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## “All This Terror Because of a Photo”

Digital Targeting and Its Offline Consequences for LGBT People  
in the Middle East and North Africa





# **“All This Terror Because of a Photo”**

**Digital Targeting and Its Offline Consequences for LGBT People  
in the Middle East and North Africa**

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# “All This Terror Because of a Photo”

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# Glossary

**Bisexual:** Sexual orientation of a person who is sexually and romantically attracted to both men and women.

**Content Moderation:** Refers to the process of ensuring user-generated content upholds platform-specific guidelines and rules to establish the suitability of the content for publishing. It involves the screening of inappropriate content that users post on a platform. The process entails the application of pre-set rules for monitoring content. If it does not satisfy the guidelines, the content gets flagged and removed. The reasons for removal include violence, offensiveness, extremism, nudity, hate speech, and copyright infringement.

**Digital Evidence:** Data that is created, manipulated, stored, or communicated by any device, computer, or computer system or is transmitted over a communication system, which is subsequently used in a legal proceeding.

**Digital Targeting:** Using digital media to select an individual or group as an object of an attack. In this report, digital targeting refers to the following tactics to target, and when done by state actors, to prosecute, LGBT people: entrapment on social media and dating applications, online extortion, online harassment and outing, and reliance on digital information in prosecutions.

**Doxxing:** Publishing personally identifiable information about an individual without their consent, sometimes with intent to provide access to them offline, exposing them to harassment, abuse, and possibly danger.

**Entrapment:** The action of tricking someone into committing a crime (under country-specific laws) to secure their prosecution. In this report, entrapment includes law enforcement's impersonation of LGBT people on social media and dating applications to meet and arrest unsuspecting LGBT users on those applications based on their sexual orientation, gender identity, or gender expression.



**Extortion:** The practice of obtaining something, especially money, through coercion, force, or threats.

**Gay:** Synonym in many parts of the world for homosexual. In this report, gay refers to the sexual orientation of a man whose primary sexual and romantic attraction is toward other men.

**Gender:** Social and cultural codes (as opposed to biological sex) used to distinguish between what a society considers “masculine,” “feminine,” or “other” conduct.

**Gender Expression:** External characteristics and behaviors that societies define as “masculine,” “feminine,” or “other,” including features such as dress, appearance, mannerisms, speech patterns, and social behaviors and interactions.

**Gender Identity:** Person’s internal, deeply felt sense of being female or male, both, or something other than female or male. It does not necessarily correspond to their biological sex assigned at birth.

**Gender Non-Conforming:** Behaving or appearing in ways that do not fully conform to social expectations based on one’s assigned sex at birth.

**Heteronormativity:** A system that works to normalize behaviors and societal expectations that are tied to the presumption of heterosexuality and an adherence to a strict gender binary.

**Homophobia:** Fear of, contempt of, or discrimination against homosexuals or homosexuality.

**Homosexual:** Sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.

**LGBT:** Lesbian, gay, bisexual, transgender. In this report, LGBT is an inclusive term for groups and identities sometimes associated together as “sexual and gender minorities.”

**Lesbian:** Sexual orientation of a woman whose primary sexual and romantic attraction is toward other women.

**Outing:** The act of disclosing a lesbian, gay, bisexual, or transgender person’s sexual orientation or gender identity without that person’s consent.

**Queer:** An inclusive umbrella term covering multiple identities, sometimes used interchangeably with “LGBTQ.” Also used to describe divergence from heterosexual and cisgender norms without specifying new identity categories.

**Rape:** Any physical invasion of a sexual nature without consent or in coercive circumstances, of a person’s body by conduct resulting in penetration, however slight, of (1) any part of the body of the victim or of the perpetrator with a sexual organ or (2) the anal or genital opening of the victim with any object or any other part of the body.

**Sex Work:** The commercial exchange of sexual services between consenting adults.

**Sexual Orientation:** A person’s sexual and emotional attraction to people of the same gender, a different gender, or any gender.

**Sexual Violence:** Any sexual act, attempt to obtain a sexual act, or other act directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting.

**Transgender (also “trans”):** Denotes or relates to people whose assigned sex at birth does not match their gender identity (the gender that they are most comfortable with expressing or would express given a choice). A transgender person usually adopts, or would prefer to adopt, a gender expression in agreement with their gender identity, but they may or may not desire to permanently alter their bodily characteristics to conform to their preferred gender.

## Map



Countries where Human Rights Watch conducted research for this report.

## Summary

The police] took me to the “morality ward” and kept me until 4 a.m. in a tiny room with no food or water. They took my phone and belongings. When they came back with a police report, I was surprised to see the guy I met on Grindr is one of the officers. They beat me and cursed me until I signed papers that said I was “practicing debauchery” and publicly announcing it to fulfill my “unnatural sexual desires.”

—Yazid, 27-year-old gay man from Egypt, July 17, 2021

[The police] searched all our phones. They took my phone and started sending messages to each other from my phone, then they took screenshots of those conversations and screenshots from my photo gallery. They took photos and videos where I have makeup or a dress on, and they used them as evidence against me. They went through my WhatsApp chats and took contact details so they could entrap my friends as well.

—Amar, 25-year-old transgender woman from Jordan, September 24, 2021

State actors and private individuals across the Middle East and North Africa (MENA) region have entrapped lesbian, gay, bisexual, and transgender (LGBT) people on social media and dating applications, subjected them to online extortion, online harassment, and outing, and relied on illegitimately obtained digital photos, chats, and similar information in prosecutions, in violation of the right to privacy, due process, and other human rights. This report examines digital targeting in five countries: Egypt, Iraq, Jordan, Lebanon, and Tunisia.

Security forces have added these digital targeting tactics to traditional methods of targeting LGBT people, such as street-level harassment, arrests, and crackdowns, to enable the arbitrary arrest and consequent prosecution of LGBT people.

Based on 120 interviews, including 90 with LGBT people affected by digital targeting and 30 with expert representatives, including lawyers and digital rights professionals, this report documents the use of digital targeting by security forces and private individuals

against LGBT people, and their far-reaching offline consequences. It also exposes how security forces employ digital targeting as a means of gathering or creating digital evidence to support prosecutions against LGBT people. Research for the report was supported by members of the Coalition for Digital and LGBT Rights: in Egypt, Masaar and an LGBT rights organization in Cairo whose name is withheld for security reasons; In Iraq, IraQueer and the Iraqi Network for Social Media (INSM); in Jordan, Rainbow Street and the Jordan Open Source Association (JOSA); in Lebanon, Helem and Social Media Exchange (SMEX); and in Tunisia, Damj Association.

The targeting of LGBT people online is enabled by their legal precarity offline. The criminalization of same-sex conduct or, where same-sex conduct is not criminalized, the application of vague “morality” and “debauchery” provisions against LGBT people emboldens digital targeting, quells LGBT expression online and offline, and serves as the basis for prosecutions of LGBT people. In the absence of legislation or sufficient digital platform regulations protecting LGBT people from discrimination online and offline, both security forces and private individuals have been able to target them online with impunity.

This report does not investigate the possible use of sophisticated spyware technology and surveillance by governments, but rather how authorities across the five countries manually monitor social media, create fake profiles to impersonate LGBT people and entrap them on dating applications such as Grindr and social media platforms such as Facebook, and unlawfully search LGBT people’s personal devices to collect private information to enable their prosecution. If the security forces are suspicious of an individual’s homosexuality or gender variance, they search their devices. Across the five countries covered, security forces searched LGBT people’s phones by forcing them to unlock their devices under duress by beating them or threatening them with violence.

In most cases covered in the report, security forces and prosecutors used photos, WhatsApp chats, and same-sex dating applications, such as Grindr, on LGBT people’s phones as a basis for their prosecution and abuses against them. They targeted and persecuted people based on their presumed or actual sexual orientation or gender identity.

Each chapter in this report presents a different form of online abuse and describes how that abuse negatively affects a person’s offline life; the harms do not end with the violation of privacy but reverberate throughout a victim’s life, in some cases for years after the online abuse.

Human Rights Watch documented 45 cases of arbitrary arrest involving 40 LGBT people in Egypt, Jordan, Lebanon, and Tunisia. In every instance of arrest, security forces searched individuals’ phones, mostly by force or under threat of violence, to collect—or even create—personal digital information to enable their prosecution. Some LGBT people who had been detained told Human Rights Watch that when police officers could not find such digital information at the time of arrest, they downloaded same-sex dating applications on their phones, uploaded photos, and fabricated chats to justify their detention.

Human Rights Watch reviewed judicial files for 23 cases of LGBT people prosecuted based on digital evidence under laws criminalizing same-sex conduct, “inciting debauchery,” “debauchery,” “prostitution,” and cybercrime laws in Egypt, Jordan, Lebanon, and Tunisia. Most of those prosecuted were acquitted upon appeal. In five cases, individuals were convicted, and their punishments ranged from one to three years of imprisonment. Twenty-two of the arrested LGBT people were not charged but were held in pretrial detention, in one case for fifty-two days at a police station.

In Egypt, in particular, Human Rights Watch documented 29 arrests and prosecutions, including against foreigners, suggesting a coordinated policy—either directed or acquiesced to by senior government officials—to persecute LGBT people.

LGBT people who were detained reported facing numerous due process violations, including having their phones confiscated, being denied access to a lawyer, and being forced to sign coerced confession statements. While detention conditions in the five countries are poor for everybody, LGBT detainees were subjected to mistreatment that was selectively and discriminatorily worse than that faced by other people in detention, including the denial of food and water, family and legal representation, and medical services as well as verbal, physical, and sexual assault. Some were placed in solitary confinement. Transgender women detainees were routinely held in men’s cells, where they

faced sexual assault and other forms of ill-treatment. In one case, a transgender woman was detained at a police station, where she reported facing continuous sexual assault, for 13 months due to security forces' confusion around her gender identity.

Human Rights Watch documented 20 cases of online entrapment on Grindr and Facebook by security forces in Egypt, Iraq, and Jordan. Sixteen of those entrapped were arrested by security forces and subsequently detained. In these cases, security forces apparently targeted LGBT people online for the purposes of arresting them. The immediate offline consequences of entrapment range from arbitrary arrest to torture and other ill-treatment, including sexual assault, in detention.

In most prosecution cases as a result of entrapment, individuals were acquitted. Authorities held sixteen LGBT people in pretrial detention pending investigation, ranging from four days to three months, then sentenced them to prison terms ranging from one month to two years. Appellate courts overturned the convictions and dismissed charges in fourteen cases and upheld the convictions of two people but reduced their sentences.

Extortion is another form of digital targeting that LGBT people are particularly vulnerable to because of the mostly hidden nature of LGBT identities and relationships across the region, due to social stigma and the criminalization of same-sex conduct. Across the five countries, individuals trick LGBT people on social media and dating applications and threaten to report them to the authorities or out them online if they do not pay a certain sum of money (at times more than once).

Human Rights Watch documented 17 cases of extortion by private individuals on same-sex dating applications (Grindr) and social media (Instagram, Facebook) in Egypt, Iraq, Jordan, and Lebanon. Extortionists often pretended to be LGBT people in order to gain their victim's trust, along with details about their personal lives—particularly digital information relating to their sexual orientation or gender identity—that can be used as blackmail. Organized gangs in Egypt and armed groups in Iraq are among the perpetrators of extortion.

In six cases, victims of extortion reported the perpetrators to the authorities, but all six were themselves subsequently arrested. In one case, the victim of online extortion in Jordan was prosecuted and sentenced to six months in prison based on a cybercrime law criminalizing “promoting prostitution online,” reduced to one month and a fine upon appeal. To the six interviewees’ knowledge, none of the perpetrators of extortion were prosecuted by the authorities.

Human Rights Watch documented 26 cases of online harassment, including doxxing—publishing personally identifiable information about an individual without their consent—and outing—exposing LGBT people’s identities without their consent—on public social media platforms in Jordan, Lebanon, and Tunisia. We also documented 32 cases of online death threats by armed groups on social media platforms in Iraq.

In 9 of the 26 online harassment cases, the victims appear to have been targeted due to their offline LGBT activism. In 17 of the cases, abuse by security forces or private individuals were followed by offline abuse, including arbitrary arrests and interrogations.

As a result of online harassment, LGBT people reported losing their jobs, suffering family violence, including physical abuse, threats to their lives, and conversion practices, being forced to change their residence and phone numbers, deleting their social media accounts, fleeing the country for risk of persecution, and suffering severe mental health consequences.

In most cases, LGBT individuals harassed with public social media posts reported the abusive content to the relevant digital platform. However, in all cases of reporting, platforms did not remove the content, claiming it did not violate company guidelines or standards.

Digital targeting has had a significant chilling effect on LGBT expression. All 90 LGBT people interviewed by Human Rights Watch said that after they were targeted, they began practicing self-censorship online, including whether they use certain digital platforms and how they use digital platforms and social media. Those who cannot or do not wish to hide their identities, or whose identities are revealed without their consent, reported suffering



immediate consequences ranging from online harassment to arbitrary arrest and prosecution.

This report demonstrates that the digital targeting of LGBT people has far-reaching consequences. In Egypt, government digital targeting tactics have led to the arbitrary arrests and torture of LGBT people in detention by security forces. In Iraq, targeted LGBT people lived in constant fear of being set up by armed groups and reported being forced to change their residence (or, in some cases, even flee the country), delete all social media accounts, and change their phone numbers. In Jordan, LGBT people feel unable to safely express their sexual orientation or gender identity online, and LGBT rights activism has suffered as a result.

In Lebanon, LGBT people reported offline consequences of being outed online, including family violence, and arbitrary arrests by police based on unlawful phone searches and personal information found on devices. In Tunisia, the government has used digital targeting to crack down on LGBT organizing and to arrest and persecute individuals.

The accounts documented in this report demonstrate the severity of digital targeting of LGBT people in each country. The cases that are state-led apparently reflect government tactics to persecute LGBT people.

These five governments in the region are also failing to hold private actors to account for their digital targeting of LGBT people. Most LGBT people interviewed for this report said that they would not report a crime to the authorities, either because of previous attempts in which the complaint was dismissed or no action was taken or because they felt they would be blamed for the crime due to their non-conforming sexual orientation, gender identity, or expression. As mentioned above, six people who reported being extorted to the authorities ended up getting arrested themselves.

The lack of justice and impunity for abuses, coupled with the immediate harms from the digital targeting and impunity for those harms, have had long-term mental health impacts on LGBT victims of digital targeting. LGBT people recounted the isolation they experienced months and even years after the instance of targeting, as well as their constant fear, post-

traumatic stress, depression, and anxiety. Many LGBT people reported suicidal ideation as a result of their experiences with digital targeting, and some even reported attempting suicide. Most of the LGBT people targeted online said they stopped using digital platforms and deleted their social media accounts as a result of digital targeting, which only exacerbated their feeling of isolation.

These abusive tactics highlight the prevalence of digital targeting and the need for digital platforms and governments to take action to ensure LGBT people's safety online.

Digital platforms, such as Meta (Facebook, Instagram), Grindr, and Twitter, all of which have a responsibility to prevent online spaces from becoming tools of state repression, are not doing enough to protect users vulnerable to digital targeting. Digital platforms should invest in content moderation, particularly in Arabic, including by proactively and quickly removing abusive content that violates platform guidelines or standards on hate speech and incitement to violence, as well as content that could put users at risk.

Digital platforms should center the online experiences of those most vulnerable to abuse, including LGBT people in the MENA region, in driving policy and product design, including by engaging meaningfully with organizations defending LGBT rights in the region on the development and improvement of policies and features. This would involve soliciting and incorporating their perspectives and experiences at all phases of development, from design to implementation and enforcement, including on content moderation and trust and safety strategies that prioritize the concerns of LGBT people in the MENA region. Platforms should also provide context-specific information in Arabic to LGBT users and advise on their rights and the applicable law.

Finally, digital security development across all platforms should consider the realities of those most affected by digital targeting, including LGBT people in the MENA region. Those experiences should inform the design process in order to ensure a more secure digital experience for those at high risk, including for LGBT people who are vulnerable to the weaponization of digital platform use and other digital information.

Governments should respect and protect the rights of LGBT people instead of criminalizing their expression and targeting them online. The five governments should introduce and implement legislation protecting against discrimination on the grounds of sexual orientation and gender identity, including online.

Security forces, in particular, should stop harassing and arresting LGBT people on the basis of their sexual orientation, gender identity, or expression and instead ensure protection from violence. They should also cease the improper and abusive gathering or fabrication of private digital information to support the prosecution of LGBT people. Finally, the government should ensure that all perpetrators of digital targeting—and not the LGBT victims themselves—are held responsible for their crimes.

## Methodology

Human Rights Watch conducted the research for this report between February 2021 and January 2022. The researcher interviewed 90 LGBT people who had been targeted online and 30 activists, lawyers, and expert representatives of LGBT rights and digital rights organizations.

Human Rights Watch also reviewed judicial files in 40 cases of LGBT people prosecuted under laws criminalizing same-sex conduct, “debauchery,” “public indecency,” or “prostitution” laws between 2017 and 2022.

The research was done in collaboration with the following members of the Coalition for Digital and LGBT Rights, our partners, who provided invaluable support: in Egypt, Masaar and an LGBT rights organization in Cairo whose name is withheld for security reasons; In Iraq, IraQueer and the Iraqi Network for Social Media (INSM); in Jordan, Rainbow Street and the Jordan Open Source Association (JOSA); in Lebanon, Helem and Social Media Exchange (SMEX); and in Tunisia, Damj Association. These organizations supported Human Rights Watch in connecting the researcher with most of the interviewees and reviewed the report.

All interviews were conducted remotely, via phone or video call. Interviews were conducted in Arabic and English, and the former were translated into English. All interviews were conducted in a private setting.

At the time of the research, 27 interviewees resided in Egypt, 18 in Iraq, 10 in Jordan, 17 in Lebanon, and 13 in Tunisia. An additional two lived in France, two in Sweden, and one in Cyprus.

The LGBT people who had been targeted online whom we interviewed comprised 45 gay men, 27 transgender women, 15 lesbian women, 2 gender non-binary people, and 1 bisexual person. The abuses they recounted occurred between 2017 and 2022.

Human Rights Watch also reviewed online evidence of targeting against LGBT people, including videos, images, and digital threats.

The five countries covered in this report—Egypt, Iraq, Jordan, Lebanon, and Tunisia—were chosen based on abuses documented in previous Human Rights Watch publications on the intersection of LGBT rights and digital rights violations, as well as access to affected individuals and groups working on these issues. The report is neither meant to provide a fully comprehensive account of these violations in those countries, nor to suggest that other countries in the region are doing better. The report also provides examples of digital targeting in Kuwait, Morocco, and Saudi Arabia.

The report also does not undertake a country-level comparative analysis but highlights the tactics of persecution in each country to expose congruent policing and targeting methods across the five countries. This demonstrates the alarming trends in government tactics to digitally target LGBT people and violate their basic rights. This report’s multiple aims are to provide an evidence-based analysis of how LGBT people are affected when they are targeted online, to inform researchers and stakeholders on what needs to change, and to support digital platforms’ advocacy initiatives and policy changes to address and remedy these abuses.

All interviewees gave their informed consent and were informed they could stop the interview at any time or decline to answer any questions. Interviewees were not compensated for the interviews.

The names of most LGBT interviewees and their locations when we spoke with them have been withheld for safety reasons. The pseudonyms used in the report bear no relation to their real name. Interviewees’ ages at the time of the interview are provided.

# I. Background

In 2021, 75 percent of the total population in the Middle East used the internet, higher than the global average of 65 percent.<sup>1</sup> Across the Middle East and North Africa (MENA) region, LGBT people and groups advocating for LGBT rights have relied on digital platforms for empowerment, access to information, movement building, and networking.<sup>2</sup> In contexts in which governments prohibit LGBT groups from operating,<sup>3</sup> activist organizing to expose anti-LGBT violence and discrimination has mainly happened online. While digital platforms have offered an efficient and accessible way to appeal to public opinion and expose rights violations,<sup>4</sup> enabling LGBT people to express themselves and amplify their voices, they have also become tools for state-sponsored repression.

Authorities in Egypt, Iraq, Jordan, Lebanon, and Tunisia have integrated technology into their policing of LGBT people. Security forces across these countries<sup>5</sup> have combined traditional methods of targeting of LGBT people—such as street-level harassment, arrests, and crackdowns—with digital targeting—such as entrapment on social media and dating applications, online extortion, online harassment and outing, and reliance on private digital information in prosecutions—as tactics to target and prosecute LGBT people.

The public nature of digital platforms has granted authorities across the region increased access to LGBT people’s private lives. Dating applications and social media have become sites of potential violence and enabled government infiltration of private spheres where LGBT people congregate and organize.

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<sup>1</sup> “Internet World Stats, Usage and Population Statistics,” Miniwatts Marketing Group, May 29, 2022, <https://www.internetworldstats.com/stats5.htm> (accessed June 1, 2022).

<sup>2</sup> Human Rights Watch, *Audacity in Adversity: LGBT Activism in the Middle East and North Africa*, (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/04/16/audacity-adversity/lgbt-activism-middle-east-and-north-africa>.

<sup>3</sup> Human Rights Watch, *“The Love that Dare Not Speak Its Name,”* (New York: Human Rights Watch, 2019), [http://internap.hrw.org/features/features/lgbt\\_laws/](http://internap.hrw.org/features/features/lgbt_laws/).

<sup>4</sup> “Egypt: Gang Rape Witnesses Arrested, Smeared,” Human Rights Watch news release, September 11, 2020, <https://www.hrw.org/news/2020/09/11/egypt-gang-rape-witnesses-arrested-smeared>.

<sup>5</sup> The findings of this report are not unique to these five countries. The selection of these countries was guided by previous Human Rights Watch publications on the intersection of LGBT rights and digital rights violations, as well as access to affected individuals and groups working on these issues.

The authorities across the five countries monitor social media and search LGBT people’s personal devices to collect images, text messages and chats, and other information that is subsequently used to persecute them. Any suspicion of homosexuality or gender variance may prompt security forces to search devices. Of the cases documented in this report that involve interactions between LGBT people and security forces, the security officers searched LGBT people’s phones, at times by force, in every instance. In most cases, selfies, other photos, chats, and the mere presence of same-sex dating applications, such as Grindr, were used by security forces and prosecutors to justify prosecution and abuses against LGBT people, based on their presumed or actual sexual orientation or gender identity.

Digital platforms are a lifeline for LGBT people across the region, who resort to online communication to meet, connect, date, raise their voices, share their stories of injustice, and organize their activism. While digital advocacy has contributed to reversing injustices against LGBT individuals,<sup>6</sup> governments have also used digital methods to monitor and target LGBT people, and they have a critical advantage on their side: anti-LGBT laws.<sup>7</sup>

Most countries in the MENA region have laws that criminalize same-sex relations.<sup>8</sup> Even the countries that do not—such as Egypt, Iraq, and Jordan— target LGBT people by weaponizing vague “morality,” “debauchery,” and prostitution laws.<sup>9</sup> Security forces and private individuals have thus exploited LGBT people’s legal precarity, and the absence of legislation protecting them from discrimination online and offline, to target them online.

