which has affected the ability of said organisations to provide humanitarian aid and technical assistance. This situation has led to a noticeable deterioration in the safety and security of Sudanese LGBTQ community members.<sup>77</sup>

These impacts, as well as methods of arrest, government and militia monitoring targeting of the community, and the safety demands of the community from technology platforms, are further documented in [Part II](#).

### Sudan: legal context

The legal situation in Sudan around LGBTQ criminalisation has undergone a number of changes and amendments. Though the law does not directly criminalise the community, it **uses indirect laws to criminalise LGBTQ identities**. Despite the legislative reforms that were enacted on 13 July 2020, according to Article 148 of the [Criminal Act \(Penal Code\) of 1991](#), **same-sex relations are still illegal**.

#### [Article 148:](#)

*Sodomy*

*(1) Any man who inserts his penis or its equivalent into a woman's or a man's anus or permitted another man to insert his penis or its equivalent in his anus is said to have committed Sodomy.*

*(2) (a) Whoever commits Sodomy shall be punished with flogging one hundred lashes, and he shall also be liable to five years' imprisonment.*

*(b) If the offender is convicted for the second time, he shall be punished with flogging one hundred lashes and imprisonment for a term that may not exceed five years.*

*(c) If the offender is convicted for the third time, he shall be punished with death or life imprisonment.*

Other common articles in Sudanese law implemented against the LGBTQ community include [Articles 151, 152, 153, and 156](#), also known as Law on the Public Order.

- Article 151 'Gross Indecency' [criminalises](#) any sexual act in public and private spaces, has been broadly interpreted against those accused of adultery, and is known as an article that would be used against those accused of LGBTQ acts.<sup>78</sup>
- Article 152 'Indecent and Immoral Acts' criminalises 'indecent' dressing and, consequently, the [article is used](#) to persecute non-binary and trans identities and is an obstacle to freedom of expression for the LGBTQ community.
- Article 153 'Materials and expositions contrary to public morality' criminalises any possessing of materials contrary to 'public morals'. The article has been used against gay men and trans women possessing what the Sudanese society considers 'feminine materials'<sup>79</sup> and is over-broad in definition and application.
- Article 156 'Seduction' criminalises sex work, 'public immorality', and sodomy acts and, as a consequence, many LGBTQ people are persecuted.<sup>80</sup>

In July 2020, Sudan's Sovereign Council [passed into law several long-awaited amendments](#). This legal reform, which amends [15 provisions of the Penal Code of 1991](#), has [prohibited the implementation of the death penalty and flogging](#) for some crimes,

including those related to same-sex activities, as well as banning infliction of torture. It was widely welcomed locally and internationally by human rights organisations. As our research briefing for Sudan states:

*Although the amendment of laws that contributed to the abolition of the death penalty is [an] important step for the human rights of LGBTQ people, it is important to mention that the Sudanese judicial system still suffers from a large gap that allows judges biased by culture and society to allocate punishments arbitrarily, these penalties include corporal punishment such as 'flogging'.<sup>81</sup>*

### Sudan: cyber laws

Throughout the years, the government has used a watchdog body to monitor internet communications. The National Intelligence and Security Services was disbanded after the revolution of 2019, but this government [intelligence arm continued under the General Intelligence Service](#). [This agency](#) reads email messages between private citizens and has obtained various surveillance technologies to spy on the political opposition, journalists, human rights activists, and different youth groups. [Recent reports](#) also point to the acquisition of spyware technology by the RSF.

The state has [blocked websites and apps](#) in its [mission](#) to fight for power under the justification of 'national security' and the 'state of emergency', with Sudan facing mass and large-scale internet [shutdowns](#). The authorities have used the 2018 Telecommunications and Postal Regulation Act and the 1997 law on Emergency and Protection of Public Safety, among others, to block [digital communications](#). The longest [shutdown](#) was reported in December 2018, lasting up to 68 days, followed by another in June 2019 which lasted 37 days, and one in October 2021 which lasted 25 days.