The targeting of LGBT people online reflects their lived realities offline. Across the five countries, the criminalization of same-sex conduct or the application of vague “morality” and “debauchery” provisions against LGBT people emboldens digital targeting, quells LGBT expression online and offline, and serves as the basis for the prosecution of LGBT

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<sup>6</sup> Rasha Younes, “Kuwaiti Transgender Woman’s Video Sparks Worldwide Solidarity,” Human Rights Watch dispatch, June 10, 2020, <https://www.hrw.org/news/2020/06/10/kuwaiti-transgender-womans-video-sparks-worldwide-solidarity>

<sup>7</sup> Human Rights Watch, *Country Profiles: Sexual Orientation and Gender Identity*, (New York: Human Rights Watch, 2021), <https://www.hrw.org/video-photos/interactive/2021/04/23/country-profiles-sexual-orientation-and-gender-identity>

<sup>8</sup> Ibid.

<sup>9</sup> Rasha Younes (Human Rights Watch), “This Pride Month, Shame on You: Exposing Anti-LGBT Government Strategies in MENA,” commentary, *Raseef22*, June 8, 2020, <https://www.hrw.org/news/2020/06/08/pride-month-shame-you-exposing-anti-lgbt-government-strategies-mena>.

people. In recent years, government digital targeting has gained traction as a method to repress free expression and silence opponents. Concurrently, the application of anti-LGBT laws has extended to online spaces—regardless of whether online interaction leads to same-sex conduct—chilling even the digital discussion of LGBT issues.<sup>10</sup>

LGBT people who are most visible, including activists and transgender people, or vulnerable, due to intersecting forms of marginalization—based on class, legal status, pressure to conform to social norms, health status, and the lack of state protections, for instance—are more likely to be targeted. In Lebanon, for example, Human Rights Watch’s research findings suggest that LGBT refugees, especially from Syria, who face at least two forms of vulnerability during interactions with security forces—their LGBT identities and their refugee status—are more vulnerable to digital targeting.

All 90 LGBT people interviewed by Human Rights Watch said they practice self-censorship online, including how they use digital platforms and social media. Those who cannot hide their identities, who do not wish to do so, or whose identities are revealed without their consent reported suffering consequences ranging from online harassment to arbitrary arrest and prosecution.

The cases documented in this report illustrate the far-reaching offline consequences of government digital targeting of LGBT people in the five countries.

In Egypt, government digital targeting has led to arbitrary arrests and prosecution of LGBT people and their custodial torture and ill-treatment.

In Lebanon, government digital targeting has resulted in arbitrary arrests, reliance on improperly obtained personal digital information in prosecutions, and blackmail of LGBT people. In Tunisia, in addition to consequences similar to those in Lebanon, digital targeting has resulted in government crackdowns on LGBT organizing. In Iraq, digital targeting by armed groups forced targeted LGBT people to change their residence, delete all social media accounts, change their phone numbers, and sometimes flee the country

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<sup>10</sup> “Amman Pride event’s cancellation stirs painful memories for LGBT Jordanians,” The New Arab news release, June 15, 2021, <https://english.alaraby.co.uk/news/ammans-cancellation-lgbt-event-frustrates-activists> (accessed July 5, 2022).



for fear of being hunted down, blackmailed, and entrapped by armed groups. In Jordan, security forces have used digital targeting to entrap LGBT people, censor content related to gender and sexuality online, and intimidate LGBT rights activists.

The detailed accounts documented in this report demonstrate that these are not isolated incidents in each country. When state-led, they often reflect government tactics to digitalize attacks against LGBT people and justify their persecution.<sup>11</sup>

This report was conceived and executed during the Covid-19 pandemic. While digital targeting and online harassment in the MENA region predate the pandemic, their consequences spiked for LGBT people just as lockdown measures made it impossible to meet in person, curtailed access to groups that had offered safe refuge, diminished existing communal safety nets, threatened already dire access to employment<sup>12</sup> and health care,<sup>13</sup> and forced individuals to endure often abusive environments. Increased online bullying came with a rise in the outing of LGBT people, resulting in their expulsion from their homes, jobs, and schools.<sup>14</sup> When communication shifted entirely online, governments in the region used digital targeting to police free speech and as a basis for arbitrarily arresting LGBT people.<sup>15</sup>

The cases documented in this report demonstrate that digital platforms, such as Meta (Facebook, Instagram), Grindr, and Twitter, all of which have a responsibility to prevent online spaces from becoming tools of state repression, are failing to protect users vulnerable to digital targeting. Digital platforms should invest in content moderation, particularly in Arabic, including by proactively and quickly removing abusive content that

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<sup>11</sup> Afsaneh Rigot, “Digital Crime Scenes,” *Berkman Klein Center*, March 7, 2022, <https://cyber.harvard.edu/publication/2022/digital-crime-scenes> (accessed July 1, 2022).

<sup>12</sup> Rasha Younes (Human Rights Watch), “In Lebanon’s Covid-19, Aid the Vulnerable, Including LGBT People,” commentary, *The New Arab*, April 16, 2020, <https://www.hrw.org/news/2020/04/16/lebanons-covid-19-aid-vulnerable-including-lgbt-people>.

<sup>13</sup> Human Rights Watch, “*Don’t Punish Me for Who I Am: Systemic Discrimination Against Transgender Women in Lebanon*,” (New York: Human Rights Watch, 2019), <https://www.hrw.org/report/2019/09/03/dont-punish-me-who-i-am/systemic-discrimination-against-transgender-women-lebanon>.

<sup>14</sup> “Morocco: Online Attacks Over Same-Sex Relations,” Human Rights Watch news release, April 27, 2020, <https://www.hrw.org/news/2020/04/27/morocco-online-attacks-over-same-sex-relations>.

<sup>15</sup> “Saudi Arabia: Yemeni Blogger Convicted for Supporting LGBT Rights,” Human Rights Watch news release, July 27, 2020, <https://www.hrw.org/news/2020/07/27/saudi-arabia-yemeni-blogger-convicted-supporting-lgbt-rights>.

violates platform guidelines or standards on hate speech and incitement to violence, as well as content that could put users at risk.

Digital security development across platforms should center the realities of those most affected by digital targeting, including LGBT people in the MENA region. Understanding the context of how LGBT people are targeted online, and how digital information is weaponized against them, should inform platforms' design processes for a more secure digital experience. To do this, corporations that produce these technologies need to meaningfully engage with organizations defending LGBT and digital rights in the region, as well as with LGBT people, in the development of policies and features, including by employing them as engineers and in their policy teams, from design to implementation.

This responsibility does not only fall on social media companies. Unless governments across the region stop targeting LGBT people online, there will remain limitations to what digital platforms can do. However, the marked absence of government protection, the impunity afforded to perpetrators of digital targeting, and the dire lack of access to redress, highlight the pervasive offline consequences of online targeting, and the need for platforms to mitigate these risks by better securing LGBT people's digital experience.

## Digital Targeting Tactics: MENA Region Overview

Common digital target methods used in the MENA region are entrapment on social media and dating applications, online extortion, online harassment, outing and other doxxing, and reliance on improperly obtained private digital information in prosecutions.<sup>16</sup>

### *Entrapment*

Online entrapment<sup>17</sup> in the MENA region dates to the early 2000s.<sup>18</sup>

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<sup>16</sup> Afsaneh Rigot, "Digital Crime Scenes."

<sup>17</sup> This report uses "entrapment" in the colloquial sense of tricking someone in order to prosecute them. The means of entrapment identified in this report includes law enforcement's impersonation of LGBT people on social media and dating applications to meet and arrest other unsuspecting LGBT app users based on their sexual orientation or gender identity or expression.

<sup>18</sup> Human Rights Watch, *In a Time of Torture, The Assault on Justice in Egypt's Crackdown on Homosexual Conduct* (New York: Human Rights Watch, 2004), <https://www.hrw.org/reports/2004/egypt0304/egypt0304.pdf>.

Most of the LGBT people entrapped online are arrested and charged under laws criminalizing same-sex conduct (article 534 in Lebanon and article 230 in Tunisia), “debauchery” and “inciting debauchery” (articles 9 and 14 of the Law 10/1961 on the Combating of Prostitution in Egypt), and “soliciting prostitution online” (under article 9 of the cybercrime law in Jordan). Entrapment cases in Iraq did not have a clear legal basis.

In Egypt, the security forces, including Morality Police and National Security Agency officers, are a leading culprit in the entrapment of LGBT people, particularly after September 2017, when a photo of Sarah Hegazy, an Egyptian lesbian feminist, raising a rainbow flag at a Mashrou’ Leila<sup>19</sup> concert in Cairo<sup>20</sup> was posted on Facebook. It was shared thousands of times, with hateful comments and supportive counter-messages, initiating a digital debate.

The Egyptian government had been monitoring online activity, and days later, it initiated a crackdown in which Hegazy was arrested, along with dozens of other concertgoers, on charges of “joining a banned group aimed at interfering with the constitution.”<sup>21</sup> As part of a massive campaign to arrest people perceived as gay or transgender, the Egyptian authorities created fake profiles on same-sex dating applications to entrap LGBT people, reviewed online video footage of the concert, and also rounded up hundreds of people on the street based on their appearance.<sup>22</sup>

Hegazy, who was held in pretrial detention for three months, spoke about her post-traumatic stress after being tortured by police, including with electric shocks and solitary confinement.<sup>23</sup> She told her lawyers that police incited other detainees to sexually assault

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<sup>19</sup> Mashrou’ Leila is a world-famous Lebanese indie rock band that pushes the Middle East envelope on issues of gender and sexuality and its lead singer is openly gay.

<sup>20</sup> “Sarah Hegazy,” 2017, <https://bit.ly/3NLvlgs> and “Egyptian Concertgoers Wave a Flag, and Land in Jail,” *New York Times*, September 26, 2017, <https://www.nytimes.com/2017/09/26/world/middleeast/egypt-mashrou-leila-gays-concert.html> (accessed July 1, 2022).

<sup>21</sup> “Egypt: Stop Anti-LGBT Crackdown, Intimidation,” Human Rights Watch news release, September 30, 2017, <https://www.hrw.org/news/2017/09/30/egypt-stop-anti-lgbt-crackdown-intimidation>.

<sup>22</sup> “Egypt: Mass Arrests Amid LGBT Media Blackout,” Human Rights Watch news release, October 6, 2017, <https://www.hrw.org/news/2017/10/06/egypt-mass-arrests-amid-lgbt-media-blackout>.

<sup>23</sup> Sarah Hegazy, “A year after the rainbow flag controversy,” *Mada Masr*, June 15, 2020, <https://www.madamasr.com/en/2020/06/15/opinion/u/a-year-after-the-rainbow-flag-controversy/> (accessed July 1, 2022).

and verbally abuse her.<sup>24</sup> On June 14, 2020, she took her own life while in exile in Toronto.<sup>25</sup>

### *Online Harassment*

In Morocco, a campaign of outing emerged at the height of the Covid-19 pandemic in April 2020.<sup>26</sup> People created fake accounts on same-sex dating applications and endangered users by circulating their private information on social media, including photos of men who used those applications, captioning the photos with insults and threats against the men based on their perceived sexual orientation.<sup>27</sup> Because of this outing, many LGBT people were expelled from their homes during a country-wide lockdown and had nowhere to go.<sup>28</sup> Moroccan LGBT activists informed Human Rights Watch about the outing phenomenon that caused panic among LGBT people who need to protect their privacy due to social stigma toward homosexuality and the legal prohibition of same-sex relations.

A 23-year-old gay university student told Human Rights Watch that his brother kicked him out of the house after learning of his sexual orientation when he was outed online. “I have been sleeping on the street for three days and I have nowhere to go,” he said in April 2020. “Because of the Covid-19 pandemic, not even my close friends are able to host me.” He feared for his safety if he tried to return to his brother’s house.<sup>29</sup>

The outing campaign in Morocco is just one example of similar pandemic-era efforts in the MENA region, including in Egypt, Saudi Arabia, and Tunisia.

In June 2022, an anti-LGBT campaign known as Fetrah (Arabic for “instinct”) went viral on Facebook and Twitter.<sup>30</sup> The campaign opposed “the promotion of homosexuality and its symbols” and encouraged social media users to post a pink and blue flag, symbols of

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<sup>24</sup> “Egypt: Mass Arrests Amid LGBT Media Blackout,” Human Rights Watch news release.

<sup>25</sup> Rasha Younes (Human Rights Watch), “For Sarah Hegazy: In Rage, in Grief, in Exhaustion,” commentary, *The New Arab*, June 16, 2020, <https://www.hrw.org/news/2020/06/16/sarah-hegazy-rage-grief-exhaustion>.

<sup>26</sup> “Morocco: Online Attacks Over Same-Sex Relations,” Human Rights Watch news release.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Human Rights Watch phone interview with Moroccan gay man, April 26, 2020.

<sup>30</sup> “Arabic anti-LGBTQ campaign goes viral on Twitter,” *Euronews*, August 4, 2022, <https://www.euronews.com/2022/08/03/twitter-arabic-anti-lgbtq-campaign-goes-viral> (accessed August 9, 2022).

normative gender identity, to demonstrate support for the campaign.<sup>31</sup> 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.<sup>32</sup> LGBT activists in the region spoke to Human Rights Watch about the dangers of the campaign, which has resulted in online harassment against LGBT people.<sup>33</sup>

On November 30, 2022, Moqtada al-Sadr, an influential Shia cleric in Iraq, posted a statement on Twitter calling for “men and women to unite all over the [Arab] world to combat LGBT people.”<sup>34</sup> In the statement, he added that this should be done “not with violence, killing or threats, but with education and awareness, with logic and ethical methods.” Despite calling for non-violence, al-Sadr's statement fueled online harassment against LGBT people, prompting an online hate speech campaign that gained traction across Iraq.<sup>35</sup> Twitter did not remove the post, even after it and the campaign it promoted received media attention.

Activist organizations in the region play a significant role in navigating these threats and responding to LGBT people's needs, regularly calling on digital platforms to remove content that incites violence and protect users. However, in most of the region, these organizations and activists are hampered by intimidation and government interference.<sup>36</sup>

Mohamad Al-Bokari, a 31-year-old Yemeni blogger, fled on foot from Yemen to Saudi Arabia after Yemeni armed groups threatened to kill him due to his online activism and gender non-conformity.<sup>37</sup> In 2020, while living in Riyadh as an undocumented migrant, he posted

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<sup>31</sup> “Fetrah,” <https://www.fetrah.app/> (accessed July 1, 2022).

<sup>32</sup> Twitter page: [https://twitter.com/fetrah\\_org](https://twitter.com/fetrah_org) (accessed December 13, 2022).

<sup>33</sup> Human Rights Watch interview with LGBT activists, June 10, 2022.

<sup>34</sup> Twitter post: [https://twitter.com/Mu\\_AlSadr/status/1597999098409660416](https://twitter.com/Mu_AlSadr/status/1597999098409660416) (accessed November 30, 2022).

<sup>35</sup> “Influential Iraqi cleric launches anti-LGBTQ campaign,” *Associated Press*, December 2, 2022, <https://apnews.com/article/middle-east-religion-violence-gay-rights-iraq-f5coa3568556d341885dd70aa78cd161> (accessed December 5, 2022).

<sup>36</sup> For example, the Lebanese government has impeded the work of LGBT groups, including by stopping or attempting to stop human rights events relating to gender and sexuality. See “Lebanon: Security Forces Try to Close LGBT Conference,” Human Rights Watch news release, October 4, 2018, <https://www.hrw.org/news/2018/10/04/lebanon-security-forces-try-close-lgbt-conference>.

<sup>37</sup> “Saudi Arabia: Release Yemeni Blogger,” Human Rights Watch news release, July 8, 2020, <https://www.hrw.org/news/2020/06/08/saudi-arabia-release-yemeni-blogger>.

a video on Twitter declaring his support for LGBT rights,<sup>38</sup> which prompted online homophobic outrage from the Saudi authorities and the public on Twitter, leading security forces to arrest him.<sup>39</sup>

He was charged with promoting homosexuality online and “imitating women.” In July 2020, he received a sentence of 10 months in prison, a fine of 10,000 riyals (US\$2,700), and deportation to Yemen upon release.<sup>40</sup> Saudi security officers had held him in solitary confinement for weeks, subjected him to a forced anal exam, and repeatedly beat him to compel him to “confess that he is gay.”<sup>41</sup> Although he has since been safely resettled with outside help, he remains isolated from his community and cannot safely return home.<sup>42</sup>

In October 2021, Maha al-Mutairi, a 40-year-old Kuwaiti transgender woman, was sentenced to 2 years in prison and a fine of 1,000 dinars (US\$3,315) for “misusing phone communication” by “imitating the opposite sex” online under articles 70 and 198 of the penal code.<sup>43</sup>

According to al-Mutairi’s lawyer, the court used al-Mutairi’s social media videos to convict her on the basis that she was wearing makeup, speaking about her transgender identity, allegedly making “sexual advances,” and criticizing the Kuwaiti government.<sup>44</sup> On appeal, al-Mutairi was released without charge.<sup>45</sup>

This was not her first time in court. On June 5, 2020, the authorities had summoned al-Mutairi for “imitating women”—the fourth time she had faced the charge that year—after she posted a video online saying that the police had raped and beaten her while she was detained in a male prison for seven months in 2019 for “imitating the opposite sex.”<sup>46</sup> The

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<sup>38</sup> Twitter post: <https://twitter.com/al7mrany/status/1247678427819368451?s=21> (accessed July 1, 2022).

<sup>39</sup> “Saudi Arabia: Release Yemeni Blogger,” Human Rights Watch news release.

<sup>40</sup> “Saudi Arabia: Yemeni Blogger Convicted for Supporting LGBT Rights,” Human Rights Watch news release.

<sup>41</sup> “Saudi Arabia: Release Yemeni Blogger,” Human Rights Watch news release.

<sup>42</sup> Human Rights Watch phone interview with al-Bokari, July 1, 2022.

<sup>43</sup> “Kuwait: Quash Conviction Against Transgender Woman,” Human Rights Watch news release, October 14, 2021, <https://www.hrw.org/news/2021/10/14/kuwait-quash-conviction-against-transgender-woman>.

<sup>44</sup> *Ibid.*

<sup>45</sup> Human Rights Watch phone interview with al-Mutairi’s lawyer, December 2, 2021.

<sup>46</sup> “Kuwait: Quash Conviction Against Transgender Woman,” Human Rights Watch news release.

police abused her yet again during her three days in detention, including by spitting on her, verbally abusing her, and sexually assaulting her by touching her breasts.<sup>47</sup> The authorities released al-Mutairi on bail on June 8, 2020, without charge.

### *Reliance on Digital “Evidence”*

In June 2021, police in the Kurdistan Region of Iraq (KRI) issued arrest warrants against eleven LGBT rights activists who are either current or former employees at Rasan Organization, a Sulaymaniyah-based human rights group. The arrest warrants followed a lawsuit against Rasan by Barzan Akram Mantiq, the head of the Department of Non-Governmental Organizations in the KRI, a state body responsible for registering, organizing, and monitoring all nongovernmental organizations in the KRI.<sup>48</sup>

Activists implicated in the lawsuit told Human Rights Watch that when their lawyer visited the police station to inquire about the charges, police officers at the station referred to the written lawsuit, which indicated charges based on digital information under article 401 of Iraq’s Penal Code, which punishes “public indecency” with up to 6 months’ imprisonment and/or a fine of up to 50 dinars (US\$0.03).<sup>49</sup>

On June 28, 2021, two of the activists said they went to the Sarchnar police station in Sulaymaniyah for interrogation. Police officers at the station inquired about the organization’s activities, referring to their Facebook page, which contained pro-LGBT statements and images, the activists said. Activists said police officers asked: “If you are registered as a women’s rights organization, why do you have LGBT-related content on your website and Facebook page?” Before leaving the police station, police officers made them sign pledges that they would not publish similar content in the future, activists said.<sup>50</sup> Activists told Human Rights Watch that police forced them to take down LGBT-related content from their public online pages.

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<sup>47</sup> Ibid.

<sup>48</sup> Kurdistan Regional Government, Department of Non-Governmental Organizations, <https://gov.krd/dngo-en/> (accessed November 22, 2021).

<sup>49</sup> Human Rights Watch phone interview with an activist, November 17, 2021.

<sup>50</sup> Ibid.

In August 2020, the Egyptian National Security Agency arrested four witnesses to a high-profile 2014 gang rape in Cairo’s Fairmont Hotel (known as the Fairmont case),<sup>51</sup> along with two of their acquaintances.<sup>52</sup> The authorities subjected two of the arrested men, whom they suspected to be gay, to drug testing and forced anal exams.<sup>53</sup> Police also forced the men to unlock their phones and, based solely on their private photos, detained them for allegedly engaging in same-sex conduct.<sup>54</sup>

In an October 2020 report, Human Rights Watch found an unmistakable targeting pattern of LGBT people in Egypt:<sup>55</sup> authorities relied on personal digital information to track down, arrest, and prosecute LGBT people. People who had been detained said police officers, unable to find such information when searching their phones at the time of arrest, downloaded same-sex dating applications on detainees’ phones and uploaded pornographic photos to justify keeping them in detention.<sup>56</sup> The cases documented by Human Rights Watch suggested a policy coordinated by the Egyptian government, both online and offline, to persecute LGBT people.<sup>57</sup>

Afsaneh Rigot, a senior researcher on technology and human rights at Article 19, has also documented the reliance on digital information in prosecutions against LGBT people in Egypt, Lebanon, and Tunisia.<sup>58</sup>

Rigot told Human Rights Watch:

Documentation and research are highlighting that, with increasing vigor, digital evidence is becoming the cornerstone of prosecutions against LGBT

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<sup>51</sup> “Egypt: Gang Rape Witnesses Arrested, Smeared,” Human Rights Watch news release.

<sup>52</sup> Rasha Younes, “Justice Stalled in Egypt’s ‘Fairmont’ Rape Case,” Human Rights Watch dispatch, February 8, 2021, <https://www.hrw.org/news/2021/02/08/justice-stalled-egypts-fairmont-rape-case>.

<sup>53</sup> Rasha Younes, “Egypt Detains Men for Alleged Sexual Orientation, Alongside Alleged Rapists,” Human Rights Watch dispatch, November 2, 2020, <https://www.hrw.org/news/2020/11/02/egypt-detains-men-alleged-sexual-orientation-alongside-alleged-rapists>.

<sup>54</sup> Ibid.

<sup>55</sup> “Egypt: Security Forces Abuse, Torture LGBT People,” Human Rights Watch news release, October 1, 2020, <https://www.hrw.org/news/2020/10/01/egypt-security-forces-abuse-torture-lgbt-people>.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Afsaneh Rigot, “Digital Crime Scenes.”



people [in the MENA region]. In a context where something as intimate, complex, and private as gender identity and sexual orientation are essentially criminalized, we are seeing digital evidence become the main ingredient in these discriminatory prosecutions. Digital evidence—especially [on] people’s mobile devices—is now the scene of the crime. Yet as we look closer at prosecutions and sentences, what is deemed too queer to be legal is not defined.<sup>59</sup>

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<sup>59</sup> Human Rights Watch remote interview with Afsaneh Rigot, December 2, 2022.

## II. “It Was an Ambush”: Entrapment

I was chatting with a man on Grindr while sitting in the café. We agreed to meet at the café, but instead of the man I was expecting, five police officers in civilian attire walked in at about 9 p.m.... They [police officers] had a rope in the [police] car and threatened to hang me with it if I did not open my phone. They found private photos of me with long hair and other photos with a man and turned it into a case of debauchery and indecency.

— Ayman, 23-year-old gay man from Egypt, December 8, 2021

Human Rights Watch documented 20 cases of online entrapment by security forces on Grindr and Facebook in Egypt, Iraq, and Jordan, all three of which do not explicitly criminalize same-sex relations. The offline consequences of entrapment included arbitrary arrests, sexual assault, and other forms of ill-treatment, including torture, while in detention.



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Human Rights Watch reviewed judicial files for 16 cases of LGBT people interviewed, including of one 17-year-old transgender girl, prosecuted under laws criminalizing “debauchery,” “public indecency,” and “prostitution,” as well as cybercrime laws, and found that authorities had arbitrarily arrested 16 people by entrapping them on Grindr and Facebook. The remaining four people entrapped were threatened with arrest.

Following their entrapment, those arrested, detained, and prosecuted all reported having their phones confiscated and unlawfully searched by security forces. Police officers relied on private photos, chats, and other information from their phones to arrest and detain them. In some instances, when police officers did not find any digital evidence, interviewees said police fabricated it to build a legal case against them. Prosecutors then used this digital content as the basis for arrest and indictment. Of the 16 entrapment cases for which Human Rights Watch was able to review judicial files, nearly all resulted in acquittals. In these cases, authorities held sixteen LGBT people (including the 17-year-old transgender girl) in pretrial detention pending investigation for periods ranging from four days to three months, then sentenced them to prison terms ranging from one month to two years. Appellate courts subsequently reversed the convictions and dismissed charges against 14 of the LGBT people and reversed their convictions. Two people had their convictions upheld on appeal, but the appellate courts reduced their sentences.

In addition to entrapment, interviewees said they were forced to sign coerced confessions, denied access to a lawyer, placed in solitary confinement, denied food and water, denied family visits, not permitted medication, verbally harassed, sexually assaulted, and otherwise physically abused. Transgender women were detained in men’s cells.

Authorities in Egypt subjected a 17-year-old transgender girl to a forced anal exam. Forced anal tests are sexual assault and violate the prohibition of torture and other cruel, degrading, and inhuman treatment or punishment.<sup>60</sup> They violate medical ethics, are internationally discredited because lack scientific validity to “prove” same-sex conduct.<sup>61</sup>

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<sup>60</sup> “Ban Forced Anal Exams Around World,” Human Rights Watch news release, July 12, 2016, <https://www.hrw.org/news/2016/07/12/ban-forced-anal-exams-around-world>.

<sup>61</sup> “Global Medical Body Condemns Forced Anal Exams,” Human Rights Watch news release, October 17, 2017, <https://www.hrw.org/news/2017/10/17/global-medical-body-condemns-forced-anal-exams>.

The Egyptian Medical Syndicate has taken no steps to prevent doctors from conducting these degrading and abusive exams.

The documented cases suggest a tactic of security forces hunting down LGBT people online and then arresting, detaining, and inflicting torture or other ill-treatment on them.

## **Arbitrary Arrests, Unlawful Phone Searches, Due Process Violations**

Maamoun, a 24-year-old gay man from Egypt, described an instance in February 2021 when he suspected police officers had used Grindr to entrap him:

Around 2 p.m., I went to a coffee shop in Central Cairo. Someone called Al-Khalidi texted me on Grindr, he said he was from the Gulf. It was not until later that I realized it was an ambush. I should have known better as his accent was fake and forced. I also tried to speak with him in English and received no response. He refused to send other photos and refused to have a video call with me. He also insisted that I give him my number so we could chat on WhatsApp. He immediately asked me to agree on a price in exchange for sex. I said that I did not care as long as it was a good time. We talked over WhatsApp, and he sent me his location, which was around a five-minute walking distance. I felt something was strange as I walked to the location. I called him when I arrived, and he said that he would meet me downstairs. I said I preferred to go to him so we would not be in the street, but he refused. I called an Uber immediately so I could leave.<sup>62</sup>

According to an Egyptian lawyer, security forces in Egypt who entrap LGBT people frequently pressure them to agree to a sum of money in exchange for sex to build a case against them.<sup>63</sup>

As Maamoun was crossing the street, he said, a police officer grabbed his arm, then four men in civilian attire cornered and handcuffed him.

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<sup>62</sup> Human Rights Watch phone interview with Maamoun, October 28, 2021.

<sup>63</sup> Human Rights Watch phone interview with an Egyptian lawyer, September 18, 2021.

One of them grabbed my phone and asked me if I pray. I said that I did. They put me into a microbus, which had six additional police officers, and they searched my bag. They found my HIV medication, as I am living with HIV. They did not understand when I told them it was an HIV medication until an officer said it was AIDS. The officers started spraying their hands with sanitizer and did not touch me. I was thankful that it got them to step away otherwise I may have suffered more harm.<sup>64</sup>

Maamoun said the police officers then took him to the Abbasiya police station, where he waited on the floor in a dirty room with no ventilation until 1 a.m. During this time, he said police officers verbally abused him and insulted him based on his sexual orientation. He was denied a phone call to a lawyer or family member and was not provided with food or water. Furthermore, although an officer allowed him to take his HIV medication that night, the police withheld his treatment for the rest of his detention. Police officers also took his phone, wallet, and personal belongings. Eventually, they forced him to sign a police report using his fingerprint, without giving him the chance to read it.<sup>65</sup>

Human Rights Watch reviewed the police report in Maamoun's case, which stated that he "regularly engaged in same-sex relations in exchange for money," based on Grindr and WhatsApp chats found on his phone.

At 1:30 a.m., Maamoun was transferred to the Qasr El-Nil police station, where he was placed in solitary confinement due to his HIV status, he said. At 8 a.m., police took Maamoun to Abdeen Court, where he said he was held in insanitary conditions until his interrogation:

The prosecutor asked me if I had a lawyer. I said I did not, so they appointed me a lawyer to be present during the interrogation. [The lawyer] told me not to worry and asked me which applications I had on my phone. I said Grindr and Facebook. He asked for my Facebook password, and I gave it to him so that he could access my account and delete content that could

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<sup>64</sup> Human Rights Watch phone interview with Maamoun, October 28, 2021.

<sup>65</sup> Ibid.

be used against me. He asked me if I had money, and I gave him my employer's number. He also asked for my parents' number. I refused at first, but he assured me that he would not tell them about the incident. The lawyer then told me that he called my employer, who told him that he did not know me. I felt like my life was over, like everything I had built was destroyed. I could not believe that all this degradation and hate I was experiencing was only because I am gay.<sup>66</sup>

According to Maamoun, at the public prosecutor's office, the prosecutor interrogated Maamoun regarding chats on his phone, particularly on Grindr and WhatsApp. He said he claimed his phone was hacked, but the prosecutor did not believe him. When he requested that his court-appointed lawyer retrieve a friend's number from his phone, Maamoun said the lawyer gave him a wrong number. He later discovered that the lawyer had also contacted his parents and told them, "Your son is detained for debauchery and immoral activity." Maamoun's father still does not speak to him because of this incident.

He continued:

On Monday, I went to the Abdeen court again for investigation, and I was put in that same terrible room. When I returned to the Qasr El-Nil police station, they changed my prison cell and placed me with high-profile felons. I was terrified and asked to be returned to my old cell, but the prison guard demanded 500 Egyptian pounds (US\$32) and a phone card as a bribe. I experienced continuous sexual assault. One of the detainees with me in the cell forced me to confess that I was gay, and he sexually assaulted me in exchange for protection. This went on for a week, and other detainees sexually harassed me as well, while I was sleeping, and then when I was showering. We were 45 people in a tiny cell, and they were using drugs the entire time.<sup>67</sup>

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<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

After Maamoun spent 10 days in pretrial detention without charge, the judge ordered his release, he said.

Ayman, a 23-year-old gay man from Egypt, said he was entrapped on Grindr and arrested by police while he was out with three of his friends at a café in Cairo, on November 17, 2020.

I was chatting with a man on Grindr while sitting in the café. We agreed to meet at the café, but instead of the man I was expecting, five police officers in civilian attire walked in at about 9 p.m. They handcuffed [all four of] us and took us to the Smouha Police Department (morality unit) in their police car and beat us there while calling us names like “faggot,” “whore,” “son of a bitch.”

They [police officers] had a rope in the [police] car and threatened to hang me with it if I did not open my phone. They found private photos of me with long hair and other photos with a man and turned it into a case of debauchery and indecency. They found chats on my phone by accessing my Grindr, WhatsApp, and Facebook Messenger. They accused us of running an online sex business for profit, turning it into a case for economic court. They threatened us, that they would add photos on our phones to incriminate us further, but I don’t know if they did that or not because we haven’t seen our phones since.<sup>68</sup>

Economic courts have jurisdiction over violations of the 2003 telecommunications law and the 2018 cybercrime law, which restrict online content deemed to undermine “public morals” or “family values” and criminalizes the use of the internet to “commit any other criminalized offense.”<sup>69</sup> Afsaneh Rigot, who has researched the trend in Egypt toward referring LGBT cases to economic courts,<sup>70</sup> told Human Rights Watch: “This shift signifies a

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<sup>68</sup> Human Rights Watch phone interview with Ayman, December 8, 2021.

<sup>69</sup> “Egypt: Spate of ‘Morality’ Prosecutions of Women,” Human Rights Watch news release, August 17, 2020, <https://www.hrw.org/news/2020/08/17/egypt-spate-morality-prosecutions-women>.

<sup>70</sup> Afsaneh Rigot, “Egypt’s Dangerous New Strategy for Criminalizing Queerness,” *Slate*, December 30, 2020, <https://slate.com/technology/2020/12/egypt-lgbtq-crime-economic-courts.html> (accessed November 30, 2022).

dark new era in anti-LGBT prosecutions [in Egypt]. They [authorities] are using very broadly defined cybercrime laws to increase chances of convictions, bringing in more charges [against LGBT people] with higher sentences.”<sup>71</sup>

After five hours at the Smouha police station, police transferred Ayman and his friends to Bab Sharqi detention center, where they spent a month. “It was a terrible place,” Ayman added. “Everyone slept on the floor in a very crowded tiny room. We were only offered appalling food that was impossible to digest.”<sup>72</sup>

After two days, at the public prosecutor’s office, Ayman said he endured further mistreatment and insults.

We were told that we will never get out of jail. The prosecutor wrote things in the report that were false. He searched our phones again, especially WhatsApp, Facebook, and Instagram, and insisted that we were running an online sex business. I had a lawyer with me, and the prosecutor asked him, “Aren’t you ashamed to defend faggots?” Then the lawyer left.<sup>73</sup>

After four days of being detained in Bab Sharqi, Ayman and his friends were presented before a judge, who extended their pretrial detention for 15 days. After their new lawyer, whom their families appointed, appealed, the judge reduced their pretrial detention to seven days. When they returned to court a week later, a different judge sentenced them to two years in prison for “debauchery” and “indecentcy.”

Ayman said he tested positive for Covid-19 after 15 days in Bab Sharqi detention center. He was denied medical care and access to medication from his parents. The police did not try to contain the spread, and the inmates, who were kept in cells with no ventilation, all became very sick, Ayman added.<sup>74</sup>

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<sup>71</sup> Human Rights Watch remote interview with Afsaneh Rigot, December 2, 2022.

<sup>72</sup> Human Rights Watch phone interview with Ayman, December 8, 2021.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.



On appeal, Ayman and his friends were found innocent, but their case was transferred to the economic court. He said the economic court charges included “soliciting debauchery” and “conducting sexual business deals online,” based on the police report reviewed by Human Rights Watch.

On December 27, 2021, Ayman and his friends were acquitted.<sup>75</sup>

Yazid, a 27-year-old gay man from Egypt, said he was meeting another man in downtown Giza, after chatting with him on Grindr, when police officers approached them, accused them of “selling alcohol,” and arrested them in September 2019. While being held in the “morality ward,” he discovered that the man he met on Grindr was a police officer, he said. The officers beat and verbally abused him until he confessed to “practicing debauchery” and to publicly announcing it to fulfill his “unnatural sexual desires,” he added.<sup>76</sup>

The next day, Yazid said police officers took him to the prosecutor’s office in Dokki, a district in Giza City. The prosecutor insulted him: “You’re the cheap faggot they caught, son of a disgusting whore, do you fuck or get fucked?” He then renewed Yazid’s detention for four days, Yazid said.

They took me [back] to the Dokki police station, beat me so hard I lost consciousness, then threw me in a cell with other prisoners. They told them, “He’s a faggot,” and told me, “Careful not to get pregnant.” I stayed one week in that cell, and between the beatings by officers and sexual assaults by other detainees, I thought I would not survive.<sup>77</sup>

After a week, police officers took him to Giza Central Prison, which is inside the Giza Central Security Forces Camp:

They announced my charges as soon as I walked in, took turns beating me, and yelled heinous profanities at me. They put me in solitary confinement. I

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<sup>75</sup> Ibid.

<sup>76</sup> Human Rights Watch phone interview with Yazid, July 17, 2021.

<sup>77</sup> Ibid.

asked why, the officer said: “Because you’re a faggot. If I leave you with them [security officers], they will fuck you or you’ll pass the contagion [of homosexuality] on to them, you motherfucker.” I had to bribe soldiers so they would stop torturing and humiliating me.<sup>78</sup>

On September 30, Yazid had his first court hearing at Giza’s Dokki Misdemeanor Court, which acquitted him. He said:

When I went back to get the paperwork from the station, I was surprised that the prosecution had appealed the decision. I eventually found a lawyer who appealed my case, and the verdict was again “innocent.”<sup>79</sup>

Amar, a 25-year-old transgender woman from Jordan, was entrapped by police officers in Amman on April 4, 2019. She told Human Rights Watch:

I received a phone call from my friend [who is gay]. He asked me to “pick him up from a friend’s place.” His voice did not sound right. He texted me the directions to the apartment, which was in downtown Amman. Out of good will, I went there, and my friend opened the door. His face was bruised from being beaten, and there was another man behind him. When I walked in, I saw that there were four men in civilian clothing other than my friend. They said, “How do you like this surprise?” One man said, “We are from the anti-narcotics department. Don’t be scared, we just want to make sure you don’t use any drugs.” They took my wallet, my bag, and my phone and put me in one of the rooms. I could hear my friend screaming from the other room from all the punches and slaps. They insulted me and cussed at me because of the way I looked, saying I bring shame to my family because I was, in their eyes, a gay man. My tongue was tied. I felt like my body was there, but my mind was somewhere else.<sup>80</sup>

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Human Rights Watch video interview with Amar, September 24, 2021.

Amar said her friend who called her later explained how he had been entrapped on Grindr by a police officer, who lured him into the same apartment after pretending to be a gay man and inviting him to the apartment for a “date.” Following his entrapment, Amar said her friend told her police officers searched his phone, which they forced him to unlock by using violence, and made him reveal the contacts of other LGBT people he knew, including Amar’s. Police officers then forced Amar’s friend to call her and invite her to the apartment to entrap her as well.

Amar said that while at the apartment, she witnessed the entrapment of another Jordanian transgender woman by the police officers. “One of the officers pretended to be an Emirati man and even put on traditional Emirati attire. I heard the police officers talk about how they were going to entrap her [trans woman] on Grindr,” Amar said. At around 9 p.m., the other trans woman arrived at the apartment, where she thought she was meeting an Emirati man for a date, only to join Amar and her friend, Amar said.

Amar said the police officers then forced Amar and the other trans woman to unlock their phones, under threat of violence, and began collecting and creating digital information to build a case against them.

They took my phone and started sending messages to each other from my phone, then they took screenshots of those conversations and screenshots from my photo gallery. They took photos and videos where I have makeup or a dress on, and they used them as evidence against me. They went through my WhatsApp chats and took contact details so they could entrap my friends as well. They made me wear a wig and took pictures of me.

At 1:30 a.m., the officers took us all [Amar, her friend, and the other trans woman] to a [police vehicle], in the parking lot, a Volkswagen Transporter [T5] van, and drove to the Amman Cyber Crimes Unit.... They [police officers] handcuffed us, took our phones and all our belongings, even our shoelaces. When we arrived at the Cyber Crimes Unit, I found out that we were arrested under the pretense of using social media platforms to solicit prostitution, based on the police report they forced me to sign. When the three of us got there, there wasn’t one officer in the entire unit who spared

us: they all showered us with insults and slapped us around as we were walking. Everybody stared at us in the most demeaning ways. Sometimes people would open the door to look at us and laugh while we sat there with our heads to the ground, unable to say anything back.<sup>81</sup>

Amar described the room she was placed in at the Amman Cyber Crimes Unit as a “cage in a zoo,” and due to overcrowding, she fainted. When she came to, one of the police officers who was at the apartment told her to go to the bathroom and make sure no one was watching. In the bathroom, she said he forced her to undress, raped her, and then told her not to mention it to anyone. After that, the officers forced her to sign a police report without allowing her to read it. Amar’s police report, as reviewed by Human Rights Watch, indicated that she was accused of “practicing sodomy in exchange for money” and “soliciting prostitution” on social media.<sup>82</sup>

The next day, police officers took her, her friend, and the other trans woman to the North Amman Court in al-Jubeiha. “It took the judge seconds to send us to prison,” Amar said. “She did not even look at us. It was all based solely on the police report.”<sup>83</sup>

The police officers then took all three to a pretrial detention facility:

Before we entered, all our belongings were put in a box and kept in police custody. The cells were completely empty: there were no mattresses, nothing to sit on. The room was filled with people who were sleeping on top of each other. During our interrogation, police officers called in their friends [other police] to listen for entertainment, because, they said, “they were bored.” They called me by my deadname [the name that Amar was given at birth] and addressed me with male pronouns. We experienced every kind of degrading filth and hatred.<sup>84</sup>

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<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

Next, the police officers took all three to another prison in Amman, where the warden refused to receive them due to the case against them. “I will not welcome these faggots,” Amar remembered the warden shouting. Consequently, the police officers took them to Juweideh prison in Amman.

Amar described the underground cell in Juweideh prison where she was detained for four days:

When we entered the room, I saw a transgender woman and a gay man who were arrested on the same charges as me 21 days prior. I knew one of them personally. Everything you go to prison for was still happening in prison—the drugs, the sex, the thievery. There were mandatory protocols in the cell pertaining to sleeping and eating hours. They also had a black market in the cell. We weren’t allowed to leave our rooms at all. My friend and I slept on the same bed when we first got there, but my friend was released the same day because one of his parents was in the army and had connections. As for myself, no one knew I was in prison. To make a phone call, I had to buy a card that allowed me to enter the phone booth and call for no more than five minutes. Nothing was for free. I had to pay for food and calls.<sup>85</sup>

Amar was released on bail after four days. After eight court hearings, the charges against Amar were dropped:

My lawyer told me that they [anti-narcotics department officers] had fake accounts on social media applications, where they lured in people with the help of an informant who is paid by the police, a sum of 20 Jordanian dinars (US\$28) per person. The informant is asked to lure people to a predetermined place, get paid for it, and then leave unscathed. These informants use fake numbers, passport papers, license plates to hide their identity. It would take them [informants] several months of very normal conversations with someone to hand them in.<sup>86</sup>

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<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

Amr, a 33-year-old gay man from Egypt, was entrapped by police on Facebook in April 2018.

I was contacted by this Facebook account pretending to be my friend whom I knew well and asking me to meet him. I went to meet him in the afternoon, and I started getting skeptical when he asked me what I was wearing. I tried to turn back, but then four police officers in civilian attire appeared and arrested me. They handcuffed me and said, “Come with us and keep your mouth shut.” They snatched my phone from my hand and took me to the Agouza police station.<sup>87</sup>

At the station in Giza Governate, the police officers forced Amr, under threat of violence, to open his phone. He was not worried because he did not have any incriminating dating applications or chats on his phone. When they did not find any such information on his phone, they downloaded Grindr and fabricated chats that they uploaded onto his phone, Amr said. Amr was not allowed to call a lawyer. He was charged with “inciting debauchery” and detained for two months. He spoke about the ill-treatment he endured during his detention:

They [police officers] verbally abused me by calling me “faggot” and cursing me and my family. They also took turns putting out their cigarettes on my arms. They pushed me around and slapped me. During my interrogation, where they did not give me a chance to speak, they forced me to give them contacts of my LGBT friends. I signed the police report without receiving the chance to read it. They told me that they will put me in prison so that I become a man and get cured from my “illness.”<sup>88</sup>

Amr spent two weeks at the Agouza police station, after which he was taken to Al-Saf prison for a week, and then moved him back to Agouza police station. At a court hearing at the Al-Giza Court after one week of his detention, he said:

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<sup>87</sup> Human Rights Watch phone interview with Amr, January 14, 2022.

<sup>88</sup> Ibid.

The judge did not speak to me, he just read the report and sentenced me to one month in prison and one month probation, then he told them [the police officers] to get me out of his face. I also never got my phone back.<sup>89</sup>

In September 2017, when Hanan, a 22-year-old transgender woman from Egypt, was a 17-year-old girl, she said she was entrapped through Facebook and arbitrarily arrested by Egyptian security forces in a Cairo restaurant.

I had been talking to a man on Facebook, and he asked to see me. We met at a restaurant three days before the Mashrou' Leila concert in Cairo. I had a ticket to the concert in my backpack. I arrived to find four men dressed in civilian clothing waiting for me. I knew I was being arrested.<sup>90</sup>

The police officers searched her phone after forcing her, under threat of violence, to unlock it, logged into Grindr through her Facebook account, and created a fake chat to upload pictures of her as a woman. They did not inform her of any charges against her. They also made her strip at the police station, examined her body, and asked her private questions, such as: “Do you shave,” “How did you get breasts?,” “Why do you have long hair?,” and “Why do you have a ticket to a Mashrou' Leila concert?”<sup>91</sup>

After hours of verbal abuse, Hanan stopped responding. Then, the officers began beating her:

They slapped me, kicked me with their boots, dragged me by my clothes until they ripped apart. I was sobbing and couldn't talk. The officers would slap me and stab me with their pens to force me to speak. They threatened to make me undergo a forced anal exam. I told them to go ahead, I had nothing to hide. They then ordered a forensic doctor to subject me to the anal exam.<sup>92</sup>

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<sup>89</sup> Ibid.

<sup>90</sup> Human Rights Watch phone interview with Hanan, September 18, 2021.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

At the prosecutor’s office, Hanan was asked about the pictures on her phone. She denied that it was her, but she recalled the prosecutor saying to her: “Even the pictures of you dressed as a man incriminate you. You either confess now or you will never leave.” Despite the prosecutor’s curses and screams, she refused to confess, so the prosecutor then told her he would detain her for three days while she decided whether to confess.<sup>93</sup>

Hanan said:

I was detained in a cage under a stairway [at the prosecutor’s office], it wasn’t even a prison cell, [but merely] a 3-by-2-meters tiny room, with 25 gay and transgender people. They refused to let me call anyone or hire a lawyer. I couldn’t sleep. I was delirious, in shock, I felt like I had to be alert or they would kill me. I cut my own hair with scissors so I could look “normal” when I was interrogated again.<sup>94</sup>

After three days, Hanan was transferred to a cell with several men.