Furthermore, the [National Security Law 2020](#) gives **state authorities sweeping powers to intercept, search, and seize communications for purposes of national security**. Military forces that staged the October 2021 coup appeared to use the [2020 law to conduct device searches](#). These searches were on top of reports of widespread [surveillance by authorities](#).

On 10 June 2018, the Sudan National Assembly passed the Law on Combating Cybercrimes of 2018, referred to as the [Cybercrimes Law](#), just days before the government approved a bill amending the Media and Publications Law. These use 'morality'-framed provisions that affect the expression of LGBTQ communities online.

Until recently, it was impossible to access any ICT or programs on the internet in [Sudan because of sanctions](#) originally issued by the [US in 1997](#). This political and economic blockade impacted the ability of LGBTQ people in Sudan to access information on the internet or use technology to communicate securely.<sup>82</sup> Sudan suffered an extended period of economic isolation following several sanctions by the US, EU, UK, and UN, [mostly due to the conflict in Darfur](#). Sanctions were gradually lifted, the latest being the [removal](#) of the country from the US terrorism watchlist in 2020. Despite this, many app stores and communications and dating platforms have been slow to fully recommence operations in Sudan, adding to the isolation and internet blocks faced by the community.

### **Sudan: A note from Sam Adam, a contributor to this report**

To the queer community in Sudan: your struggle is a beacon of hope and a testament to the indomitable human spirit. This research is dedicated to your courage, your stories, and your dreams. Together, we forge ahead, unwavering in our commitment to dismantle the edifice of repression. Your fight is the harbinger of change, a promise of a future where freedom is not just an aspiration but a reality for all.

In working on this project, I find myself ensnared by a tumult of emotions, fuelled by the adrenaline rush of the transformative 2019 revolution, which carved out new spaces and hard-won freedoms long sought by queer communities. Yet, this progress is shadowed by the devastating war of 2023, which shattered the hopes and aspirations of these individuals. The political turmoil in Sudan has further marginalised already vulnerable groups, intensifying their isolation. The war cannot be viewed as an isolated occurrence, detached from the historical and cultural disdain for queer identities in Sudan. Instead, these events serve as stark reminders that queer individuals are integral to the societal weave, subjected to the same tribulations as the society at large.

Queer communities have historically demonstrated resilience and resistance, forging safe havens both in digital realms and in physical spaces. However, they face unabated opposition and dangers. These reports serve as a bedrock for devising strategies geared towards advocacy, support, and empowerment specifically tailored for the queer community in the MENA region, embodying the spirit of transnational solidarity and collaboration. By casting a spotlight on the resilience and ingenuity of queer individuals in confronting challenges across both digital and physical spaces, this research emphasises the critical need for unified action.

## Tunisia summary: legal, social, and political

Although the queer movement in Tunisia is frequently framed as beginning during the revolution of 2011, the Tunisian LGBTQ community has been actively organising since 2008. In fact, the seeds of advocacy were rising in Tunisia with the first LGBTQ organisation, [DAMJ, which started in 2002](#). Prior to the revolution, [arrests and prosecution of queer people occurred](#), and a wave of arrests of LGBTQ Tunisians in 2008 served to motivate the community to organise. Following the 2011 Tunisian revolution, formalisation of LGBTQ organisations has helped increase stability within the local queer community.<sup>83</sup> By 2015, four organisations working explicitly on LGBTQ rights in Tunisia were operational, such as [Mawjoudin](#), which started operations in 2015. As the movement grew in Tunisia, it acquired more visibility and became more established in legal, social, and political settings. Efforts to minimise the impact of [Article 230 of the Penal Code](#), which criminalises LGBTQ people, also gained momentum at the time.<sup>84</sup>

In 2011, post-revolution Tunisia had become known for having one of the most robust and diverse civil society sectors in the MENA region; the country's new Constitution was ratified in 2014 and it has been widely hailed as the most progressive in the Arab world.<sup>85</sup> The Constitution provided new opportunities for organisations promoting the rights of LGBTQ people to be registered, and thus officially recognised them as service providers for the LGBTQ community. However, progress has been slow regarding the elimination of laws prosecuting queer people. Further delays in establishing the Constitution Court led to continued use of archaic laws to limit personal sexual freedoms. In 2017, former President Beji Caid Essebsi created the Individual Freedoms and Equality Committee (COLIBE) to look into [different violations of equality and individual liberties](#) in Tunisian governmental systems.