I was harassed, sexually assaulted, verbally abused, mocked. They touched me in my sleep. I stopped sleeping. The officers beat me and said, “We will teach you how to be a man.” They water-hosed me when I resisted their abuse.<sup>95</sup>

Hanan was held in pretrial detention for a total of 2 months and 15 days after the prosecutors kept postponing her trial.

Finally, a court sentenced her to another month in prison for “inciting debauchery.” Despite being released for time served, the charge stayed on Hanan’s record for three years.

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<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.



When I was being released, the officer asked me, “Are you a top or a bottom?” I did not understand what he meant, so he kept me in detention for another night even though I was ordered released. The next day, he asked me again. I said “top.” He responded, “Good boy.”<sup>96</sup>

Asaad, a 29-year-old gay man from Egypt, said he was entrapped by police on Grindr in May 2017. He said:

I met a guy on Grindr. He asked me to meet him near Tahrir Square. It was 8:30 p.m. When I told him that I had arrived, two men came up to me and asked me for directions, then three men came from behind me and one of them called my name. Before I could even answer, they had taken my phone and handcuffed me. They told me that their cameras had spotted me throwing a bomb in the dumpster. They told me to go with them to the Qasr El-Nil police station for interrogation. I had never been to a police station before. When we went inside an officer told me, “I finally got you!” They searched my bag and took everything. They took my picture and fingerprints. They made me sign a police report without reading it.<sup>97</sup>

The next morning, the officers took him to the public prosecutor’s office in Abdeen, downtown Cairo. “When I tried to speak, [the prosecutor] said, ‘Shut up. You’re not allowed to speak here, you faggot,’” Asaad said. Afterwards, Asaad was taken back to the Qasr El-Nil police station. His pretrial detention was renewed for 45 days, which he spent at that police station.<sup>98</sup>

Asaad described the conditions of his detention to Human Rights Watch:

I could not sleep at all. I was detained in a tiny room with other men [for four days]. We could not even sit on the floor, and we had to stand on one foot to fit. I was transferred to a bigger cell when my detention was renewed for another 45 days. I was detained with a bunch of thugs. One of them

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<sup>96</sup> Ibid.

<sup>97</sup> Human Rights Watch phone interview with Asaad, September 14, 2021.

<sup>98</sup> Ibid.

stuck a needle in my thigh while I was sleeping. I did not dare tell anyone about it because he could have killed me. I could not walk for weeks. I was beaten by police officers and prison guards, who slapped me hard across the face every chance they got. They threatened that they would insert bottles into my anus as a form of torture. They verbally harassed me constantly.<sup>99</sup>

Human Rights Watch reviewed the police report and court files in Asaad’s case. The police report mentioned the dating application, WhosHere, not Grindr, and it also contained screenshots of chat messages between Asaad and other men as well as nude photos. Asaad told Human Rights Watch that he had never downloaded WhosHere on his phone or sent nude photos to anyone. After the judge in Abdeen court heard his story, he ordered Asaad’s release on June 6, 2017.<sup>100</sup>

In September 2017, the prosecutor appealed, and Asaad received a one-year sentence in absentia on January 6, 2018. Asaad said his lawyer advised him to go into hiding for three years to escape detention. He eventually fled Egypt on July 9, 2018. On March 6, 2021, Asaad was acquitted after bribing the police.<sup>101</sup>

## **Abuse of Power: Sexual Violence and the Threat of Arrest**

Zoran, a 25-year-old gay man from Sulaymaniyah, in the Kurdistan Region of Iraq, said he met a man on Grindr on October 26, 2021. On November 4, 2021, they decided to meet in a public place. He said:

We met at a café, then went to the bazaar and walked around. He told me, “I’m an actor, you will discover I’m really good at acting.” I thought it was strange but did not comment. He then took a picture of me on Snapchat and added a filter that made me look bald. He showed me the picture and

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<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

said, “Soon, your head will be shaved like this.” I hated the picture and asked him to delete it.<sup>102</sup>

However, the date continued, and Zoran’s date expressed wanting to hug and kiss him.

He insisted we go to the bathroom and kiss there. I was afraid someone would see us, but I trusted him, so I obliged. The moment we entered the bathroom and he began kissing me, two Asayish [security forces] officers knocked on the bathroom door, then broke it and entered. They began beating me with a baton, on my legs, my chest, my back, my face, all over my body. They did not beat my date, who turned out to be one of them. They cursed me and called me a “faggot.” One of them said, “You look like a man, not a gay, why do you do this?”<sup>103</sup>

Zoran said the police officers threatened to arrest him, call his family, and imprison him for 15 years. When Zoran tried to explain himself, an officer took him to a police car, where the officer asked Zoran to download Grindr on his phone, which he did. Then the officer sexually assaulted him.

He told me, “You’re very handsome, you need to be with someone older than you. You should be mine.” He touched my chest, my hand, my body, and my penis. He touched his penis while he was touching mine. While doing this, he asked me, “What kind of penis do you like? Large? Small?” After he finished, he drove me to my car and let me go.<sup>104</sup>

“I should have known he [my date] was sending me signals that I would be arrested, but I only realized later that it was entrapment, and he worked for the police,” Zoran said.<sup>105</sup>

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<sup>102</sup> Human Rights Watch phone interview with Zoran, November 18, 2021.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

In March 2018, Nour, a 31-year-old non-binary person from Zagazig, Egypt, who uses they /them pronouns, met a man on Grindr who entrapped them. After the two chatted for a few weeks, they spoke on WhatsApp and the man asked to meet Nour. On April 4, 2018, Nour went to see him in Masr Al-Jadidah, a suburb outside Cairo. Nour described what happened when they arrived:

He convinced me to get into an Uber with him despite my initial hesitation. I started chatting with the Uber driver as well, who told me he was from a well-off family and that he studied at the German institute. I started talking about Angela Merkel and he said, “Isn’t she that American woman?” That was when I knew I was in trouble....<sup>106</sup>

I began to get extremely anxious when the man I was with seemed to have lost the directions to his own house. The driver then stopped to ask for directions from a police officer, who was driving a government Jeep. As soon as we stopped, five men with hockey sticks stepped out of a car that sped toward us. One of those men pulled me out of the car by grabbing me by my scarf and choking me. Then he beat me up.<sup>107</sup>

Nour pushed the man away and ran as fast as they could, running and hiding in a villa’s yard and then at a construction site. They called for help via social media:

I wrote a post on Facebook that I was kidnapped in the Tagamo’ area. The post was shared widely, and my friends picked me up eventually. My “date,” who told me he was a police officer who was going to arrest me, kept sending me very aggressive messages like, “How did you escape, you faggot!,” “I was going to destroy you, you anti-government, anti-army khawal [Egyptian term for “faggot”]!”<sup>108</sup>

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<sup>106</sup> Human Rights Watch phone interview with Nour, October 6, 2021.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

### III. “It Was a Nightmare”: Extortion

They [extortionists] said that they wanted US\$30,000 and they knew I had the amount. I was tongue-tied. I said, “If I were to give you the money, how will I be certain you won’t threaten me again?” They responded that I had two to three days to get the money, despite my constant pleading. The threat was that they would expose everything about me online.

— Salam, 26-year-old gay man from Iraq, October 27, 2021

Human Rights Watch documented 17 cases of extortion by private individuals on same-sex dating applications (Grindr) and social media (Instagram, Facebook) in Egypt, Iraq, Jordan, and Lebanon. We did not document any cases in Tunisia. In six cases, the targets of the extortion reported the perpetrators to the authorities, but they were subsequently detained (see Section IV).

The mostly hidden nature of LGBT identities and relationships across the region, due to social stigma and the criminalization of same-sex conduct, has created a climate where LGBT people are vulnerable to extortion by both private individuals and security forces. In recent years, online extortion has risen as a method of digital targeting of LGBT people, in which individuals trick LGBT people on social media and dating applications and then threaten to report them to the authorities if they do not pay a sum of money (sometimes more than once) or to out them online.

In Egypt, LGBT people reported being extorted online by gang members pretending to be LGBT people. After extended periods of chatting online, what begins as a date turns into threats and beatings, often at knifepoint, to extract money from LGBT people. In several cases we documented, extortionists also raped LGBT people using force or manipulating them into having sex while surreptitiously recording the act on their phones to use against them.



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In Iraq, LGBT people detailed being threatened with outing and arrest by private individuals and armed groups. Extortionists pretended to be gay men; met their victims online; took their victim's personal information, such as their family, residence, and employment details; and then demanded exorbitant sums of money to keep the information private.

In Jordan, gay men recounted being tricked online into having cybersex, threatened with video recordings of the act, and repeatedly harassed if they did not agree to terms stated by the perpetrators. Human Rights Watch recorded one case in which the extortionists claimed to be intelligence agents.

In Lebanon, LGBT people reported being extorted online by private individuals and threatened with outing to their families and the authorities if they did not pay.

LGBT people extorted online reported being threatened with death and outed to their families, employers, entire neighborhoods, and authorities, which led to offline consequences that included people losing their jobs, being forced to leave their neighborhoods, change their residence and phone numbers, and delete their social media

accounts. LGBT people also reported experiencing severe mental health consequences as a result of extortion, ranging from isolation and fear to acute anxiety and depression to suicidal ideation.

## Selected Cases

On September 13, 2021, Mahdy, a 28-year-old gay man from Cairo, said he was extorted by a man he had met on Instagram, with whom he spoke for two months before agreeing to meet him and have sexual relations. He said:

We went to his place at night and had sex. After we finished, he told me that he knew everything about me, including my work, my house, and who my father is. He lived in my area as well. He said that he wouldn't leave me alone until I paid him 10,000 Egyptian pounds [US\$636]. He snatched my phone and refused to leave without getting paid. I had to pay the amount so I could escape him. He called me two days later asking for a new mobile phone. He told me that he would tell my father otherwise, and he sent me a video of our sexual encounter, which he took without my paying attention. I wasn't responding because I did not know what to do. I consulted with a lawyer, and he said that there is a 50 percent chance that he would go to prison, but also there will be a case against me for immoral conduct. This is why I cannot turn to the law for help.<sup>109</sup>

Despite Mahdy's payment, the extortionist shared the video with his work colleagues and people in his residential area. Mahdy quit his job and stopped going out in public in his area due to the "the stigma and the public shaming," he said. The extortionist, accompanied by others, later went to Mahdy's house to threaten him. "I heard them detail the ways they would torture me," Mahdy said. "It was a blatant threat to my life. If my father sees the video, that would be the end of me."<sup>110</sup>

Mortada, a 21-year-old gay man from Akkar, in northern Lebanon, said he was blackmailed by the friend of a former patient at the hospital where he worked:

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<sup>109</sup> Human Rights Watch phone interview with Mahdy, October 7, 2021.

<sup>110</sup> Ibid.

I had a patient whom I wanted to interview for research I was conducting, and we exchanged numbers. We started flirting when I went back to check up on him. When I came back the next day, he had somebody with him that his father sent to watch over him. He asked me to go to the bathroom with him to have sex, then his friend walked in, carrying his phone, with which he was recording the act. We got into a quarrel and the other man asked me for money and threatened to out me to the authorities, spread the video on social media, and tell my parents. I refused to pay him, but he had my phone number, and he started calling me during my shift. I was terrified to tell my parents because they already suspected me and had threatened to kill me if they found out I was gay. I did not call the police at any point because it would incriminate me.<sup>111</sup>

Salam, a 26-year-old gay man from Baghdad, said he met a man online who sought an in-person meeting in July 2021. He told Human Rights Watch:

I needed to see someone, and our conversations [on Grindr] were nice, so I was ready to meet up. We kept meeting at the house, and he asked me very detailed questions, about my family, my mother's work, and my past. I foolishly told him everything. He wanted to have sex with me, and I refused, I did not want to before I was in a committed relationship. He was a very big guy and he used force on me to coerce me into sex. Because I was triggered, I started screaming, and he got very scared, then he packed his stuff and left.<sup>112</sup>

Two days later, a man who said he belonged to Asa'ib Ahl al-Haqq, an armed group under the Popular Mobilization Forces (PMF) in Iraq, contacted Salam on Telegram. The man told Salam that he knew everything about him, his mother, and his work, and Salam realized he almost certainly had obtained the information from the man who had tried to coerce him into having sex. The man demanded to meet at Majidi Mall in Erbil or he would expose Salam.

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<sup>111</sup> Human Rights Watch phone interview with Mortada, December 10, 2021.

<sup>112</sup> Human Rights Watch phone interview with Salam, October 27, 2021.



I met two men at Majidi Mall. They said that they wanted US\$30,000 and they knew I had the amount. I was tongue-tied. I said, “If I were to give you the money, how will I be certain you won’t threaten me again?” They responded that I had two to three days to get the money, despite my constant pleading. The threat was that they would expose everything about me online. I was horrified.<sup>113</sup>

Salam only had US\$20,000, so he took out a loan, with interest, for \$10,000 to pay the extortionists the full amount they demanded. Afterward, he said “I was left completely broke, and I moved to Baghdad to do whatever I could, including bank loans, to pay back the money I had borrowed. I lost everything.”<sup>114</sup>

Nour, the 31-year-old gender non-binary person who uses they/them pronouns from Zagazig, Egypt, said they were extorted in January 2021 by a man they met on Grindr. They said:

He took me to his house. After some chatting, he turned into a monster. He pulled out a knife and told me to give him everything I had. Then he took my phone, all my money, pointed at a closed door, and told me that behind that door were individuals waiting for his signal to come out and beat me up. He told me that no one would hear me if I screamed. He told me that his landlord knew that he brought “faggots” to beat them up and rob them. There were two hours of shouting and hysteric behavior on his part, and then he forced me to take my clothes off and raped me. He videotaped me and said he would share the video on social media and report me to the police. I tried to resist at first, but I could not do anything as he pointed his knife at me while he penetrated me. He raped me for around an hour while I was shaking. I felt like it was a nightmare. I could not report it because if I did, I would be the one to suffer. How can I report this crime when the police act similarly to my perpetrator? I know there are thousands of cases like mine that are left in the dark.<sup>115</sup>

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<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Human Rights Watch phone interview with Nour, October 6, 2021.

Hassan, a 27-year-old bisexual man from Lebanon, was blackmailed in Lebanon in January 2021 by a man he met on Grindr:

He was very friendly and warm. The third time I saw him, we were having sex and he pretended his phone was ringing, when in fact, he was recording me. The next day, he asked me for US\$1,000 and threatened to post the video online and report me to the authorities if I did not pay him. I decided to block him on WhatsApp and got a new phone.<sup>116</sup>

Yasser, a 21-year-old gay man from Baghdad, said he was extorted in January 2021 by a man he met on Facebook. He said:

We started having sex.... I had no idea he was filming it. After a while, he started asking for money. I don't have anything except the clothes on my back. He started threatening to go to my friends, my family, and my mother's Facebook account. I fell apart. My body felt like a snake's skin. I was shaking uncontrollably. I couldn't even pick up my phone. I didn't believe him at first, then he sent me the entire video.<sup>117</sup>

The man who blackmailed him also outed him to his friend, telling the friend, "This is your friend, the faggot who gets fucked." Yasser said his friend sent him the screenshot. He said: "Once I opened it, I felt like I died right then. I knew my father wouldn't let me live. I attempted suicide by swallowing pills, but I survived." After that, the man started creating fake accounts and threatening Yasser.<sup>118</sup>

Afran, a 30-year-old gay man from Sulaymaniyah, said two soldiers attempted to extort him on February 11, 2020, on Grindr:

I was supposed to go on a date with someone I met on Grindr. He said, "We have to meet at night, and you have to be alone." He sent me a location on

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<sup>116</sup> Human Rights Watch phone interview with Hassan, December 10, 2021.

<sup>117</sup> Human Rights Watch phone interview with Yasser, October 5, 2021.

<sup>118</sup> Ibid.

WhatsApp, which was a military headquarters near the Old Court in Sulaymaniyah, just above the Grand Mosque. When I arrived, he told me to get in the black BMW he was driving. I got in, and I saw he was in military uniform, and there was another soldier in the backseat. They immediately started demanding sex. When I refused, they said I must hand them my phone and US\$2,000 or they would arrest me. I started screaming at the top of my lungs and threw myself out of the car.<sup>119</sup>

Abbad, a 27-year-old gay man from Najaf, Iraq, said he was extorted in 2019:

I met a guy on Grindr, and he seemed legitimate. He asked me for my pictures, and I sent him several ones. Immediately after, he started threatening me. He said he would publish my pictures and knew everything about me, and he asked for US\$1,000. He said if I didn't pay him, he and the armed group he belongs to would find me and kill me. I only blocked him and deleted the app.<sup>120</sup>

Hadi, a 26-year-old gay man from Zarqa, Jordan, said he was extorted by a man he met and chatted with for months on Facebook:

In 2020, we met in person, and he told me that he likes to be a master [sexually dominant], and I kindly refused. He kept pestering me, but I would not respond. It escalated to many threats, like him telling me that he would come to my house if I don't respond and then threatening to beat me up. He told me he was an intelligence agent and threatened to arrest me if I did not give him money. In April 2020, I found him outside my house, even though I had never given him my address. I hid and did not respond to him. The next day, the drug trafficking police came to my house. They did not enter; they only frisked me outside. I had my sister inside, which helped my case. They did not use physical violence, but they abused me verbally for being gay.<sup>121</sup>

Out of fear, Hadi immediately changed his SIM card and moved to Amman.

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<sup>119</sup> Human Rights Watch phone interview with Afran, November 18, 2021.

<sup>120</sup> Human Rights Watch phone interview with Abbad, September 17, 2021.

<sup>121</sup> Human Rights Watch phone interview with Hadi, September 24, 2021.

## **IV. “They Turned Against Me”: Interrogation and Detention of Victims of Extortion**

I thought I was resorting to the law for protection, but they were manipulating me.... It is impossible for me to resort to the state now for anything because I have no trust in them ... after what had happened to me.

— Yamen, 25-year-old gay man from Jordan, December 9, 2021

The previous section describes 17 cases of extortion by private individuals on same-sex dating applications and social media in Egypt, Iraq, Jordan, and Lebanon.

In six instances, the targets of the extortion were interrogated and detained either after the extortionist reported them on the basis of their sexual orientation or gender identity or after the victim reported the extortion to authorities and was detained instead of the perpetrator. In one of the six cases, the victim of extortion was sentenced to six months in prison based on a cybercrime law criminalizing “promoting prostitution online,” reduced to one month and a fine upon appeal.

Egyptian authorities subjected one 16-year-old gay boy who reported his extortion and sexual assault to an anal exam to “allow him to escape detention.” To the six interviewees’ knowledge, none of the perpetrators of extortion were prosecuted by the authorities.

### **No Access to Redress**

Yamen, a 25-year-old gay man from Amman, Jordan, said he met a man on Grindr in September 2021, and after chatting for a few weeks, they exchanged numbers and decided to have cybersex. When Yamen stopped responding to the man, the man sent him a video he had recorded of them having cybersex, which exposed Yamen’s face, and threatened to post it online. Yamen said he was terrified and immediately consulted a police officer whom he previously had a relationship with and this officer advised him to report the blackmail to the police. Yamen went to the Cyber Crimes Unit in Amman, where the police officers took his statement.

The chief officer then asked me if I was gay, and I did not respond. Then he started screaming at me, “Are you gay?” Out of fear, I responded, “So and so.” One officer said, “Oh, he works both ways,” and everyone laughed. The chief officer then told me to leave and refused to file my report. He wanted to transfer the case to Tariq police station [another station in Amman]. While I waited outside, another officer approached me and asked me to go with him and give my testimony. While I was narrating my story, the chief officer walked in and reprimanded his colleague for filing a report despite his refusal. After a back and forth between them, they agreed to let me file a police report, and the officer wrote down my statement. I told them everything and stated that I did not want to press any charges, I only wanted to hinder the spread of that video and to feel protected in case it spreads.<sup>122</sup>

A month later, Yamen received a call from an officer at the Tariq police station, who told him he had a court hearing and should go to the police station the next day at 8 a.m. He said:

When I arrived at the Tariq police station, they were very aggressive and unprofessional. I assumed they had seen the video. One officer took me to the East Amman Court and told me to wait for him before entering. While I was waiting, I received a call from the person who recorded the video and tried to blackmail me. I told him that I was not going to press charges and that I only wanted a contract stating that he would not spread the video.

I arrived at court around 9 a.m. and saw the public prosecutor at 1 p.m. The person who threatened me had someone else with him because he used that other person’s number to send me the video. All three of us walked into the prosecutor’s office and I spoke first, explained what happened, and said I was trying to seduce the guy online. The officers in the room started laughing, and the prosecutor said mockingly, “To seduce him, you say... and were you able to seduce him?” Then he asked me if I was gay,

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<sup>122</sup> Human Rights Watch phone interview with Yamen, December 9, 2021.

and I answered in the same way: “So and so.” He said, “No strength except in God,” and started shaking his head in disapproval. The prosecutor asked me who else engaged in “the business” with me, and I said there was no business.<sup>123</sup>

Then the public prosecutor presented Yamen with a report that incriminated him for “soliciting prostitution” under the cybercrime law.<sup>124</sup>

At a hearing in a court in Amman, Yamen said the judge told him, “You are clearly guilty, this is prostitution.” Yamen added that the judge wrote that he was guilty but did not understand that his actions were against the law and then listed the charges against Yamen, which included “soliciting prostitution online” under article 9 of the cybercrime law. Yamen expressed his horror to Human Rights Watch at how the law was weaponized against him: “I thought I was resorting to the law for protection, but they were manipulating me. The judge told me, ‘Shall I imprison you now? Or shall we wait?’ and everyone laughed.”<sup>125</sup>

On October 17, 2021, Yamen’s lawyer, whom he hired after he had lost trust in law enforcement to protect him, attended a second court hearing on his behalf, where his lawyer persuaded the judge to reduce Yamen’s sentence to one month and a fine of 100 dinars (US\$141). He described his feelings of being discriminated against and unfairly treated by the justice system:

My lawyer advised me not to appeal, because it would have provoked the judge who did my lawyer a favor when he reduced my sentence. I also felt discrimination from state agents regarding gender roles. I was on the negative end of the spectrum because I was the one who wanted to seduce the guy and in turn appeared to be the feminine [one], which put me under further scrutiny. It is impossible for me to resort to the state now for

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<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

anything because I have no trust in them ... after what had happened to me..<sup>126</sup>

Majd, a 38-year-old gay man from Egypt, and Ismail, a 23-year-old gay man from Egypt, told Human Rights Watch that a gang extorted them on Grindr in August 2021. Ismail began:

We met a guy on Grindr. We chatted with him for four days before meeting him. He was very kind and kept telling us that he was scared to meet strangers, so we reassured him. He told us very personal stories and asked us to share detailed information about ourselves as well. We felt we trusted him because of his approach and told him everything, including about our respective jobs, the people we lived with, and our address. He came over and we had sex.