Right after the revolution, there was a rise of a few, albeit small, political parties that started advocating LGBTQ rights. They only started [sharing statements about the importance of decriminalising homosexuality](#) and the abolition of anal testing in 2015, after the famous case of '[Marwen](#)'. In September 2015, Marwen, a 22-year-old student, was summoned by police in [Hammam Sousse as a witness in a murder investigation](#). He was summoned after his phone number was discovered on the mobile phone of a man who had been murdered the week before. In the interrogation, Marwen confessed to

engaging in sexual relations with the man who had been murdered. [Outright International reports](#) that this happened because ‘the police threatened to bring a murder charge against him’. They further outlined that ‘he was required to undergo a forced anal examination conducted by a forensic medical doctor at the Sahloul Hospital in Sousse’. The prosecutor of the Sousse First Instance Tribunal then charged Marwen with ‘homosexual acts’ under Article 230 of the Penal Code. This is a case of [opportunistic prosecutions](#) common in Tunisia. It led to [national outrage](#), with Marwen being the ‘first human face to the statistics’ of Article 230 of the Penal Code which is used to directly criminalise the LGBTQI community.<sup>86</sup> This method is discussed further in [Part II](#).

In the same year, the [case of the ‘Kairouan Six’ took place](#). Six university students were meeting in a private residence and reports by neighbours led to a [raid and arrests based on their appearances](#). Not only did the six students receive the highest prison term possible with three-year sentences, but they were banished from their city of Kairouan.

Since these cases, there have been powerful and continued organising movements by the human rights and LGBTQ communities in Tunisia. Organisations have successfully coordinated campaigns to counter hatred against LGBTQ persons, while also holding rallies and events to support personal rights of freedom of expression. This includes, for example, [LGBTQ art exhibitions, festivals](#), and activities to mark the [International Day Against Homophobia and Transphobia](#). LGBTQ organisations have also led [boycotts of businesses and venues](#), including cafes, bars, and restaurants, that have openly discriminated against LGBTQ people, while also encouraging other venues to openly welcome LGBTQ customers.

While the high-profile case of the Kairouan Six and Marwen improved media coverage of how members of the LGBTQ community were treated by law enforcement in Tunisia, [from 2015 on, the number of assaults](#) against LGBTQ persons by law enforcement has increased. Efforts to improve the socio-cultural, legal, and political status of the LGBTQ community in Tunisia have been met with resistance from law enforcement and the state in general. There has been a more intensified backlash and moves back towards authoritarianism in recent years.



[In October 2019](#), Kais Saied was sworn in as President under the banner of fighting corruption. By September 2021, in a move to maintain and consolidate power, President Saied suspended most of the 2014 Constitution and granted himself almost [unlimited power to rule by decree](#). He introduced a series of regressive reforms and undermined the judiciary.

Major protests, which began in many regions on 15 January 2021, were sparked by declining economic conditions that were exacerbated by the pandemic. They were also fuelled by the use of [excessive force by police](#) that led to many arrests, at least one man's death, and numerous injuries. The authorities' response included targeting LGBTQ activists and protesters. [Human Rights Watch documented arrests](#) of LGBTQ activists under a number of over-broad charges. Police officers filmed many of the queer individuals at protests, and their photos and IDs were publicly shared on police syndicates' social media accounts.<sup>87</sup> This move put the lives of protesters at risk, especially trans individuals who were outed using their dead names while also revealing their locations and families.<sup>88</sup> In addition, many queer activists were beaten and arrested and some were even unlawfully detained for as long as 14 days.<sup>89</sup>

President Saied later [dissolved parliament](#) completely in March 2022 after parliamentarians tried to meet online to protest his exceptional measures. He has since taken further regressive measures against freedom of expression and general rights at an exponential rate, including pushing and triggering a wide-scale [wave of anti-Black and xenophobic tirades in the country](#). He also moved to grant himself almost [unchecked powers without protections for human rights](#) since his power grab in 2021. Mawjoudin states that 'Since then, the political situation in Tunisia has become extremely unstable and worrying as the future of the republic is unknown ... this automatically sets an even more hostile atmosphere for civil society organisations working on human rights, and those working on LGBTQI issues specifically.'<sup>90</sup>

By February 2023, a crackdown on the LGBTQ community started with raids on the houses of three trans women, which led to the sentencing of one of the women to six months in prison for violating Article 230. She was [harassed, intimidated, and denied access to an attorney](#), and her hair was forcibly shaved off in prison. There was also an intense clampdown on the LGBTQ organisation DAMJ in a [defamation, disinformation, and doxing campaign](#).

In October 2023, a number of deputies proposed a bill to heavily curtail [freedom associations and, effectively, the NGOs](#) of the past few years. Numerous methods to reduce or shut down Shams' (one of the larger LGBTQ organisations in Tunisia) activities have occurred, including legal [challenges and lawsuits and even a clampdown on their radio station](#).

These impacts, as well as methods of arrest, government monitoring, the targeting of the community, and the safety demands of the community from technology platforms, are further documented in [Part II](#).

### Tunisia: legal context

In Tunisia, the principal laws used against LGBTQ people are drawn from the [Penal Code \(1913\)](#). The most prominent is Article 230, which **criminalises sodomy and homosexuality**. Other key criminal provisions include those related to sex work and public indecency.

- [Article 230](#): 'Homosexuality (between men or women) if not covered by previous articles is punishable by 3 years of imprisonment' – Tunisia Penal Code (Arabic version).

Importantly, Article 230 has two versions, both French and Arabic. [The authoritative Arabic version explicitly calls out sex between women and sex between men](#). It replaces 'sodomy' with *liwat* (masculine homosexuality) and *el mousahaka* (female homosexuality). Both *liwat* and *el mousahaka* constitute criminal offences [punishable by up to three years in prison](#). The result of this change is [particularly significant](#) because the Arabic version is used as the authoritative text, and so the offending perceived criminal act is homosexuality rather than penetration.

LGBTQ people are not arrested under Article 230 but rather may be charged with it later, after evidence is gathered. Initial arrests are made based on justification provided by other laws, and charges [strengthened by application of Article 230](#).

For most people who have been arrested and charged with Article 230, this is mostly due to **profiling of their gender expression**, especially gay men and trans women. Two common charges for the initial arrest are 'public indecency' (Article 226) and 'violation of public morality' (Article 226 bis).<sup>91</sup> These laws are [vague as their terms have been left](#)

[undefined by legislators](#). While the highest penalties are imposed on LGBTQ sex workers, laws criminalising sex work are frequently employed against LGBTQ people, [even when no money changes hands](#).

- Article 226: ‘The arrest of up to 6 months and 48 dinars [USD 15] for anyone who is recognized guilty of public indecency.’
- Article 226 bis: ‘Anyone who will exhibit a violation of morality publicly or public decency through gesture, word or intentionally bother someone in a way that violates decency will be punished by 6 months of imprisonment and 1,000 dinars [USD 322] penalty.  
‘The same penalties applied in the preceding paragraph are liable to anyone who attracts attention publicly for any occasion to commit debauchery, through writing, recording, audio or visual, electronic or optical.’