An hour after he left, he called us again and told us he wanted to come back and bring a friend with him. They arrived, and his demeanor changed completely, and the guy with him was a vacant-eyed thug. They started moving around the apartment and interrogating us. We told them to leave, but they refused and told us that they were not there to have sex, they were there to turn us in to the police. They said they were both in the military. They told us that either we pay them 70,000 Egyptian pounds (US\$4,451) or they would turn us in to the police. They also demanded we sign an agreement with them. They beat up Ismail. We were terrified..<sup>127</sup>

Ismail wept as he was telling the story, so Majd continued:

I managed to open the door of our apartment and scream for help, so they got scared and left from the back exit, only taking Ismail's phone with them. The police came because of the screaming and asked us what happened, we said it was a theft attempt. The police told us to file a report, but we did not, and I thought that the incident had ended there, only to find [the two

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<sup>126</sup> Ibid.

<sup>127</sup> Human Rights Watch phone interview with Majd and Ismail, October 14, 2021.

men who tried to blackmail us] waiting for me outside my place a few days later. Wanting to cause a scene, they dragged me to a populated square in Cairo, started calling me a “faggot” while beating me up in front of everyone, and broke my phone.<sup>128</sup>

When the police intervened, the man they had met on Grindr told the police that Majd was gay and showed them their WhatsApp chats, which contained messages about gay sex and stickers (a WhatsApp feature) that showed images of men having sex. Police officers insulted Majd and Ismail with homophobic slurs, handcuffed them, and took them to the Helwan police station in Cairo, where they were detained for four days.<sup>129</sup>

Ismail and Majd did not know what happened to the two alleged perpetrators. They tried to file a complaint at the police station, but officers refused to register their complaint, they said. Ismail and Majd were forced to change their residence after they were outed in the neighborhood. They also stopped using social media and dating applications because they did not believe there were enough safety measures to guarantee their protection online. After their extortion, they both sought psychological support and began taking medication to cope with the extreme anxiety they were experiencing. Majd described their fears:

We do not feel safe anywhere, especially because we know that those thugs could get to us at any time, and the government will not protect us. We found out through friends that the men who extorted us were an organized gang with one gay member who lures in the victims. They made a lot of money by blackmailing gay men.<sup>130</sup>

Yasin, an 18-year-old gay man from Egypt, was extorted and raped on December 28, 2020, when he was 16, by a gang after he met a gang member on Grindr, only learning later that these men had extorted and raped in a similar manner before. He said:

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<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.



We spoke very casually and then he invited me to come over to get to know each other as friends. When I got there, he closed the door behind me, and two other men appeared. One of them had a large knife and the other one had a [box]cutter. They told me that I was in captivity, and they demanded I pay them 100,000 Egyptian pounds [US\$6,360] if I ever wanted to leave.

They all raped me and videotaped it on their phones, then they took my phone and wallet, from which they retrieved my family information, and threatened to send the video to my father. I told them that I did not care. Then they told me they'd share the video on my Facebook profile and broadcast it to my WhatsApp contacts. I told them I had a phone worth 7,000 Egyptian pounds (US\$445) and another 3,000 Egyptian pounds (US\$190) in the bank. They were visibly intoxicated and looked like they were on drugs. I left them my phone and password. They let me go and told me that they would call me the next day to meet them and give them the money..<sup>131</sup>

After Yasin left, he found a place nearby where he called his father, told him he was kidnapped, and asked him to come immediately. His father then took Yasin to the New Cairo Kattameya police station to file a complaint with the police. Yasin said:

I told the police officer what happened but left out the part about Grindr. I told him that the thugs accosted me in the street, took me to their place, then raped me. He did not believe me, and when he started yelling at me, my father told him to take us to the chief officer, which he did. The chief officer said he would help me, then asked that I take another police officer to the apartment where I was being held. We went, and two of the men who attacked me were there, but the one who had the big knife wasn't. They started screaming and the police arrested them. [The police officers] took the three phones there (including mine), drugs they found at the apartment, and the weapons that they had. They refused to confess anything at the police station, while I filed the police report..<sup>132</sup>

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<sup>131</sup> Human Rights Watch phone interview with Yasin, October 26, 2021.

<sup>132</sup> Ibid.

The following day, Yasin went to the office of the public prosecutor, who assured him that he would not be detained and asked him to explain what happened:

I once again left out the part about Grindr, but when the men who attacked me came in to be interrogated, one of them confessed to everything and showed the prosecutor the chat on Grindr. When he searched their phones, he saw a video detailing another incident similar to mine, done in the exact same way. The prosecutor showed me that video and the video they recorded of me. We were at the prosecutor's office from 9 a.m. until 2 a.m.

Four days later, the police department summoned Yasin to perform an anal exam to “verify his sexual orientation.”<sup>133</sup> He added that the exam “showed that he was not gay,” which allowed him to escape detention.<sup>134</sup> Yasin did not know what happened to the men he accused of rape and extortion.

Baha', a 24-year-old gay man from Alexandria, Egypt, was robbed by a man he met on Facebook, who then attacked him one evening in February 2021 while they were on a date. He explained:

As we stood in front of [my date's] building, three men attacked me with an axe and pocketknives. They beat me up and took my phone and money [1,000 Egyptian pounds, or US\$63.67]. They aimed their knives at my body and one of them put the axe against my neck. I tried to keep my composure as they started grabbing my clothes and pushing me around, while insulting me with homophobic slurs. One of them said, “I know you're a faggot and you're coming here to get fucked.” The guy I was supposedly on a date with joined them in beating me. They searched me from head to toe and took all my belongings. They threatened me and said, “If we see you or

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<sup>133</sup> Forced anal examinations constitute cruel, degrading, and inhuman treatment that can rise to the level of torture and sexual assault under international human rights law. They violate medical ethics and lack scientific validity for their purported purpose of establishing that same-sex conduct has taken place. They are therefore internationally discredited. Human Rights Watch, *Dignity Debased: Forced Anal Examinations in Homosexuality Prosecutions*, (New York: Human Rights Watch report, 2016), <https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions>.

<sup>134</sup> Human Rights Watch phone interview with Yasin, October 26, 2021.

hear anything from you again, we're going to kill you." Then they ran away.<sup>135</sup>

After the attack against him, Baha' immediately blocked the man he met on Facebook and went to the nearest police station, near Al-Namous Square in Cairo, to report the attack.

I told the police that I was walking and a group of men attacked and robbed me. I was accompanied by officers to the location where I was attacked. I distanced myself from them and opened my Facebook account from a pedestrian's phone to try to get the attackers' account details. One of the officers saw me, snatched the phone from my hand, and found out that I was gay from my private Facebook groups. They brought me back to the station and started interrogating me. One officer said, "I know you're a faggot, so stop lying and tell me about your relation to the attacker." I told him the whole story. They said, "Do you fuck or get fucked?" "What have you done with the guy?" I was threatened with an anal exam and also with the military court's interference as I am in the army.<sup>136</sup>

Police officers interrogated Baha' for from 7 p.m. until 1 a.m. and forced him to open both his Facebook accounts, his real one and a fake one he used for dating. He described the interrogation process:

I was not allowed to call anyone or use the restroom. The police report stated that I was walking on the street and my phone fell. The officer did not write another report because it would have been a burden, he said, so they threatened me with [sending the case to] the military court to get me to agree to the report as it was. Even though I presented information about the perpetrators' identities, the police did absolutely nothing to help me. Instead, they threatened and insulted me. I left there completely shocked, and I had no money, so I had to walk a long distance.<sup>137</sup>

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<sup>135</sup> Human Rights Watch phone interview with Baha', October 22, 2021.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

## V. “I Don’t Feel Safe Anywhere”: Online Harassment, Doxxing, Outing, and Death Threats

I stopped going places, it was very hard for me, and I thought about killing myself. My mother kicked me out of the house because of the photo posted on Facebook [showing my non-conforming appearance]. I went to live with a friend for about a month and a half, I could barely afford to eat, and I went hungry for many days. I reported the Facebook post [outing me], but it was not removed. I did not report the incident to the police because they were the ones who judged me. I couldn’t find a job after that because of how viral that photo went.

—Rindala, 22-year-old lesbian woman from Tunisia, September 23, 2021

Human Rights Watch documented 26 cases of online harassment, including outing<sup>138</sup> and other doxxing<sup>139</sup> on public social media platforms in Jordan, Lebanon, and Tunisia. We also documented 32 cases of online death threats by armed groups on social media platforms in Iraq.

Nine of these cases demonstrate that LGBT activism offline is retaliated against, by security forces, with harassment online. In seventeen cases, online harassment, including by security forces and private individuals, was followed by offline abuses, including arbitrary arrest and interrogation by the authorities.

As a result of online harassment, LGBT people reported losing their jobs, suffering family violence, including physical abuse, threats to their lives, and conversion practices, being forced to change their residence and phone numbers, deleting their social media accounts, fleeing the country for risk of persecution, and suffering severe mental health consequences.

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<sup>138</sup> Outing is the act of disclosing an LGBT person’s sexual orientation or gender identity without that person’s consent.

<sup>139</sup> Doxxing is when personally identifying information about someone is shared online without their consent.



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In most cases, LGBT individuals harassed with public social media posts reported the abusive content to the relevant digital platform. However, in all cases of reporting, platforms did not remove the content, claiming it did not violate company guidelines or standards.

### **Online Harassment, Doxxing, and Outing by Security Forces**

In Tunisia, Human Rights Watch documented cases in which social media users, including alleged police officers, publicly harassed LGBT activists with social media posts, predominantly on Facebook, in January and February 2021. Online harassment included doxxing LGBT activists who were active in street protests – revealing their personal information, including home addresses and phone numbers – and “outing” them. Individuals also smeared such activists online based on their sexual orientation or gender identity and posted their photos with messages inciting violence against them. The online targeting was followed by arbitrary arrests, physical assaults, and rape and death threats.

The police and other security force units involved also denied them access to legal counsel.<sup>140</sup>

### *Selected Cases*

Rania Amdouni, a 28-year-old lesbian woman and LGBT rights activist from Tunisia, told Human Rights Watch that between January and June 2021, she had been subjected to online harassment, bullying, and threats of violence, including rape and death.<sup>141</sup>

Human Rights Watch reviewed many of the hundreds of Facebook posts she received, some of which were by individuals who identified themselves as police officers, harassing Amdouni based on her non-conforming gender expression (her hairstyle, the way she dresses) and presumed sexual orientation. A former member of parliament, Seif Eddine Makhoulf, ridiculed her on his personal Facebook page based on her gender non-conforming appearance. One man sent this message to Amdouni: “We will find you, and we will terrorize you.”

According to Amdouni, her Facebook and Instagram accounts were hacked multiple times before she deleted them. Amdouni described the offline abuse that stemmed from her experience with online harassment:

My life is threatened. I don’t feel safe anywhere, even in my apartment. Police came looking for me in my neighborhood. My physical safety is threatened, and my mental health is deteriorating. People are staring at me in the street and harassing me online.<sup>142</sup>

On January 11, 2021, police searched for Amdouni at her residence, she said, which prompted her to leave her neighborhood and hide. According to Amdouni, the online harassment she faced extended to the street and in public places she frequented, which

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<sup>140</sup> “Tunisia: Police Arrest, Use Violence Against LGBTI Activists,” Human Rights Watch news release, February 23, 2021, <https://www.hrw.org/news/2021/02/23/tunisia-police-arrest-use-violence-against-lgbti-activists>.

<sup>141</sup> Human Rights Watch phone interview with Rania Amdouni, February 18, 2021.

<sup>142</sup> Ibid.

caused her to suffer severe mental health consequences and break down. Amdouni said she attempted suicide three times, one of which put her in a coma for 48 hours.<sup>143</sup>

When she tried to submit a complaint at the police station due to continued harassment online and in the street, in February 2021, Amdouni was arrested for shouting, she said. On March 4, 2021, the Cantonal Court in Montfleury, southwest of Tunis, found Amdouni guilty with “insulting a public officer during the performance of his duty,” punishable by up to one year in prison under article 125 of the penal code, “causing embarrassment and disruption,” and “apparent drunkenness,” and sentenced her to six months in prison and a fine of 18 Tunisian dinars (\$6.50). Upon appeal, on March 17, 2021, the Court of Appeal in Tunis ordered Amdouni released. The appeals judge confirmed Amdouni’s conviction but suspended her six-month sentence, and increased the fine from 18 dinars (\$6.50) to 218 dinars (\$78).<sup>144</sup>

Makram, a 24-year-old gay man from Tunisia, said that on January 30, 2021, social media users who identified themselves as police officers posted his photo and contact information on Facebook. According to Makram, the post was followed by a slew of hate speech and incitement to violence, including death threats, by other Facebook users. Makram, who had been previously prosecuted for same-sex conduct under article 230 of Tunisia’s penal code, said he immediately deleted his social media accounts and fled Tunisia for fear that he would be targeted and harmed by security forces.<sup>145</sup>

Saraa’, a 19-year-old lesbian woman from Tunisia, said that in early January 2021, police officers took her picture at a protest and posted it on Facebook along with defamatory content, her home address, and phone number. Subsequently, she reported receiving direct threats on Facebook, especially from state agents:

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<sup>143</sup> Ibid.

<sup>144</sup> “Tunisia: Harassment, Arbitrary Detention of LGBT Rights Activist,” Human Rights Watch press release, March 9, 2021, <https://www.hrw.org/news/2021/03/09/tunisia-harassment-arbitrary-detention-lgbt-rights-activist>.

<sup>145</sup> Human Rights Watch phone interview with Makram, February 18, 2021.

These threats started on January 6 [2021] ... on public online platforms [mainly on Facebook]. I was even harassed in public spaces and threatened with murder. I was followed several times in the street by police officers.<sup>146</sup>

Saraa' recounted a subsequent incident, a week later, in which she was held in a police car by three police officers:

They [officers] searched my phone, beat me up, and insulted me. They described some of the activists I am usually with in detail: their addresses, names, and whereabouts. I was in that car for two hours [while they questioned me seeking] to know where and when we congregate. They eventually kicked me out of the car and threw my phone out of the window. I had to change my place of residence because of the stalking.<sup>147</sup>

Rindala, a 22-year-old lesbian woman from Tunisia, said a police officer took a picture of her at a protest on February 6, 2021, showing her piercings and colored hair, and posted it on Facebook, with hate speech related to her presumed sexual orientation. She told Human Rights Watch:

A police officer in uniform took a photo of me at that protest and published it on Facebook using his personal profile with a commentary that urged people to look at my appearance and called it “abnormal.” This police officer stopped me and told me my appearance was “satanic” and made me a “sodomite.” It [the photo] got to my Facebook, my house, and my workplace. I was destroyed over the span of two months. I even got messages threatening to murder me in the streets, and other messages threatening to cut me open with a knife. [People online] sent my brother messages telling him that we were a “family of faggots.” I was fired from work because of the photo.<sup>148</sup>

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<sup>146</sup> Human Rights Watch phone interview with Saraa', September 24, 2021.

<sup>147</sup> Ibid.

<sup>148</sup> Human Rights Watch phone interview with Rindala, September 23, 2021.



Human Rights Watch reviewed dozens of messages and comments that Rindala received on Facebook, which included rape and death threats and insults directed at her presumed sexual orientation. Rindala cried as she narrated being thrown out of the house by her mother, being unable to find work, and having thoughts of suicide.<sup>149</sup>

## Outing by Private Individuals

In Lebanon, Human Rights Watch documented cases where LGBT people were outed online by private individuals to their families. As a result of being outed, LGBT people were subjected to family violence, ranging from beating to being threatened with death, being locked up in their homes, and being subjected to conversion practices to “cure their sickness.” In two cases, assailants outed LGBT victims of sexual assault to their families and threatened to publicly out them if they reported the assault to the police.

Some LGBT people were reported to the authorities due to their sexual orientation and because they lacked residency status. Online harassment was particularly detrimental for LGBT Syrian refugees, whose double vulnerability—on the basis of their sexual orientation or gender identity as well as their residency status—was weaponized by perpetrators. Syrian refugees reported living in fear (of their families and the authorities) and complete isolation after being outed online. For refugees, not having family, social networks, or protection in Lebanon already marginalizes them, and their outing further exacerbates their plight, especially given the absence of state protection or shelters available to them.

### *Selected Cases*

Yaaqoub, a 31-year-old Syrian gay man residing in Lebanon without legal status, said he met a man in March 2020 on Facebook, who “outed” him online. He said:

We started chatting on Facebook, then got into a relationship. I used to sleep over at his place, and he would get violent, have sex with me while pointing a knife at me, and take videos on his phone. When I broke up with him, he posted one of the videos of me on Facebook and tagged my

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<sup>149</sup> Ibid.

brother. Now my brother is threatening to kill me, and I am constantly on the run..<sup>150</sup>

Yaaqoub had to leave his apartment and stay with friends to prevent his brother from finding him. In October 2021, Yaaqoub said the police raided those friends' house after the neighbors reported them for being a group of undocumented gay Syrian men. He told Human Rights Watch:

[The police] searched my phone and found some photos and videos of me dressed as a woman. They told me that I will be called in for interrogation, but I changed my phone number, left that house, and did not hear back from them..<sup>151</sup>

Hassan, a 27-year-old bisexual man from Lebanon, said his parents prevented him from getting his Ph.D. in France after his flat mate in France outed him on Facebook in 2019. He explained:

I was getting my master's degree in neuroscience in France, and I fought with my flat mate over some matters related to our living conditions. I had also opened a Grindr account. Grindr asked me for access to Facebook and my Facebook profile picture there was immediately changed to my Grindr display picture. I noticed that my photo changed, and I removed it around ten minutes later, as quickly as I could. The next day, I started getting calls from a friend asking me to check my Facebook profile. I opened my Facebook to see that a screenshot of my Grindr account was publicly posted. I found out that it was my flat mate who took the screenshot and posted it in an act of vengeance. When I returned to Lebanon in the summer before going back to do my Ph.D., my father told me he knew I was gay and immediately confiscated my passport and would not allow me to leave the house for months. He forced me to go to a psychiatrist to cure my "sickness."<sup>152</sup>

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<sup>150</sup> Human Rights Watch phone interview with Yaaqoub, January 18, 2022.

<sup>151</sup> Ibid.

<sup>152</sup> Human Rights Watch phone interview with Hassan, December 10, 2021.

Maataz, a 30-year-old Syrian gay man residing in Lebanon, said he met a man in 2018 on Facebook who “outed” him to his parents:

We chatted for a year. After I decided to stop talking to him because he got aggressive, he sent screenshots of our conversations to my parents through a fake account, and posted the screenshots on Facebook, tagging me. My parents found out about me, and I disappeared and never spoke to them again because I could not face them anymore. I only speak with my sister and get their news from her. When the August 4<sup>th</sup> port explosion happened, my mother called my friend to ask if the explosion had taken my life, and my friend said that it did not, to which she said, “I was hoping it did.” I removed my Facebook and my Instagram.<sup>153</sup>

### *Victims of Sexual Violence Threatened with Outing*

Human Rights Watch also spoke to two Syrian transgender women refugees living in Lebanon: Mala, 19, and Nawal, 26.

While she lived in southern Lebanon, Mala said she was constantly harassed because of her feminine appearance. This culminated in a gang rape that the perpetrators filmed and sent to her uncle, prompting her to flee to Beirut, she said:

In August 2021, four men whom I had seen at a checkpoint kidnapped me off the street, gang raped me, and videotaped the assault on their phones. They then sent the videos to my uncle, who is still looking for me. They threatened to post the video on Facebook if I complained. I had to move to Beirut for safety. I lock myself inside my house and only go out when it is necessary.<sup>154</sup>

Nawal described a similar experience of being raped, filmed, and outed:

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<sup>153</sup> Human Rights Watch phone interview with Maataz, January 5, 2022.

<sup>154</sup> Human Rights Watch phone interview with Mala, January 10, 2022.

I met a man on Facebook in August 2019, and we chatted for a while. When I went to meet him, in Halba [in northern Lebanon], he told me that he was driving a minivan and asked me to get into it. When I entered, I did not see the guy I met, only some stranger. He told me that he would take me to the man I had been chatting with, but I wanted to leave. He then pulled out a gun and threatened me, then he took me to an apartment and raped me while videotaping me. He sent the video to my brother on Facebook. He threatened to share the video online [publicly] if I tried to report him. I realized that he and the other man were working together. My rapist still sends me messages from other phone numbers, but I block him and don't respond.<sup>155</sup>

## Victims of Online Hate Speech Interrogated by Authorities

In Jordan, Human Rights Watch documented five cases where LGBT activists faced online hate speech due to their activism, prompting the authorities to summon them for interrogation.

### *Selected Cases*

Ammar, a 31-year-old gay man from Amman, Jordan, said he helped organize an event on LGBT activism in Amman in May 2017, which was shared on Facebook, along with an Arabic article and the rainbow flag, prompting a slew of hate speech online. As a result, Ammar said he started receiving unidentified phone calls, and eventually picked up a call from a private number, which was from the government. The state agent asked to see Ammar the next morning, without specifying the reason, Ammar said. When he went to the meeting location, Ammar said he was met with two intelligence officers who took him for interrogation. He said:

They [intelligence officers] took my phone, turned it off, and showed me printed copies of all the articles and [publicly available] data that they had collected about me.

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<sup>155</sup> Human Rights Watch phone interview with Nawal, January 11, 2022.

The interrogation started around 8 p.m. and ended around 4 a.m. They asked me, “Do you get fucked? Do you take it up the ass? Who is fucking you?” I was scared because I had many gender non-conforming photos on my phone. They asked me about our funding for the event. I denied most of the article’s content, claiming that it was fabricated. They identified that I had a powerful, religious uncle, whom I try to avoid as much as I can because he is against my existence and abusive toward me. They told me that they had spoken to my uncle and told him that I am a gay man who speaks publicly about gay issues and rights. They released me and told me to return at 7 a.m. [the next day].<sup>156</sup>

Ammar said he returned to the interrogation location the next day, bringing another phone with him in place of the one he usually used. He said:

For many hours, I had to sit on a chair facing a wall, after handing in all my belongings at the security check. I was not allowed to even move my head. One officer told me: “If you move, you get slapped.” I was constantly yelled at and threatened with violence if I looked somewhere else other than the wall. I was not even allowed to use the bathroom. It felt like torture.<sup>157</sup>

In the afternoon, Ammar said he was taken to the office of a high-ranking intelligence officer:

“You are gay!” he yelled in anger while banging at the table. It was very intimidating. He asked for my phone, and when [the officers] gave it to him, he asked me where my real phone was. They forcefully drove me back to my parent’s house and took my real phone.<sup>158</sup>

Ammar said officers forced him to unlock his phone by threatening him with violence. He then sat down facing the same wall for another five hours, unable to move, while officers searched his phone and answered his calls, he said. The

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<sup>156</sup> Human Rights Watch video interview with Ammar, September 24, 2021.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

officers then returned his phone and released him. Two weeks later, Ammar was contacted by the governor of Amman, who asked to meet him. He said:

He [the governor] was kind and asked me if I wanted anything to drink, then asked me to tell him the story. I denied everything. My family was waiting outside because they knew they might take me to prison. We chatted for 30 minutes, and he thanked me for my time. I did not ask for a lawyer throughout this entire process because I did not get the chance to, nor did I want to escalate matters.<sup>159</sup>

Khansa, a 30-year-old LGBT rights activist and gay man from Jordan, said that he is frequently targeted with online hate speech and incitement to violence due to his online activism. He also said that he is contacted by the intelligence agency whenever content around LGBT rights is shared on social media in Jordan. He described his predicament:

Once my phone was ringing excessively, and I picked up. The officer on the phone said my full name, my father's name, and my place of employment. He said I was being called in for interrogation.

I met them [intelligence officers] at 9 a.m. the next day, and they drove me in a minibus to the department, without [informing me] where they were taking me. I denied being gay, and they asked me why I create content about [gay people] and defend them [on Facebook], and I said that I stand for all rights. They also asked me indecent questions like: "Have you ever fucked a pregnant woman?" "Have you fucked a girl in your life?" I would answer that I am waiting to get married. They would laugh because they knew that I am gay. I was interrogated for three days about my [LGBT rights] activism, so I had to leave and return for three days in a row.<sup>160</sup>

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<sup>159</sup> Ibid.

<sup>160</sup> Human Rights Watch phone interview with Khansa, September 13, 2021.

## Online Death Threats: The Case of Iraq

Although LGBT people in all five of the countries of focus for this report received online death threats, such threats were particularly common and had especially egregious offline consequences in Iraq.<sup>161</sup> In March 2022, Human Rights Watch published a report documenting the killings, abductions, sexual violence, and other torture of LGBT people by armed groups in Iraq.<sup>162</sup> The findings demonstrated that in many cases, the offline abuses were preceded by online threats.<sup>163</sup>

Human Rights Watch documented 32 cases of online death threats in Iraq and, in every case, the victims became deeply fearful, sometimes suicidal, saying they had to change their residence, delete all social media accounts, change their phone numbers, and, in some cases, flee the country for fear of being monitored, blackmailed, and entrapped by armed groups, many of which are affiliated with the state-backed Popular Mobilization Forces (PMF).

### *Selected Cases*

In February 2020, Laith, a 27-year-old gay man from Iraq, and his boyfriend received seven consecutive death threats on Grindr from two different accounts. According to Laith, one of the messages said, “Hi faggot. We know where you work and where you live. We will fuck you and kill you.”<sup>164</sup> Laith added:

They sent me a picture of Moqtada al-Sadr [an influential, Shia cleric who has made anti-LGBT statements] and said, “We have been cleaning the city from people like you for years.” I didn’t think anything would happen because everyone receives threats online and most of the time nothing happens. After receiving these threats, my boyfriend said he felt like

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<sup>161</sup> Human Rights Watch, “*Everyone Wants Me Dead: Killings, Abductions, Torture, and Sexual Violence Against LGBT People by Armed Groups in Iraq*,” (New York: Human Rights Watch, 2022) <https://www.hrw.org/report/2022/03/23/everyone-wants-me-dead/killings-abductions-torture-and-sexual-violence-against>.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Human Rights Watch phone interview with Laith, October 13, 2021.

someone was following him. A couple of months later [in May 2020], he was killed.<sup>165</sup>

After his boyfriend was killed, Laith moved to a different city, changed his phone number, and deleted all his social media accounts. He told Human Rights Watch he is afraid he will be targeted next because he heard many stories in 2020 of people who were threatened online then killed.<sup>166</sup>

Laith described the grief he felt over his boyfriend's death: "My life is over. I'm dead inside. Only my body is still here, but I'm gone. The pain and terror I carry will never go away. I just hope the future generation doesn't have to suffer like we did."<sup>167</sup>

Yasser, 21, received a death threat on September 15, 2021, on Facebook, from individuals who identified themselves as belonging to Asa'ib Ahl al-Haqq, an armed group under the PMF. The message, which Human Rights Watch reviewed, said:

Preserve your family and tribe's honor, and your father's, [name withheld]. Repent, [Yasser], before Allah from practicing sodomy and faggotry. We know everything about you and your gang. This is your final warning, or we will kill you like we did your friend [name of murder victim withheld]. We will kill you in the middle of your house so you will become an example for all the weak souls like you. This is a final warning, consider it our last word, we will not spare you or have mercy, and may Allah be our witness.<sup>168</sup>

On October 20, 2021, Yasser said he attempted suicide, swallowing non-prescribed pills, but was taken to the hospital and survived. "I don't want to live anymore. What for? Everyone wants me dead," Yasser told Human Rights Watch.<sup>169</sup>

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<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> Human Rights Watch phone interview with Yasser, October 5, 2021.

<sup>169</sup> Ibid.



Fares, a 23-year-old gay man from Basra, described the online threats he received in May 2020 on Instagram:

I met someone on Grindr who introduced himself as a man my age and said he lived in the same province as me. He asked for my social media accounts, my address, and then sent me photos of myself and my mother that he found on Instagram, along with messages and verses from the Quran. Then he threatened me with death. Another profile with a different photo threatened me by saying, “We have our eye on you, we know who you are, who your parents are and where you live—await your punishment.”<sup>170</sup>

Human Rights Watch reviewed the Instagram messages, which accompanied pictures of Fares and his mother with a red “X” marked on their faces, along with pictures of slaughtered men in the street. One message said:

In the name of God. This is a warning. We are the Committee for the Promotion of Virtue and the Prevention of Vice. We warn anyone who spreads homosexuality, which God in his glory has mentioned by saying: “In the name of God the merciful, the compassionate, ‘the men who come with desire not for the women will suffer a painful torture,’ God Almighty speaks the truth.” We know you like men and have desire toward them. We will drag you to meet with them, and we will be obliged to kill you one after another.<sup>171</sup>

Because of the threats, Fares felt unsafe: “I had to leave my house for about five months until I felt it was safe for me to return,” he said. After he returned home, he stopped using Grindr.

Mariam, a 21-year-old lesbian woman from Baghdad, received recurring threats on Instagram, because of her sexual orientation, from individuals who identified themselves

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<sup>170</sup> Human Rights Watch phone interview with Fares, September 18, 2021.

<sup>171</sup> Ibid.

as belonging to armed groups. She described the anxiety and fear she experienced as a result:

One of the most severe threats I received left me anxious for a week, it started in messaged on Instagram happened through continuous phone calls to my number from various unregistered numbers. In the calls, they would tell me my full details, information about my family, my house, my age, my area. The second step would be threatening me with death to get more information out of me. But the minute they would utter these threats, I would block the number, because if I engaged, it would incriminate me. They would say, “Be wary of where you go, how you dress, and what you post on social media.” They would also describe in detail what I would be wearing and my entourage. It’s terrifying.<sup>172</sup>

Masa, a 19-year-old transgender woman from Najaf, said she received threats on her Instagram account from security officers and armed groups, mainly individuals who identified themselves as belonging to Saraya al-Salam, an armed group under the PMF. She said:

I used my real photos and real name online, using my profile as a personal journal. I have received threats on various social media platforms from armed groups and high-ranking official army men. They specifically target people like us, to hunt us down and kill us. When I refuse to engage with them, they would tell me that they have weapons they would use against me.... This caused me to delete all my accounts. I now live in complete isolation. The threats I received are from people affiliated with Saraya al-Salam. I have heard of and knew a lot of [LGBT] people murdered by them.<sup>173</sup>

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<sup>172</sup> Human Rights Watch phone interview with Mariam, July 23, 2021.

<sup>173</sup> Human Rights Watch phone interview with Masa, September 17, 2021.

## **VI. “I Had Grindr on My Phone”: Reliance on Digital “Evidence” in Arrests and Prosecutions**

At the Metn police station, they searched our phones [by forcing us to unlock them by using physical force], including our chats and photo gallery. They [officers] forced me to respond to everyone who texted me and ask them for money in exchange for sex. I had never engaged in sex work, but they used these chats as evidence against me. [My friend and I] were detained for 2 months and 20 days in a men’s cell....

— Maria, 30-year-old transgender woman in Lebanon, January 10, 2022

Human Rights Watch documented 45 cases of arbitrary arrest involving 40 LGBT people (some were arrested more than once), in Egypt, Jordan, Lebanon, and Tunisia. Authorities held LGBT people in pretrial detention pending investigation, ranging from 45 days to five months.

In all 45 cases, we spoke with the victims and all of them said officers had searched their phones, mostly by using force or under threat of violence. In all cases, selfies, other photos, chats, and the mere presence of same-sex dating applications, such as Grindr, on LGBT people’s phones were used by security forces and at times by prosecutors as the only basis for their detention. Security forces also used this information to justify abuses against them based on their presumed or actual sexual orientation or gender identity.

Human Rights Watch reviewed judicial files for 23 cases of LGBT people prosecuted under laws criminalizing same-sex conduct, “debauchery,” “inciting debauchery,” and “prostitution” in Egypt, Jordan, Lebanon, and Tunisia. In most prosecution cases, individuals were acquitted upon appeal. In five cases, individuals were convicted, and their punishments ranged from one to three years imprisonment. The remaining 22 LGBT people arrested were detained without charge, in one case for 52 days at a police station.

Transgender women reported being detained in men’s cells, and in one case, at a police station for 13 months due to security forces’ confusion around the trans woman’s gender identity and expression.

## Prosecutions Based on Digital “Evidence”

### *Selected Cases*

On January 15, 2020, Tina, a 34-year-old trans woman sex worker from Cyprus, was in Egypt for work when police arrested her after her client told the police that he found her on the internet. She was detained for 13 months at the Nasr City police station and convicted for “inciting debauchery” based on photos and chats that police found when they searched her phone.<sup>174</sup> Human Rights Watch’s review of the police report and court files in Tina’s case confirmed that this private information was the only evidence presented in her case. Tina said:

At 10:30 p.m., on the last night before my flight back to Cyprus, I had an appointment with a diplomat who was my client. He arrived with his driver to the hotel. The police outside the hotel stopped us because of the car’s tinted windows. They asked for our passports and the diplomat refused. I had to give them mine, which was a passport I do not currently use, because it says I am male. The police asked the diplomat if I was his girlfriend or his wife. He said that he found me on the internet. Then they put us both in a minibus and took us to the Giza police station.<sup>175</sup>

At the station, Tina described the treatment by police:

[The police officers] did not tell me on what basis I was being held. They took my fingerprints and searched my phone and took screenshots of my messages with clients as well as pictures of me they found on my phone. They also did not allow me to call a lawyer, my embassy, or even my mother.<sup>176</sup>

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<sup>174</sup> Human Rights Watch phone interview with Tina, September 15, 2021.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid.

Tina’s pretrial detention was extended three times, each for 15 days, for a total of 45 days. During that period, she said, “They gave me food and water in exchange for sex,” otherwise she did not receive food or water. Because her gender identity confused the officers, who did not know whether to place her in a men’s or women’s prison, she was never transferred to a prison. When she finally had her court hearing, “it was eight seconds. The judge did not even look at me.” The judge dropped one charge, for “prostitution,” but sentenced her to three years for “inciting debauchery” on the basis of her nude photos. She was detained for another 13 months.<sup>177</sup>

Tina said that toward the end of September 2020, she received notice that she was being transferred back to Cyprus, the paperwork for which took over four months. Tina arrived in Nicosia, Cyprus, on January 19, 2021, where she was held in Central Nicosia Jail until May 21, 2021, when she was released under house arrest. She was released from house arrest in May 2022.

Martin, a 39-year-old gay man from Chile, was working in Egypt as a Spanish teacher when he was arrested in February 2020.

My only problem is that I had Grindr on my phone. It was a Sunday, and I was at the supermarket in Dokki, where I was living. Suddenly, a man I did not know approached me, called me by my name, and said, “We are going to the police station.” He forcibly took my phone and demanded I opened it. He asked for my passport, which I did not have, so they handcuffed me, put me in a minibus, and drove to my apartment. I got my passport, and I was surprised that police officers took everything valuable from my apartment: iPad, TV, and laptop. They also never returned my phone.<sup>178</sup>

At the Dokki police station, Martin said no one spoke English and he did not know the reason for his arrest. He stayed at the police station overnight, until his court hearing the

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<sup>177</sup> Ibid.

<sup>178</sup> Human Rights Watch interview with Martin, October 2, 2021.

next morning, at which he was convicted of “inciting debauchery” and sentenced to a fine of 400 pounds (US\$25) and deportation to Chile.

Human Rights Watch reviewed the police report and court files in Martin’s case, which indicated that the presence of the Grindr app on his phone was the basis for his conviction. The police report also highlighted that Egypt’s Intelligence Agency received information that he was meeting men on Grindr to have sex with them, which Martin denied. Martin told Human Rights Watch that he believed the Chilean embassy’s intervention was the only reason he was released.<sup>179</sup>

In August 2020, the Egyptian National Security Agency arrested four witnesses to a high-profile 2014 gang rape in Cairo’s Fairmont Hotel (known as the Fairmont case), along with two of their acquaintances, weeks after independent women’s rights activists exposed the incident online. The authorities accused two of the witnesses, Seif Bedour and Ahmed Ganzoury, of consensual same-sex sexual conduct and “inciting debauchery,” based solely on private photos from their phones.<sup>180</sup>

The authorities subjected Bedour and Ganzoury to drug testing and forced anal exams.<sup>181</sup> Police unlawfully searched the men’s phones by forcing them to unlock their devices and, on the basis of the private photos they found, detained them for allegedly engaging in same-sex conduct.<sup>182</sup> Pro-government media targeted them with a coordinated online smear campaign, publishing their names, photos, and private information based on their perceived sexual orientation.<sup>183</sup> The two men were detained in pretrial detention for five months, then released pending investigation in January 2021.<sup>184</sup>

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<sup>179</sup> Ibid.

<sup>180</sup> “Egypt: Gang Rape Witnesses Arrested, Smeared,” Human Rights Watch news release.

<sup>181</sup> Rasha Younes, “Egypt Detains Men for Alleged Sexual Orientation, Alongside Alleged Rapists,” Human Rights Watch dispatch.

<sup>182</sup> Ibid.

<sup>183</sup> “Egypt: Gang Rape Witnesses Arrested, Smeared,” Human Rights Watch news release.

<sup>184</sup> Rasha Younes, “Justice Stalled in Egypt’s ‘Fairmont’ Rape Case,” Human Rights Watch dispatch.

Maria, a 30-year-old transgender Syrian woman refugee residing in Lebanon, was arrested at her home by members of Lebanon’s police on July 6, 2020 and taken to a police station in the Metn district, Mount Lebanon governorate. She told Human Rights Watch about her arrest and said that the police used physical violence to force her to unlock her phone:

The police raided our house and arrested me, my boyfriend, and my friend who just happened to be at the apartment and is also a transgender woman. They arrested my boyfriend on drug charges and my friend and me for “prostitution” simply because we are trans. At the Metn police station, they [forcibly] searched our phones, including our chats and photo gallery. They [officers] forced me to respond to everyone who texted me and ask them for money in exchange for sex. I had never engaged in sex work, but they used these chats as evidence against me. [My friend and I] were detained for 2 months and 20 days in a men’s cell.... When we were supposed to be released, we spent 20 additional days at the General Security Office because they wanted to deport us. I am still [at the time of writing] attending court hearings in Jounieh [a city north of Beirut].<sup>185</sup>

Maria said that she did not know the charges against her until a month and a half after her detention. While she and her friend were released on September 23, 2020, at the time of writing, she said that she is still being prosecuted for “prostitution” based solely on her photos and chats.<sup>186</sup>

Adham, a 24-year-old gay man from Egypt, was meeting his friend in Cairo when two men dressed in civilian clothing cornered him in August 2018:

They said they were investigative police, grabbed my arms, took my ID, and searched my phone for same-sex dating apps. They beat and cursed me and then pressured me to show them my personal photos.<sup>187</sup>

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<sup>185</sup> Human Rights Watch phone interview with Maria, January 10, 2022.

<sup>186</sup> Ibid.

<sup>187</sup> Human Rights Watch phone interview with Adham, September 18, 2021.

Police officers found a screenshot of a conversation between Adham and a friend and recorded it in their notebook as what they called an “inappropriate sexual conversation.” When he tried to explain, an officer grabbed him in a chokehold while the other officer severely beat him and addressed him with the “most horrific profanities,” he said. They then dragged him and threw him into a bus and took him to Abdeen police station. He told Human Rights Watch:

They [police officers] said they would let me go once they checked my ID, but then they kept me for two hours in an inhumane room. They beat me so violently that I fell to the ground, and [they] humiliated me. A police officer saw that I was wearing a cross, ordered me to remove it, and took a photo of me carrying a sheet [of paper] with my full name and the word “debauchery” written underneath.<sup>188</sup>

Adham said the police officers tried to force him to sign a statement he had not written that included admissions of “immorality and incitement to debauchery,” “sex trade,” and “attempting to satisfy forbidden sexual desires with men in exchange for money.” When he refused, several officers attacked him from behind and started punching, slapping, and stomping their boots all over his body, he said. He explained:

They dragged me by my clothes to a cell with other detainees, and said “I will make them fuck you, you faggot scum.” The other detainees verbally and sexually assaulted me.<sup>189</sup>

The next day, police officers took Adham to the prosecutor’s office in Qasr El-Nil, Cairo, and his release was ordered. However, the police did not comply and took him back to Abdeen police station. “When I went back to the cell, an officer sexually assaulted me, and when I pushed him away, he threatened to put fake photos on my phone to indict me.”<sup>190</sup>

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<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid.



Human Rights Watch reviewed the police report and court files in Adham’s case. On September 23, 2018, a court in Cairo sentenced Adham to six months in prison and six months of probation for “debauchery,” based on the private chats and other information police found on his phone. An appeals court dismissed the charges against him, though they remained on his criminal record until April 2019, which prevented him from traveling or securing employment.

In 2017, while Murad, a 30-year-old gay man from Egypt, was walking to his university in Alexandria at 10 a.m., a police officer, scrutinizing his appearance, said: “Do you want to give me your phone or come with me to the station?” The officer then searched his phone and found private photos of him dressed as a woman. Murad recalled the officer telling him “You’re a faggot. Your parents didn’t know how to discipline you, so I will show you what discipline looks like.”<sup>191</sup>

At the police station, police officers beat him, verbally abused him, and coerced him to confess that he had had sex with a man. They accused him of “imitating women” and derogatorily addressed him with female pronouns.

Subsequently, Murad was detained at Burj al-Arab Prison, near Alexandria, in an overcrowded and unsanitary cell, he said. Prison guards beat him and threatened to kill him, and detainees gang raped him while security guards did nothing to protect him, he added.

Human Rights Watch reviewed the police report and court files in Murad’s case. A court sentenced Murad to one year in prison for “inciting debauchery,” based solely on his private photos, and this criminal record prevented him from finding a job or traveling.<sup>192</sup>

Chaker, a 31-year-old gay man refugee from Syria living in Lebanon, said he was arrested by members of General Security, the agency responsible for the entry and exit of foreigners, in April 2017 when he tried to renew his residency papers. Officers said they suspected his ID was fake, searched his phone, and found photos of him kissing a man.

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<sup>191</sup> Human Rights Watch phone interview with Murad, September 20, 2021.

<sup>192</sup> Ibid.

They used Chaker's contacts to identify and locate the man in the photo, who they then also arrested. They transferred the men from General Security to a police station. He said:

We spent a week at the Hobeish police station. They put us each in a cell and made demeaning comments about how we take it up the ass. The police officers who forced me to clean every now and then would often refer to me as "the faggot."<sup>193</sup>

After that week, Chaker was transferred to Roumieh Prison for four months on homosexuality charges, under article 534 of Lebanon's penal code, which criminalizes sexual intercourse "contrary to the order of nature" and has been used to criminalize consensual same-sex acts despite several court rulings that homosexuality is not "unnatural."<sup>194</sup> He said:

When I arrived, I was asked what my charges were and I foolishly mentioned that they were about homosexuality, which got me in trouble. I was put in a cell with someone who had a life sentence, and he sexually assaulted me at night. The first judge we went to before our verdict was finalized kept telling us how he was not okay with my sexuality. After the trial, I was forced to pay a 500,000 pounds [US\$329] fine.<sup>195</sup>

## Arbitrary Arrest Without Charge Based on Digital "Evidence"

### *Selected Cases*

Joanna, a 27-year-old transgender woman from Lebanon, said she was arrested twice by police officers in Beirut due to her gender expression. On December 31, 2021, when she was on her way to a New Year's celebration, three uniformed officers from Lebanon's police force, the Internal Security Forces (ISF), attacked her on Bourj Hammoud street in Beirut.

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<sup>193</sup> Human Rights Watch phone interview with Chaker, January 5, 2022.

<sup>194</sup> In July 2018, a district court of appeal in Lebanon issued a ground-breaking ruling that consensual sex between people of the same sex is not unlawful. The ruling followed similar judgments from lower courts that have declined to convict gay and transgender people of "sexual intercourse contrary to nature" in four separate rulings between 2007 and 2017. In March 2019, a military court decision ruled that homosexuality is not a crime and acquitted four individuals accused of "sodomy."

<sup>195</sup> Human Rights Watch phone interview with Chaker, January 5, 2022.

[The police officers] kicked my knees and dragged me into their car, then slapped me continuously and spat on me. They all insulted me, saying things like, “You got your lips done, you faggot?” “We will show you what we do to faggots like you in this country.” As soon as they got me in the car, they snatched my phone and forced me to open it. They went directly to my photo gallery, took screenshots of my photos dressed as a woman, then sent the screenshots to themselves. They took me to the police station and took videos of me handcuffed to the door, while making animal noises to humiliate me. They made me sign a police report that said I was “imitating women” based on the photos in my phone. They released me the next morning, without charge.<sup>196</sup>

This was her second encounter with the police and followed a similar pattern as her first. In August 2021, four police officers arrested Joanna on the street in the Raouche neighborhood of Beirut based on her gender expression, searched her phone, found pictures of her wearing makeup, beat her, and took her to the Ramlet al-Baida police station, she said. At the police station, police officers threatened to rape her, verbally abused her, slapped and kicked her, and detained her overnight, she said. Joanna was made to sign a police report, which Human Rights Watch reviewed, stating that she was “imitating women” based on digital content the police found on her phone.<sup>197</sup>

Shirine, a 35-year-old transgender woman from Lebanon, was arrested by members of Lebanon’s police force on November 15, 2021, after a Jordanian man she met on TikTok harassed her online. At the time of arrest, Shirine said a police officer told her that the Jordanian man accused her of extortion and reported her to the police.

[We] spoke for eight months, then he said he wanted me to visit him [in Jordan] and sent me US\$150. I gave him my Snapchat and my Facebook profiles, after he had asked. He told me that he had more money and that I should send him a voice message on WhatsApp insulting him. I did just as he asked, and three weeks later, eight police officers barged into my

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<sup>196</sup> Human Rights Watch phone interview with Joanna, January 11, 2022.