Police employ [digital evidence to stack an Article 230](#) charge on top of one or more of these other charges. The first paragraph of Article 226 could be used as a repressive legal tool against the expressions of LGBTQ people on social media and chat platforms such as Facebook, Tinder, and Grindr, and even in private discussion between adults under the crime of ‘debauchery’.<sup>92</sup>

## Tunisia: cyber laws

In Tunisia, the use of the Telecommunications Code against LGBTQ people is feared. Of note is Article 86 of the Telecommunications Code, which [stipulates that](#):

*Anyone who intends to offend or disturb others using telecommunications networks shall be sentenced to imprisonment for a period between one year and two years, and a fine from one hundred and up to one thousand dinars [USD 32–322].*

The law could be widened in scope since the Telecommunications Code can be used to grant increased legal authority in searches of digital devices – which includes post-arrest, during interrogations, and while devices are being searched. Further concerns arise with the introduction of the new Cybercrimes Decree Law. In September 2022, [Tunisia passed its Decree Law No. 54](#) on ‘combating offences relating to information and communication

systems’. The [Electronic Frontier Foundation explains](#) that the ‘Wide-ranging decree has been used to stifle opposition free speech, and mandates a five-year prison sentence and a fine for the dissemination of “false news” or information that harms “public security”.’ Since it was enacted, authorities in Tunisia have [prosecuted media outlets and individuals](#) for their [opposition to government policies or officials](#).

Extending the applications of Articles 230 of the Penal Code with 86 of the Telecommunications Code and the Cybercrimes Law would likely result in corresponding **increases on the reliance of digital evidence in prosecutions**, and prosecutions based on online expressions, including those of the LGBTQ community. It would likely also lead to [increasing resources allocation to technological evidence](#). Additionally, there have been instances in which extensions of the [Communications Law have been applied to suppress the rights of LGBTQ persons](#).

**Tunisia: A note from Ali Bousselmi, Co-founder and Executive Director of Mawjoudin (We Exist), and a contributor to this report**

The queer community suffers in several countries in the world, between death sentences, arrests, and fines – and they are all sentences by the state. We find violence and societal discrimination which pushes a good number of our community members into delinquency and even suicide. With technological progress in the world, we are now talking about online discrimination, criminalisation, and violence which are destroying the lives of many queer people, especially in countries where we cannot even file a complaint because we do not have the right to exist!

Fortunately, there are humanitarian and human rights organisations that support us in protecting ourselves from these threats, whether physically or online. This won’t be possible, however, without the changes and collaboration by companies that own applications and social networks, which are being used to connect us but also harm us like Meta, TikTok, Tinder, Grindr, Growlr, Hornet, Bumble, Snapchat, etc.

To end on a hopeful note, there are LGBTQ and allied organisations that help the queer community and let us believe that a better world is possible and can exist.

## Endnotes

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<sup>1</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researchers Azza Nubi and Sam Adam on political, social, and legal issues of Sudan.

<sup>2</sup> Rigot, A. and ARTICLE 19 (2022) [Digital Crime Scenes: The Role of Digital Evidence in the Persecution of LGBTQ People in Egypt, Lebanon, and Tunisia](#); Electronic Frontiers Foundation (2023), [The Growing Threat of Cybercrime Law Abuse: LGBTQ+ Rights in MENA and the UN Cybercrime Draft Convention](#), 29 September.

<sup>3</sup> Noralla, N. (2023) [Digital Persecution: Surveillance in Queer Digital Spaces](#), TIMEP, 25 August.

<sup>4</sup> The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has argued that, like restrictions on the right to freedom of expression under Article 19, restrictions of the right to privacy under Article 17 of the International Covenant on Civil and Political Rights (ICCPR) should be interpreted as subject to the three-part test. See Martin Scheinin, *Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism*, [A/HRC/10/3](#), UN Human Rights Council, 4 February 2009 (accessed 21 May 2024). Also outlined in ARTICLE 19's (2021) [Watching the watchmen: Content moderation, governance, and freedom of expression](#).