<sup>197</sup> Ibid.

apartment, handcuffed me, and dragged me out half-naked, like a dog. I had a friend visiting me, who is a gay man. After they took me away, my friend told me that they ripped apart all my clothing items including my bras and undergarments, just to demonstrate that they did not approve of my being transgender. They also punched my TV and destroyed my beauty products.<sup>198</sup>

Shirine told Human Rights Watch that the officers took her to Joseph Daher police station, also known as the Cybercrimes Bureau, where she was detained for 52 days. When she arrived at the police station, police officers, under threat of beating, forced her to unlock her phone and get on a video WhatsApp call with the Jordanian man, during which they showed him that she was handcuffed and in custody:

They searched my phone and found a video of me having sex with my boyfriend and would refer to my case as “prostitution” when it was just a private video of me and my partner. They also saw videos that I have of my friends, along with deleting some contacts from my contact list at random. They even shared these videos among themselves at the police barracks, and I’d constantly get mocked.... I wished for death.<sup>199</sup>

Shirine, who said she was never referred to the prosecution, was made to sign a police report, which Human Rights Watch reviewed, stating that she was “practicing prostitution,” based on the video and other information the police found on her phone.

Nour, the 31-year-old gender non-binary person from Zagazig, Egypt, referred to above who uses they/them pronouns, was arrested by police on the street, due to their gender expression, on September 18, 2021. At the Abdeen police station, officers searched Nour’s phone, found a photo of them wearing women’s clothing and makeup, and detained them for 10 days on the basis of this photo. “All this terror because of a photo they found in my gallery,” Nour said.<sup>200</sup>

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<sup>198</sup> Human Rights Watch phone interview with Shirine, January 31, 2022.

<sup>199</sup> Ibid.

<sup>200</sup> Human Rights Watch phone interview with Nour, October 6, 2021.

Abbas, a 25-year-old gay man and LGBT activist from Tunisia, told Human Rights Watch how he and his boyfriend were summoned for interrogation by police on June 14, 2020:

I was living with my Libyan boyfriend. We hosted two Libyan women activists because they had no place to stay after having fled Libya to be together. [The women] logged into their social media accounts through my IP [Internet Protocol] address and were then located by the police who were searching for them after their parents in Libya found out that they had fled to Tunisia. They interrogated both my boyfriend and me about the two women. They asked us to open our Facebook accounts and phones, but we refused..<sup>201</sup>

However, to Abbas' surprise, the officers said they had already accessed his personal Facebook account and began interrogating him about his online LGBT activism:

[The police officers] took the interrogation in a different direction—they started asking me about the [LGBT] organization I work with, its activities, employees, funds, operations, and beneficiaries. They said that they accessed my personal Facebook page and saw LGBT advocacy. I was shocked because my account is private and so were my posts. I later found out that my landlord, who owns the Wi-Fi at our apartment, had authorized the officers access to my internet. They hacked my account, my phone, my boyfriend's phone, and two laptops at the house, and they were able to derive all our information from there. They presented us with social media posts by one of the women we had hosted and told us that they were posted from our area..<sup>202</sup>

With the help of a friend working in the telecommunications industry, Abbas said he subsequently discovered his and his boyfriend's phones were being tapped by the authorities. "I had to acquire different SIM cards so that I may engage safely,"

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<sup>201</sup> Human Rights Watch phone interview with Abbas, September 17, 2021.

<sup>202</sup> Ibid.

he said. “I was tracked in the streets and stalked wherever I went. I was forced to change my residence.”<sup>203</sup>

On February 4, 2021, police officers raided Abbas’ house without a warrant and arrested him, his boyfriend, and his flatmate, who is also gay. Human Rights Watch separately interviewed the three men, and they gave similar accounts of the arrest. Abbas said:

One of the [Libyan] women left us, and we had only one of the two living with us [not there at the time of arrest]. [The police] found the woman who left and arrested her. She told them [under duress] that we had kidnapped her. Police officers raided our house without a warrant. They searched the house and took items that had nothing to do with the case, such as underwear, condoms, a tube of lube, feminine clothing, and wigs. They also took some of my personal documents like bills, work, and bank documents. They took our phones and forced us [under threat of violence] to open them.<sup>204</sup>

When the three men were taken to the police station, they encountered the same officers they had met in June. He described the officers’ treatment:

One officer said, “This time we are going to use violence.” They grabbed us by our clothes and shook us and pushed us around. They constantly shamed and humiliated us, saying “Have you no shame? Look at these clothes, are you operating a whorehouse?” Whenever someone entered, they would “out” us and say that we were “faggots” suspected of practicing homosexual acts.<sup>205</sup>

Due to a lack of evidence, the police dropped the kidnapping charges, but they went forward with the homosexuality charges, relying on photos they extracted from the social media accounts and phones of the three men as evidence of same-sex conduct.

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<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

After meeting with the public prosecutor, the three men were released. When Abbas went home, he learned from a neighbor that two police officers stole his rare coins, watches, clothing, and sunglasses. Furthermore, the police never returned the men's clothes or phones, saying they would do so when the case is closed.<sup>206</sup>

The three men's court hearing was on June 2, 2021, but they all left Tunisia in May 2021 because of this experience, they said.

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<sup>206</sup> Ibid.

## VII. “Welcome to Hell”: Ill-Treatment, Sexual Violence, and Inhuman Conditions in Detention

When I got to the [Nasr City] police station, the policeman [in Egypt] told me, “Welcome to hell.” .... The first night, five of them [police officers] raped me while I was blindfolded. I felt it was five people, and I heard them behind me laughing. The next day I went to the court again.... Some military man came and said, “Make it fast so I can rape you outside.” Then came two young men and they raped me as well. I had no one with me, not even my lawyer.

—Tina, 34-year-old transgender woman, September 15, 2021

The previous section documented 45 cases of arbitrary arrest involving 40 LGBT people. Once in detention, LGBT people we interviewed reported experiencing a combination of the following: being placed in solitary confinement; being denied food and water, contact with family, and medical services; and being sexually assaulted and subjected to other physical violence.



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## Sexual Violence

Tina, a 34-year-old trans woman sex worker from Cyprus, referred to in the previous section, said she was raped more than 100 times in the 290 days she was in detention, including 22 times in the first 15 days, which she recorded in her diary. She recounted her ordeal to Human Rights Watch:

The chief police officer, who introduced himself as such, told me that if I were younger, he would marry me. He told me that he was the boss there and that if I wanted to leave, I must have sex with him. I evaluated the situation and decided to do it so I may return home. While we had sex, every few minutes someone knocked at the door. When he finished, I was forced to have sex with two other police officers at the court as well. I am a sex worker, and I am used to sex for business and for pleasure, but that was rape.<sup>207</sup>

Tina said that police officers then took her to the Nasr City police station, where one police officer told her, “Welcome to hell.” She believes five men raped her on the first night in the station, and she was also raped by two men when she went to court. She was detained near the police station’s entrance when she returned.

At around 5 a.m., eight men came inside my room and forced me to undress so that they could search me. When I got naked, they took out their phones and took videos of me. That was the worst night of my life, I felt that my soul was violated.<sup>208</sup>

During the 15 days while I was waiting for my court hearing, I was raped 22 times; I know that because I wrote it all in my diary. I went to court again, and my pretrial detention was extended for another 15 days. During that time, I signed a paper the first day of the court, perhaps it was a confession, but I did not have a lawyer so I could not tell and they did not

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<sup>207</sup> Human Rights Watch phone interview with Tina, September 15, 2021.

<sup>208</sup> *Ibid.*

allow me to call a lawyer. I knew I had rights, but there was nothing I could do in Egypt, especially for [a transgender person] like me.<sup>209</sup>

Her torture and sexual abuse continued:

In April 2020, police officers barged in with a big rope and they forcibly inserted it in my anus. My anus was damaged to an extent that I had to undergo surgery when I got to Cyprus. The reason I waited to get to Cyprus to do the surgery was because I did not know that area was damaged because I was suffering from malnutrition while at the police station. I eventually noticed the damage when I got to Cyprus and started eating better—I was bleeding from my anus for nine months. [Nine months after verdict,] I weighed 42 kilograms.

[While in pretrial detention] I did not have energy to do anything, I could not even stand up. I did not have a bed. I had a water bottle to urinate in it, as I could not walk to the bathroom anymore. I had no water, no food. Once a month, the officers would order food and ask me if I wanted to order anything, but I refused because I was afraid it would have negative repercussions. I chose starvation over being raped again. One police officer there told me that incarcerated women get raped as a form of punishment.<sup>210</sup>

Tina's physical health steadily deteriorated in detention due to malnutrition and the sexual abuse.

The only time I ate was when other inmates gave me some of the food they had. I tried to commit suicide several times there because I was exhausted from all the pain and the extreme dirty state of my room. The chief officer then called my embassy and asked them to get a representative to see me or move me to a hospital, because I was in a critical condition. The

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<sup>209</sup> Ibid.

<sup>210</sup> Ibid.

diplomat came 20 days after, he [was mad and upset] after he saw me, and I was immediately moved to the Heliopolis public hospital on September 27. A woman came in to examine me, but because I was trans, another doctor came and asked me to take off my clothes. I asked him why and he said it was to see my tattoos. I gathered all the energy I had left and ran out of that room. I wanted to go back to my room at the police station—I preferred to be with those policemen than be raped by the medical staff.<sup>211</sup>

## Inhuman Conditions

Shirine, a 35-year-old transgender woman from Lebanon, who was arrested and detained by members of Lebanon’s police force, described the degrading conditions of her detention:

I was handcuffed for 38 days at the police station, and they treated me despicably.... They kept referring to me as a “faggot” and would say phrases like, “You motherfucker!” “Fuck your mother in her grave, you faggot.” They would barge in on me while I was in the bathroom, to scare me. I spent all that time in utter distress, discomfort, and pain from the handcuffs.

I slept on the floor the entire time, freezing to death, getting insulted night and day. They would tell random visitors who came to the police station, “Look at this faggot, he gave himself breasts.... Look how ugly he is.” They took my money, my data, and my memory card, one that had videos of my mother before her death, then pretended it was stolen. I even defecated in my pants, not from fear, but from all that psychological abuse. I broke a glass once while I was cleaning, and attempted to swallow the shards, hoping that I would die.<sup>212</sup>

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<sup>211</sup> Ibid.

<sup>212</sup> Human Rights Watch phone interview with Shirine, January 31, 2022.

Nour, the 31-year-old gender non-binary person from Zagazig, Egypt, referred to above who uses they/them pronouns, described the physical and sexual abuse, as well as poor conditions, they faced in detention:

[The police officer] said that I am a khawal [Egyptian term for “faggot”] and that he would not let me go without giving me what I deserved. He beat me up and punched my head and ears. I still cannot hear properly because of this. Another officer sexually harassed me. It was at night, and everyone was sleeping. He was touching my intimate parts, then he rubbed his dick on my ass and put his hand on my mouth so that I would not make a sound. Three detainees, ordered by police officers, also threatened me with a mousse knife and brought me to the bathroom, took off my clothes, and did an anal test on me. They then beat me on my groin and intimate parts, skull, and buttocks. I slept in a tiny room, which had about 100 detainees and no space to lie down, let alone fall asleep. It was also poorly ventilated and infested with insects. I got a skin disease there.<sup>213</sup>

## Due Process Violations

Abbas, a 25-year-old gay man and LGBT activist from Tunisia, who was arrested with his boyfriend along with his gay flatmate, told Human Rights Watch:

We were detained and interrogated for four days. We were interrogated intermittently so that [the police officers] could keep us for longer. They did not notify the state representative until the next day, so we were given a 48-hour detention starting from the period the state representative was notified. They gave us documents to sign without the presence of the lawyer.

The police report stated that they found my gay friend [the flatmate] engaging in “criminal homosexual activity.” My friend refused to sign the police report, and they threatened him with a punch to his mouth, cursed at him, and told him that detention was a better fit for him because he is too

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<sup>213</sup> Human Rights Watch phone interview with Nour, October 6, 2021.

gay and filthy for the outside world. They also told him that it did not matter if he signed the report or not, because they had incriminating evidence against him. They threatened to fabricate evidence to pin more charges against us.<sup>214</sup>

Subsequently, the police officers took all three men to Al Gorjani detention center, where they were detained for two days before going to court. Abbas described the ill-treatment they received:

The first night in detention was terrifying. We were detained with individuals that had cases of rape, murder, and terrorism. The room, which was supposed to fit 10-15 detainees during Covid-19 and 20-25 on normal occasions, contained 45 detainees. We were never given water or food. We were also threatened with an anal exam. Officers accused us of being guilty of same-sex conduct because we refused to undergo the exam.<sup>215</sup>

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<sup>214</sup> Human Rights Watch phone interview with Abbas, September 17, 2021.

<sup>215</sup> Human Rights Watch phone interview with Abbas, September 17, 2021.

## **VIII. “It Is Still Traumatic”: The Long-Term Offline Consequences of Digital Targeting**

As evident from the accounts of LGBT people Human Rights Watch documented, the offline consequences of digital targeting, regardless of the specific tactic, are long-lasting. Instances of digital targeting against LGBT people in the five countries are far from transient and rarely end with the online abuse. They reverberate in their consequences throughout the victims’ lives, in some cases for years, often impacting their futures and, at times, ruining their lives.

All LGBT people interviewed reported suffering severe mental health consequences, including isolation they experienced months and even years after the instance of digital targeting, as well as their constant fear, post-traumatic stress, depression, and anxiety. Many LGBT people reported suicidal ideation as a result of their experience with digital targeting, and some even reported attempting suicide.

Most of the LGBT people targeted online said they stopped using digital platforms and deleted their social media accounts as a result of digital targeting, which only exacerbated their feeling of isolation.

### **Driven Off Digital Platforms and Living in Fear**

Ammar, a 31-year-old gay man from Jordan, who was targeted with online hate speech due to his LGBT activism and subsequently interrogated by the authorities in 2017, said:

I was very scared and anxious for many years to come. I’d avoid state agents and would often think twice about going to public spaces. I did not enjoy any outing. I stopped talking to all my activist friends, and our group and solidarity networks broke off and vanished. Some of them were my close friends even. It is still traumatic for me. My partner also suffered anxiety because of the incident. He fears state agents and public spaces. We did not seek therapy at the time, because it wasn’t affordable. I am now

in therapy. I stopped using all social media after being very active on such platforms before. There's fear, and a heaviness in my heart toward digital spaces that is more rampant than that related to physical ones. I can handle myself and weigh my risks when I am at a proximity with a potential danger, but I cannot fathom nor calculate the risks that exist within digital spaces.<sup>216</sup>

Yasser, a 21-year-old gay man from Iraq, spoke to Human Rights Watch about the implications of receiving an online death threat by an armed group in 2021:

I never leave my house. I'm terrified they [armed groups under the PMF] will break into my father's house and kill me. If my father knows I'm being targeted, he will kill me. I kept this threat to myself, but it haunts me every day.<sup>217</sup>

Despite having only been detained for four days, Amar, a 25-year-old transgender woman from Jordan, said the consequences of her online entrapment in 2019 ruined her life:

I had not spoken to my parents for years before I was detained. When my father found out the case against me, he vowed to kill me. I had to leave the apartment I was staying in because my father knew the location. I changed my phone number and removed all social media applications from my phone. I lived in a warehouse for three months. A friend managed to host me, in secret, at a warehouse that his family owned, which was under an animal market. The conditions were appalling, but I had nowhere else to go.<sup>218</sup>

Bahaa', a 24-year-old gay man from Egypt, who experienced online extortion in 2021, said:

I halted all online activities, I let go of the people I used to hang out with and stopped seeing anyone in general. I suffered from depression, and I

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<sup>216</sup> Human Rights Watch video interview with Ammar, September 24, 2021.

<sup>217</sup> Human Rights Watch phone interview with Yasser, October 5, 2021.

<sup>218</sup> Human Rights Watch video interview with Amar, September 24, 2021.

sought treatment. I am currently medicated, but the meds don't help much. I don't use dating apps anymore and I deleted Facebook.<sup>219</sup>

Mahdy, a 28-year-old gay man from Cairo, who was extorted by a man he met on Instagram in 2021, said:

I lost everything. I am currently trying to leave my house and my entire area before the news get to my father. I am looking for another job in a different governorate. I am doing this with the help of some friends, they are in Alexandria. This has cost me my hard-earned job and my reputation.<sup>220</sup>

Maamoun, a 24-year-old gay man from Egypt who was entrapped by security forces on Grindr and subsequently detained in 2021, said:

I was barely recognizable when I left [detention], I had lost so much weight because I only ate one loaf of dirty bread a day and was denied my HIV medication. I lost my job due to my arrest, and I am still unemployed. I constantly have nightmares about what happened to me. I stopped leaving the house altogether.<sup>221</sup>

Ayman, a 23-year-old gay man from Egypt, described the consequences of his entrapment and subsequent detention in 2020:

I isolated for six months after I got out. My mental state was at its lowest, and I did not know how to deal with my parents because they experienced shame after the incident. I was very anxious about existing in public because I feared being arrested again. I am also more careful online; I delete my chats and my photos regardless how mundane this content is.<sup>222</sup>

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<sup>219</sup> Human Rights Watch phone interview with Bahaa', October 22, 2021.

<sup>220</sup> Human Rights Watch phone interview with Mahdy, October 7, 2021.

<sup>221</sup> Human Rights Watch phone interview with Maamoun, October 28, 2021.

<sup>222</sup> Human Rights Watch phone interview with Ayman, December 8, 2021.



Nassim, a 25-year-old Egyptian gay man, who was extorted online in 2021 and then assaulted, said:

I stopped using all social media and dating apps. I started seeking therapy after that incident, along with prescription drugs. I started getting triggered when walking in public because I'd see faces that resemble those who assaulted me. I even started seeing their faces in the faces of strangers. I am also very careful about meeting strangers for any reason at all.<sup>223</sup>

Nour, the 31-year-old gender non-binary person from Zagazig, Egypt, who was entrapped, extorted, arrested, and ill-treated in detention in 2021, said: "Now I don't go out at all, and I stopped using all dating apps, because I know that most state-led entrapment happens through Grindr."<sup>224</sup>

Chaker, a 31-year-old gay man from Syria, residing in Lebanon, who was detained in 2017 for four months on homosexuality charges based on information taken from his phone, said:

I currently live alone, and don't have anyone. I suffered mentally and psychologically from that incident and I have feelings of hopelessness and anguish. I don't use dating apps because I am afraid of thugs and others ill-willed people on dating apps. I knew a friend who was stabbed after meeting someone from Grindr. During the Hobeish [detention center] incident, I told my parents because I needed help, and they found out about my sexuality then. My family put extreme pressure on me, and the only way to avoid it was to leave. They used violence and I still receive threats from them.<sup>225</sup>

Shirine, a 35-year-old transgender woman from Lebanon, who was detained after a man she met online reported her to the police in 2021, said:

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<sup>223</sup> Human Rights Watch phone interview with Nassim, October 14, 2021.

<sup>224</sup> Human Rights Watch phone interview with Nour, October 6, 2021.

<sup>225</sup> Human Rights Watch phone interview with Chaker, January 5, 2022.

I've attempted suicide six times. I am also suffering mentally, and I take prescription pills for that. I still get calls from private numbers, I don't know the origin, but they'd say that my day is nearing. I am afraid to go out, and of people. I would rather be alone.<sup>226</sup>

Yazid, a 27-year-old Egyptian gay man who was entrapped by police online, arrested, and detained in 2019, said:

My family stopped talking to me, my brother threatened to kill me, I was too afraid to walk on the street. I lost everything. I didn't even have money to leave the country.<sup>227</sup>

Amr, a 33-year-old Egyptian gay man, spoke about the consequences of his online entrapment and subsequent detention in 2018:

I still suffer from Post-Traumatic Stress Disorder, and I cannot afford therapy. I get sudden bursts of coldness and anger. I isolate myself and fear checkpoints and state agents in public. I still get harassed at checkpoints and my phone gets searched with excessive verbal humiliation. I even received bullying by airport security in December 2020, when they saw the case on my record, they said, "You're a faggot and you are going abroad to get fucked."<sup>228</sup>

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<sup>226</sup> Human Rights Watch phone interview with Shirine, January 31, 2022.

<sup>227</sup> Human Rights Watch phone interview with Yazid, July 17, 2020.

<sup>228</sup> Human Rights Watch phone interview with Amr, January 14, 2022.

## IX. Legal Context

Most countries in the Middle East and North Africa (MENA) region have laws that criminalize same-sex relations.<sup>229</sup> While Egypt, Iraq, and Jordan do not explicitly criminalize same-sex relations, they use abusive “morality”, debauchery, and prostitution laws to target LGBT people. Article 534 of Lebanon’s penal code, which criminalizes sexual intercourse “contrary to the order of nature,” has been used to criminalize consensual same-sex acts despite several court rulings that homosexuality is not “unnatural.” None of the countries featured in this report prohibit online or offline discrimination based on sexual orientation and gender identity.

In recent years, many MENA region governments, including Egypt, Jordan, and Tunisia, have introduced cybercrime laws that target dissent and undermine the rights to freedom of expression and privacy. Cybercrime laws often establish new investigative powers, including allowing authorities to intercept, retain, and access people’s data. Obtaining data from internet service providers and other online services such as social media platforms or cloud storage services can be essential for prosecuting cybercrime. But some laws require disproportionate data collection and retention without judicial oversight and essential due process protections.

These laws, combined with existing laws that criminalize same-sex conduct, “morality” clauses, or prostitution laws, have created a dangerous climate in which LGBT people can be prosecuted merely for expressing themselves online, even in countries that do not criminalize same-sex relations.

### Egypt

Egypt does not explicitly criminalize same-sex relations. However, several Egyptian laws restrict the rights to freedom of expression and privacy. These overbroad laws that target LGBT people in discriminatory and disproportionate ways include several penal code provisions that criminalize acts of “public indecency,” “inciting debauchery,” and the

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<sup>229</sup> Ibid.

possession or distribution of materials deemed to violate “public decency.” The law does not define “public decency” or “debauchery,” and it does not specify what acts are punishable.<sup>230</sup>

The Penal Code provisions commonly used to target LGBT people and their supporters are:

- Article 178, which 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 (US\$566).<sup>231</sup>
- Article 269 *bis*, which 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.<sup>232</sup>
- Article 278, which punishes anyone who publicly commits “a scandalous act against virtue” with detention for up to one year or a fine of up to 300 pounds (US\$17).<sup>233</sup>

Article 9 of the Law 10/1961 on the Combating of Prostitution punishes anyone who “habitually engages in debauchery or prostitution” or who offers, owns, or manages establishments for the purpose of such activities, with up to three years in prison and a fine of up to 300 pounds (US\$17). Article 14 of the same law punishes “incitement to debauchery” with up to three years in prison and a fine of 100 pounds (US\$5).<sup>234</sup> Since the late 1990s, law enforcement authorities and courts have generally broadly interpreted the “debauchery” law to apply to consensual same-sex conduct between men.<sup>235</sup>

The 2018 cybercrime law (Law No. 175/2018)<sup>236</sup> restricts online content deemed to undermine “family values” (article 25) or “public morals” (article 26). Article 27

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<sup>230</sup> “Egypt: Spate of ‘Morality’ Prosecutions of Women,” Human Rights Watch news release.

<sup>231</sup> An English translation of the penal code is available here: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://sherloc.unodc.org/cld/uploads/res/document/criminal\_code\_of\_egypt\_english\_html/Egypt\_Criminal\_Code\_English.pdf, p. 76 (accessed July 4, 2022).