<sup>5</sup> [ARTICLE 19's submission to the Global Digital Compact's Open Consultation](#). See also Rigot, A. (2022) [Design From the Margins: Centering the most marginalized and impacted in design processes – from ideation to production](#).

<sup>6</sup> Design From the Margins is a justice and human rights-centred methodology for how to design technologies. By understanding who is most impacted by social, political, and legal frameworks, we can also understand who would be most likely to be a victim of the weaponisation of certain technologies. By centring those most impacted, and building from their essential needs, safe and justice-oriented products are created. Using this metric based on the protection of those most marginalised we can create better technology for all. Available at: [Rigot, A. \(2021–22\) Fellow, Technology and Public Purpose Project](#) and text outlined in [ARTICLE 19's submission to the Global Digital Compact's Open Consultation](#).

<sup>7</sup> ARTICLE 19 (2022) [Algeria: Authorities must protect freedom of expression and a free press](#), 13 December; Human Rights Watch (2023) [HRW Contribution for the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association's Country Visit to Algeria](#), 16 September.

<sup>8</sup> From the research briefing provided to ARTICLE 19 in 2022 by our local research team in Algeria on political, social, and legal issues of Algeria.

<sup>9</sup> From the research briefing provided to ARTICLE 19 in 2022 by our local research team in Algeria on political, social, and legal issues of Algeria. Also, several documents published by the Algerian LGBTQI+ organisation TransHomosDz (which is currently offline for the group's safety) highlight such abuses in universities, in companies, in family homes, and even in prisons.

<sup>10</sup> From the research briefing provided to ARTICLE 19 in 2022 by our local research team in Algeria on political, social, and legal issues of Algeria.

<sup>11</sup> From the research briefing provided 2022 by our local research team in Algeria on political, social, and legal issues of Algeria.

<sup>12</sup> As outlined by one of the legal defence lawyers in Algeria in the research briefing provided to ARTICLE 19 in 2022 by our local research team in Algeria on political, social, and legal issue of Algeria.

<sup>13</sup> Full text translated as 'Anyone who creates, possesses, imports or has others import all types of printed matter, writings, drawings, posters, engravings, paintings, photographs, negatives, matrices [untranslated], and copies, all objects conflicting with decency, with the aim of selling, distributing, renting, displaying or exhibiting, exposing or attempting to expose to the public's eye, selling or attempting to sell, distributing or attempting to distribute, will be punished to two months to two years imprisonment and a fine of 500–2,000 dinars.'

<sup>14</sup> As outlined by one of the legal defence lawyers in Algeria in the research briefing provided to ARTICLE 19 in 2022 by our local research team in Algeria on political, social, and legal issue of Algeria.

<sup>15</sup> Algeria, [The Free Internet Project](#); US Department of State, [2022 Country Reports on Human Rights Practices: Algeria](#).

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<sup>16</sup> Egyptian Initiative for Personal Rights (2017) [The Trap: Punishing Sexual Difference in Egypt](#); Rigot, A. (2018) [Apps and traps: dating apps must do more to protect LGBTQ communities in Middle East and North Africa](#), ARTICLE 19, 22 February.

<sup>17</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team Bedayaa on political, social, and legal issues of Egypt.

<sup>18</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team Bedayaa on political, social, and legal issues of Egypt.

<sup>19</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team Bedayaa on political, social, and legal issues of Egypt.

<sup>20</sup> There is some insight into the limits of discretion on the notion of 'habituality' based on prominent definitions of these offences as laid out throughout different judgments of the Egyptian Court of Cassation. See Egyptian Initiative For Personal Rights, [The Trap](#).

<sup>21</sup> Egyptian Initiative For Personal Rights, [The Trap](#); Rigot, [Apps and traps](#).

<sup>22</sup> Rigot, A. (2020) [Egypt's Dangerous New Strategy for Criminalizing Queerness](#), SLATE, 30 December; Rigot and ARTICLE 19, [Digital Crime Scenes](#).

<sup>23</sup> From the research briefing provided between 2022 and 2023 to ARTICLE 19 by Iran expert Khosro Isfahani on political, social, and legal issues of Iran.

<sup>24</sup> From the research briefing provided between 2022 and 2023 to ARTICLE 19 by Iran expert Khosro Isfahani on political, social, and legal issues of Iran.

<sup>25</sup> From the research briefing provided between 2022 and 2023 to ARTICLE 19 by Iran expert Khosro Isfahani on political, social, and legal issues of Iran.

<sup>26</sup> From the research briefing provided between 2022 and 2023 to ARTICLE 19 by Iran expert Khosro Isfahani on political, social, and legal issues of Iran.

<sup>27</sup> From the research briefing provided between 2022 and 2023 to ARTICLE 19 by Iran expert Khosro Isfahani on political, social, and legal issues of Iran.

<sup>28</sup> From the research briefing provided between 2022 and 2023 to ARTICLE 19 by Iran expert Khosro Isfahani on political, social, and legal issues of Iran.



<sup>29</sup> From the research briefing provided between 2022 and 2023 to ARTICLE 19 by Iran expert Khosro Isfahani on political, social, and legal issues of Iran.

<sup>30</sup> From the research briefing provided between 2022 and 2023 to ARTICLE 19 by Iran expert Khosro Isfahani on political, social, and legal issues of Iran.

<sup>31</sup> This is something ARTICLE 19 is monitoring and investigating at the writing of this report.

<sup>32</sup> From the research briefing provided between 2022 and 2023 to ARTICLE 19 by Iran expert Khosro Isfahani on political, social, and legal issues of Iran.

<sup>33</sup> From the research briefing provided between 2022 and 2023 to ARTICLE 19 by Iran expert Khosro Isfahani on political, social, and legal issues of Iran.

<sup>34</sup> ARTICLE 19 and Access Now (2019) [Joint submission to the Universal Periodic Review of the Islamic Republic of Iran by ARTICLE 19 and Access Now.](#)

<sup>35</sup> From the research briefing provided between 2022 and 2023 to ARTICLE 19 by Iran expert Khosro Isfahani on political, social, and legal issues of Iran. We also have examples that the state authorities claim that they identified and arrested members of a 'network promoting obscenity and immorality'; see Gerdab (2019) [Elements active in promoting indecency and immorality in the country were identified and arrested](#), 24 September.

<sup>36</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team in Jordan on political, social, and legal issues of Jordan.

<sup>37</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team in Jordan on political, social, and legal issues of Jordan.

<sup>38</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team in Jordan on political, social, and legal issues of Jordan.

<sup>39</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team in Jordan on political, social, and legal issues of Jordan.

<sup>40</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team in Jordan on political, social, and legal issues of Jordan.

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<sup>41</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team in Jordan on political, social, and legal issues of Jordan.

<sup>42</sup> *Roya News* (2021) [Authorities arrest 14 individuals for throwing 'homosexual party' in Shouneh](#), 7 April.

<sup>43</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team in Jordan on political, social, and legal issues of Jordan.

<sup>44</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team in Jordan on political, social, and legal issues of Jordan.

<sup>45</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team in Jordan on political, social, and legal issues of Jordan.

<sup>46</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team in Jordan on political, social, and legal issues of Jordan.

<sup>47</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local research team in Jordan on political, social, and legal issues of Jordan.

<sup>48</sup> For more information, see Jordan Open Source Association (2023) [Full Text in English of the Cybercrime Law of 2023](#).

<sup>49</sup> Culzac, N. (2014) [Egypt's police 'using social media and apps like Grindr to trap gay people'](#), *The Independent*, 17 September; Folsom, J. (2014) [Lebanese Police Use WhatsApp to Target Gay Men](#), Towleroad, 27 August. These reports are also backed by user testimonies from this ARTICLE 19 research led by the author of this report.

<sup>50</sup> Mount Lebanon Criminal Court, decision number 665/2006, dated 16 November 2006 published in Cassandre, electronic database; Beirut Criminal Court, decision number 45/2010, dated 2 February 2010 published in Cassandre, electronic database; Criminal Cassation Court, decision number 62/2011, dated 27 January 2011, published in Cassandre, electronic database.

<sup>51</sup> Saghieh, N. and Al Farchichi, W. (2010) [Homosexual Relations in the Penal Codes: General Study Regarding the Laws in the Arab Countries with a Report on Lebanon and Tunisia](#), Helem.

<sup>52</sup> See e.g. Arab Foundation for Freedoms and Equality, [The LGBT Community in Lebanon: Cases of Human Rights Violations](#); or ARTICLE 19, [Apps, Arrests and Abuse in Egypt, Lebanon and Iran](#).

<sup>53</sup> From research briefing provided to ARTICLE 19 between 2021 and 2023 by Helem, Genwa Samhat, and legal experts in Lebanon on political, social, and legal issues of Lebanon.

<sup>54</sup> From research briefing provided to ARTICLE 19 between 2021 and 2023 by Helem, Genwa Samhat, and legal experts in Lebanon on political, social, and legal issues of Lebanon.

<sup>55</sup> For more details and a breakdown, see Rigot and ARTICLE 19, [Digital Crime Scenes](#).

<sup>56</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researcher Youba Darif on political, social, and legal issues of Morocco.

<sup>57</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researcher Youba Darif on political, social, and legal issues of Morocco.

<sup>58</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researcher Youba Darif on political, social, and legal issues of Morocco.

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<sup>61</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researcher Youba Darif on political, social, and legal issues of Morocco.

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<sup>68</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researcher Youba Darif on political, social, and legal issues of Morocco.

<sup>69</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researcher Youba Darif on political, social, and legal issues of Morocco.

<sup>70</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researchers Azza Nubi and Sam Adam on political, social, and legal issues of Sudan.

<sup>71</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researchers Azza Nubi and Sam Adam on political, social, and legal issues of Sudan.

<sup>72</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researchers Azza Nubi and Sam Adam on political, social, and legal issues of Sudan.

<sup>73</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researchers Azza Nubi and Sam Adam on political, social, and legal issues of Sudan.

<sup>74</sup> Human Dignity Trust, [Sudan](#). Sudan criminalises same-sex sexual activity between men and between women. Sentences include a maximum penalty of life imprisonment. There is some evidence of the law being enforced in recent years, and LGBTQI+ people are regularly subjected to discrimination and violence. See also Stewart, C. (2021) [Homophobia in Sudan creates an LGBTQ+ underground](#), Erasing 76 Crimes, 7 January.

<sup>75</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researchers Azza Nubi and Sam Adam on political, social, and legal issues of Sudan.

<sup>76</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researchers Azza Nubi and Sam Adam on political, social, and legal issues of Sudan.

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<sup>78</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researchers Azza Nubi and Sam Adam on political, social, and legal issues of Sudan.

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<sup>81</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researchers Azza Nubi and Sam Adam on political, social, and legal issues of Sudan.

<sup>82</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local researchers Azza Nubi and Sam Adam on political, social, and legal issues of Sudan.

<sup>83</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local partner Mawjoudin on the social, political, and legal issues in Tunisia.

<sup>84</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local partner Mawjoudin on the social, political, and legal issues in Tunisia.

<sup>85</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local partner Mawjoudin on the social, political, and legal issues in Tunisia.

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<sup>90</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local partner Mawjoudin on the social, political, and legal issues in Tunisia.

<sup>91</sup> Article 226 bis: 'Anyone who will exhibit a violation of morality publicly or public decency through gesture, word or intentionally bother someone in a way that violates decency will be punished by 6 months of imprisonment and 1,000 dinars penalty.'

<sup>92</sup> From the research briefing provided to ARTICLE 19 between 2021 and 2023 by our local partner Mawjoudin on the social, political, and legal issues in Tunisia; Rigot and ARTICLE 19, [Digital Crime Scenes](#).