<sup>232</sup> *Ibid.*, p. 139.

<sup>233</sup> *Ibid.*, p. 140.

<sup>234</sup> Law 10/1961 on the Combating of Prostitution, <http://www.refworld.org/docid/5492d8784.html> (accessed July 4, 2022).

<sup>235</sup> Human Rights Watch, *In a Time of Torture: The Assault on Justice in Egypt’s Crackdown on Homosexual Conduct*, (New York: Human Rights Watch, 2004), <https://www.hrw.org/reports/2004/egypt0304/egypt0304.pdf>.

<sup>236</sup> Law No. 175 of 2018 Regarding Anti-Cyber and Information Technology Crimes, <http://ilo.org/dyn/natlex/docs/ELECTRONIC/108464/134088/F1331903941/175-2018.pdf> (accessed July 1, 2022).

criminalizes the use of the internet to “commit any other criminalized offense,” including those in the Penal Code.<sup>237</sup> Content that conflicts with the principles or family values of Egyptian society or the sanctity of private life is criminalized and punishable by up to six months in prison and a fine of between 50,000 (US\$1600) and 100,000 pounds (\$US3200).<sup>238</sup> Economic courts, which were established in Egypt in 2008 and consist of appeals courts judges, have jurisdiction over violations of the 2018 cybercrime law.<sup>239</sup>

Egypt’s cybercrime law requires internet service providers to collect and store customer usage data for 180 days. That includes data that enables user identification, and data related to all user activities, including phone calls and text messages, websites visited, and applications used on smartphones and computers. The National Telecommunications Regulatory Authority can also issue an administrative decision obliging telecommunications companies to save “other data” without specifying what kind.<sup>240</sup>

Finally, Egypt’s constitution protects several fundamental rights, including those related to due process.<sup>241</sup> It prohibits warrantless arrests unless the person is caught in the act of a crime, requires a lawyer to be present during interrogations, and guarantees suspects the rights to remain silent, to be informed in writing of the reason for their arrest within 12 hours, to be brought before a prosecutor within 24 hours, and to contact a lawyer and family member.<sup>242</sup>

The constitution prohibits torture, intimidation, coercion, and the “physical or moral harming” of detainees and also specifies there is no statute of limitations for torture. It provides that a court should disregard any statement made under torture or threat of torture.<sup>243</sup>

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<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> “Egypt: Spate of ‘Morality’ Prosecutions of Women,” Human Rights Watch news release.

<sup>240</sup> “Abuse of Cybercrime Measures Taints UN Talks,” Human Rights Watch news release, May 5, 2021, <https://www.hrw.org/news/2021/05/05/abuse-cybercrime-measures-taints-un-talks>.

<sup>241</sup> Ibid.

<sup>242</sup> Ibid.

<sup>243</sup> Ibid.

## Iraq

Iraq does not explicitly criminalize same-sex relations, and its constitution protects the rights to nondiscrimination (article 14), and privacy (article 17). However, LGBT people can be and often are arrested under a range of vague provisions in the 1969 Penal Code aimed at policing morals, “public indecency,” and free expression.<sup>244</sup> Many of these provisions are colonial-era holdovers that were maintained in the legal code following British rule.<sup>245</sup>

Paragraph 401 holds that any person who commits an “immodest act” in public can be imprisoned for up to six months, a vague provision that has been used to target sexual and gender minorities, including same-sex couples meeting in public places and LGBT rights activists.<sup>246</sup>

Other provisions restrict the freedom of expression, association, and assembly related to so-called unpopular issues, which can be weaponized to censor and punish human rights defenders working on LGBT rights. Paragraph 210 prohibits the dissemination of any information or idea that “disturbs the public peace,” and paragraphs 403 and 404 penalize any “obscene or indecent publication or speech” with up to two years in prison under paragraph 403 and up to one year under paragraph 404.<sup>247</sup> Article 200(2) punishes anyone who promotes any “movement,” which is undefined, that seeks to “change the fundamental principles of the constitution or the basic laws of society” with up to seven years in prison.<sup>248</sup>

Article 394(1) punishes any person who, outside of marriage, has sexual intercourse with a woman with her consent or who commits “buggery” with the other person’s consent. These acts are punishable by a period of up to 7 years in prison if the victim is between 15 and 18, and up to 10 years in prison if the victim is under 15.<sup>249</sup>

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<sup>244</sup> Iraq Penal Code, No. 111 of 1969.

<sup>245</sup> Human Rights Watch, *This Alien Legacy: The Origins of “Sodomy” Laws in British Colonialism* (New York: Human Rights Watch, 2008), <https://www.hrw.org/report/2008/12/17/alien-legacy/origins-sodomy-laws-british-colonialism>.

<sup>246</sup> Iraq Penal Code, No. 111 of 1969.

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

<sup>249</sup> Ibid.

Article 402(1) punishes “any person who makes indecent advances to another man or woman” with up to 3 months in detention and/or a fine of up to 30 dinars.<sup>250</sup> Article 502 punishes “any person who loiters in a public place or observes such a place with indecent intent or for an indecent purpose” with up to 10 days in detention or a fine.<sup>251</sup> These provisions have been used to target same-sex couples meeting in public as well as LGBT people based on their gender expression or actions in public.

There is no cybercrime law, but authorities have used penal code provisions to prosecute people for their online activity.

In the Kurdistan Region of Iraq, article 2 of the “Law to Prevent the Misuse of Telecommunications Equipment” imposes up to five years in prison for “‘misusing’ a cell phone or any other communication equipment, email, or internet by disseminating threats, slander, insult, or misinformation, disclosing private conversations, or sharing images contrary to public morals, or taking other action that might violate integrity or honor or incite a crime or an immoral act.”<sup>252</sup>

On September 4, 2022, members of the Kurdistan Regional Government in Iraq proposed a bill to Parliament that, if passed, would punish any individual or group who advocates for the rights of LGBT people.<sup>253</sup> According to the “Bill on the Prohibition of Promoting Homosexuality,” anyone who advocates for LGBT rights or “promotes homosexuality” would face imprisonment up to one year, and a fine of up to five million dinars (US\$3,430). The bill would also suspend, for up to one month, the licenses of media companies and civil society organizations that “promote homosexuality.” According to local organizations, the bill was tabled and its discussion postponed.

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<sup>250</sup> Ibid.

<sup>251</sup> Ibid.

<sup>252</sup> قانون منع إساءة استعمال أجهزة الاتصالات في إقليم كردستان – العراق [Law to Prevent Misuse of Telecommunications Equipment in the Kurdistan Region, Iraq], Law No. 6 of 2008, <https://docs.google.com/document/d/1TtnqDC8viMDR11ne7u1JuCgMbW8kLoSyXlyqrV6QzVU/edit> (accessed July 1, 2022).

<sup>253</sup> Rasha Younes, “A Push to Silence LGBT Rights in the Kurdistan Region of Iraq,” Human Rights Watch dispatch, September 7, 2022, <https://www.hrw.org/news/2022/09/07/push-silence-lgbt-rights-kurdistan-region-iraq>.

Article 19 of Iraq’s constitution protects due process rights, including access to legal representation, protection from unlawful detention, and presentation of the accused before a judge within 24 hours of their arrest, which may be extended once for another 24 hours.<sup>254</sup>

## Jordan

Jordan does not explicitly criminalize same-sex relations.<sup>255</sup> However, the penal code includes vague “morality” provisions that have been used abusively to target same-sex conduct even though Jordan’s constitution protects the rights to nondiscrimination (article 6), the right to personal freedom (article 7), and the right to freedom of expression and opinion (article 15).<sup>256</sup>

Article 319 of the penal code punishes anyone selling, displaying, advertising, or participating in a business that distributes “any obscene printed or written matter, or any obscene picture, photograph, model, or any other object tending to corrupt morals” with up to three months in prison or a fine of up to 50 Jordanian dinars (JOD) (US\$70).<sup>257</sup> Article 320 punishes anyone who commits an “indecent act” in public with up to six months in prison or a fine of up to 50 dinars.<sup>258</sup>

Under the Press and Publication Law, online publications must register with and obtain a license from the Jordanian Media Commission.<sup>259</sup> The law defines online publications subject to the licensing requirement as those that “engage in publication of news, investigations, articles, or comments that have to do with the internal or external affairs of

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<sup>254</sup> Iraq’s Constitution of 2005, [https://www.constituteproject.org/constitution/Iraq\\_2005.pdf?lang=en](https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en) (accessed July 1, 2022).

<sup>255</sup> Human Rights Watch, *Country Profiles: Sexual Orientation and Gender Identity (Jordan Chapter)*, (New York: Human Rights Watch, 2021), <https://www.hrw.org/video-photos/interactive/2021/04/23/country-profiles-sexual-orientation-and-gender-identity>.

<sup>256</sup> The Constitution of The Hashemite Kingdom of Jordan, <https://www.refworld.org/pdfid/3ae6b53310.pdf> (accessed July 1, 2022).

<sup>257</sup> Penal Code of Jordan (no. 16 of 1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/joo64ar.pdf>. (Arabic); English translation from Jordan’s National Commission to Prevent Human Trafficking available at [http://www.ahtnc.org.jo/sites/default/files/penal\\_code.pdf](http://www.ahtnc.org.jo/sites/default/files/penal_code.pdf) (accessed July 4, 2022).

<sup>258</sup> *Ibid.*

<sup>259</sup> “Jordan: A Move to Censor Online Expression,” Human Rights Watch news release, September 10, 2021, <https://www.hrw.org/news/2012/09/10/jordan-move-censor-online-expression>.



the kingdom.” These vague provisions allow authorities to arbitrarily use the law to limit free expression.<sup>260</sup> Furthermore, requiring bloggers, human rights activists writing on their websites, or others who disseminate information online to obtain licenses has put undue burdens on their freedom of expression.<sup>261</sup>

Article 75a of the Telecommunications Act (No. 13 of 1995, as amended by Act No. 21 of 2011) provides: “Any person who, by any means of communication, sends threatening, insulting or immoral messages or transmits fabricated news with a view to provoking panic shall be punished with imprisonment for a minimum period of one month and a maximum period of a year, or a minimum fine of JOD300 (US\$422) and a maximum fine of JOD2,000 (US\$2,800), or both of these penalties.”

Jordan passed the Temporary Information Systems Crimes Act No. 30 of 2010, the provisions of which were then made permanent by Cybercrime Law No. 27 of 2015.<sup>262</sup> This law, which has been used to target LGBT people, criminalizes illegal access to an information network (article 3), changing or deleting the contents of a website (article 4), publishing or sending pornography (article 8), and promoting prostitution (article 9). Additionally, articles 11 and 13, which have been criticized by human rights organizations and defenders, stipulate:

Article 11: Every person who intentionally sends or shares information or messages which includes slander and denigration will be punished with minimum jailtime of three months and a fine of minimum JOD300 to maximum JOD2000.<sup>263</sup>

Article 13: Employees of judicial authorities, upon receiving permission from the specialized prosecutor or court, may enter any location suspected of being used to commit any of the crimes stated in this law. They are also permitted to search devices, tools, programs, operating systems, and the

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<sup>260</sup> Ibid.

<sup>261</sup> Ibid.

<sup>262</sup> Cybercrime Law No. 27, June 1, 2015, <http://moict.gov.jo/uploads/Policiesand-Strategies-Directorate/Legislation/Laws/Electronic-crime-Law.pdf> (accessed July 4, 2022).

<sup>263</sup> Ibid.

web (servers) which are suspected of being used to commit any of said crimes.<sup>264</sup>

Jordan's constitution protects due process rights, including access to legal representation, protection from arbitrary arrest and unlawful detention, and prompt presentation of the accused before a judge. It requires that police notify authorities within 24 hours of an arrest and that authorities file formal charges within 15 days of an arrest.<sup>265</sup>

## Lebanon

Lebanon's constitution explicitly protects freedom of expression. Article 13 states: "the freedom to express one's opinion orally or in writing, the freedom of the press, the freedom of assembly, and the freedom of association shall be guaranteed within the limits established by law."<sup>266</sup>

However, the penal code and other domestic legislation interfere with LGBT people's enjoyment of the constitutional right to freedom of expression. These laws also violate their human right to privacy.

Article 534 of the penal code punishes "any sexual intercourse contrary to the order of nature" with up to one year in prison.<sup>267</sup> This provision is primarily used to prosecute people suspected of homosexuality, even though the law does not specify what acts are "contrary to the order of nature," leaving a large margin of interpretation to judges. In a positive development, several rulings by individual judges and a top military prosecutor in recent years have declined to convict gay and trans people under article 534, and in 2018 a

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<sup>264</sup> Ibid.

<sup>265</sup> The Constitution of The Hashemite Kingdom of Jordan, <https://www.refworld.org/pd/fid/3ae6b53310.pdf> (accessed July 1, 2022).

<sup>266</sup> The Lebanese Constitution, 1926, art. 13,13, <https://www.lp.gov.lb/backoffice/uploads/files/Lebanese%20%20Constitution-%20En.pdf> (accessed June 18, 2022).

<sup>267</sup> Lebanon's Penal Code, [https://www.unodc.org/res/cld/document/lebanon-penal-code\\_html/Lebanon\\_Penal\\_Code\\_1943.pdf](https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf) (accessed July 4, 2022).

district court of appeal ruled that consensual sex between people of the same sex is not unlawful.<sup>268</sup>

Article 521 of the penal code criminalizes “every man who masquerades as a woman to enter women’s spaces” with up to six months in prison.<sup>269</sup> The Internal Security Forces (ISF), Lebanon’s police force, sometimes use this provision to target transgender women, who can be accused of “masquerading as women” due to the mismatch between their official documents and their gender identity and expression.<sup>270</sup>

Articles 531, 532, and 533 of the penal code on “threatening public morality and ethics” punish the “violation of public morality” with one month to one year in prison and a fine.<sup>271</sup> LGBT people are easy targets of these vague “morality laws,” and security forces have used them to shut down LGBT rights conferences<sup>272</sup> and interrupt events on gender and sexuality.<sup>273</sup>

Article 523 of the penal code punishes “any person who practices secret prostitution or facilitates it” with one month to one year in prison.<sup>274</sup> Although there is a law regulating sex work on the books, the government has not issued sex worker licenses since the 1970s, which has rendered all sex workers vulnerable to arrest.<sup>275</sup>

There is no cybercrime law, and Lebanon currently does not have laws regulating internet publications, including online blogs and social media.<sup>276</sup> Under the Electronic

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<sup>268</sup> In July 2018, a district court of appeal in Lebanon issued a groundbreaking ruling that consensual sex between people of the same sex is not unlawful. The ruling followed similar judgments from lower courts that have declined to convict gay and transgender people of “sexual intercourse contrary to nature” in four separate rulings between 2007 and 2017. In March 2019, a military court decision ruled that homosexuality is not a crime and acquitted four individuals accused of “sodomy.”

<sup>269</sup> Lebanon’s Penal Code.

<sup>270</sup> Human Rights Watch, *“Don’t Punish Me for Who I Am:” Systemic Discrimination Against Transgender Women in Lebanon.*

<sup>271</sup> Lebanon’s Penal Code.

<sup>272</sup> “Lebanon: No Justification for LGBT Crackdown,” Human Rights Watch news release, February 11, 2019, <https://www.hrw.org/news/2019/02/11/lebanon-no-justification-lgbt-crackdown>.

<sup>273</sup> “Lebanon: Unlawful Crackdown on LGBTI Gatherings,” Human Rights Watch news release, July 4, 2022, <https://www.hrw.org/news/2022/07/04/lebanon-unlawful-crackdown-lgbti-gatherings>.

<sup>274</sup> Lebanon’s Penal Code.

<sup>275</sup> Human Rights Watch, *“Don’t Punish Me for Who I Am:” Systemic Discrimination Against Transgender Women in Lebanon.*

<sup>276</sup> Human Rights Watch, *“There Is a Price to Pay:” The Criminalization of Peaceful Speech in Lebanon*, (New York: Human Rights Watch, 2019), [https://www.hrw.org/report/2019/11/15/there-price-pay/criminalization-peaceful-speech-lebanon#\\_ftn439](https://www.hrw.org/report/2019/11/15/there-price-pay/criminalization-peaceful-speech-lebanon#_ftn439).

Transactions and Personal Data Law (e-Transactions Law), Law 81, crimes against individual and public morals were amended by Decree No. 340 of 1/3/1943 (Penal Code).<sup>277</sup>

While article 47 of Lebanon’s Code of Criminal Procedure limits detention without charge to 48 hours, which can be renewed once with permission from the public prosecutor, this limit is often violated in practice. Article 47 also grants individuals the right to contact family members at the time of arrest and have a lawyer present during questioning, but security forces frequently violate those provisions.

## Tunisia

The rights to privacy and nondiscrimination are reflected in Tunisia’s 2022 constitution.<sup>278</sup> Article 30 obligates the government to protect the rights to privacy and the inviolability of the home.<sup>279</sup> Article 23 provides that “All citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination.”<sup>280</sup>

However, article 230 of Tunisia’s penal code punishes both female and male homosexual acts with up to three years in prison. The official Arabic version refers to same-sex relations between men (*liwat*) and between women (*Mousahaqa*).<sup>281</sup> Article 226 of the Penal Code punishes “public indecency” with up to six months in prison and a fine of 48 dinars (US\$16). Article 226 *bis* punishes “public indecency” or “public immorality” with six months in prison and a fine of 1,000 Tunisian dinars (US\$416).<sup>282</sup>

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<sup>277</sup> Ibid.

<sup>278</sup> Tunisia’s Constitution of 2022, <https://www.carthage.tn/?q=ar/%D8%A7%D9%84%D8%AF%D8%B3%D8%AA%D9%88%D8%B1> (accessed November 4, 2022).

<sup>279</sup> Ibid.

<sup>280</sup> Ibid.

<sup>281</sup> République Tunisienne, Code Pénal, Décret du 9 juillet 1913 (5 châbane 1331), <http://www.refworld.org/docid/3ae6b5590.html> (accessed July 4, 2022); Loi n° 2005-46 du 6 juin 2005, portant approbation de la réorganisation de quelques dispositions du code pénal et leur rédaction, [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=201808](http://www.wipo.int/wipolex/en/text.jsp?file_id=201808) (accessed July 4, 2022). The Arabic version of the penal code is available at [http://www.legislation.tn/affich-code/Code-p%C3%A9nal\\_\\_89](http://www.legislation.tn/affich-code/Code-p%C3%A9nal__89) (accessed July 4, 2022).

<sup>282</sup> Loi n° 2005-46 du 6 juin 2005, portant approbation de la réorganisation de quelques dispositions du code pénal et leur rédaction, [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=201808](http://www.wipo.int/wipolex/en/text.jsp?file_id=201808) (accessed July 4, 2022).

Authorities have used laws on criminal defamation, “spreading false information,” and “harming others via public telecommunications networks” to prosecute people for their online commentary.<sup>283</sup> These laws restrict speech using all means of public communication. When people express themselves via social media, a charge under article 86 of the 2001 Telecommunication Code of “willfully or knowingly harming others via public telecommunications networks” is routinely added to the other charges. Conviction under article 86 alone carries a penalty of up to two years in prison.<sup>284</sup> Article 86 is used to target dissent and could be used to target LGBT people.<sup>285</sup>

Furthermore, a 2022 presidential decree—Decree Law No. 54—seeks to combat cybercrimes related to “false information” and communication systems.<sup>286</sup> The decree-law includes vague provisions that impose broad restrictions on free expression in Tunisia. Article 24 of the decree-law stipulates that “anyone who deliberately uses information and communication networks and systems to produce, promote, publish, transmit or prepare false news, statements, rumors or documents that are artificial, falsely attributed to others with the aim of attacking the rights of others, harming public security or national defense, or spreading terror among the population shall be punished by imprisonment for five years and a fine of 50,000 dinars (US\$15,000).”<sup>287</sup>

The constitution allows for a lawyer to be present during interrogations and requires immediately informing them of the reason for their arrest, allowing them to contact a lawyer and family member, and taking detainees before a prosecutor within 48 hours of their arrest.<sup>288</sup> Additionally, a 2016 law in Tunisia granted suspects the right to a lawyer from the onset of detention, and shortened the maximum period allowed for pre-charge detention from 72 hours to 48 for crimes, renewable once. Despite the law’s positive

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<sup>283</sup> “Tunisia: Prosecutions for Online Commentary,” Human Rights Watch news release, October 15, 2019, <https://www.hrw.org/news/2019/10/15/tunisia-prosecutions-online-commentary>.

<sup>284</sup> Nissaf Slama, “Tunisian Activist Sentenced to Prison over Criticism of Police,” Human Rights Watch dispatch, June 25, 2022, <https://www.hrw.org/news/2022/01/25/tunisian-activist-sentenced-prison-over-criticism-police>.

<sup>285</sup> Amnesty International, *Tunisia: Criminal Prosecutions of Online Speech*, (London: Amnesty International, 2020), <https://www.amnesty.org/en/documents/MDE30/3286/2020/en/> (accessed November 4, 2022).

<sup>286</sup> Décret-loi n° 2022-54 du 13 septembre 2022, relatif à la lutte contre les infractions se rapportant aux systèmes d’information et de communication, <https://legislation-securite.tn/law/105348> (accessed November 4, 2022).

<sup>287</sup> Ibid.

<sup>288</sup> Tunisia’s Constitution of 2022.

impact overall, Human Rights Watch has documented several gaps in the law and its implementation.<sup>289</sup>

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<sup>289</sup> Human Rights Watch, *“You Say You Want a Lawyer?” Tunisia’s New Law on Detention, on Paper and in Practice*, (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/06/01/you-say-you-want-lawyer/tunisia-s-new-law-detention-paper-and-practice#5285>.

## X. International Legal Obligations

Egypt, Iraq, Jordan, Lebanon, and Tunisia each have obligations under international and regional human rights law to address the violations described in this report. All five countries are states parties to the International Covenant on Civil and Political Rights (ICCPR).<sup>290</sup> and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Convention against Torture).<sup>291</sup>

Egypt, Iraq, Jordan, and Lebanon are states parties to the Arab Charter on Human Rights, adopted in 1994 by the Council of the League of Arab States.<sup>292</sup> Finally, as the only countries of the five on the African continent, Egypt and Tunisia are also states parties to the African Charter on Human and People's Rights.<sup>293</sup> The African Commission on Human and People's Rights explicitly calls on member states, including Egypt and Tunisia, to protect sexual and gender minorities in accordance with the African Charter.<sup>294</sup>

Despite their international and regional legal obligations, the authorities in Egypt, Iraq, Jordan, Lebanon, and Tunisia have violated multiple fundamental rights of LGBT people, including their rights to nondiscrimination, freedom of expression (including on the internet), privacy, freedom from torture and other ill-treatment, and equal protection under the law.

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<sup>290</sup> International Covenant on Civil and Political Rights (ICCPR), December 16, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976).

<sup>291</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 10, 1984, 1465 U.N.T.S. 85 (entered into force June 26, 1987).

<sup>292</sup> Arab Charter on Human Rights, 2004, adopted May 22, 2004, reprinted in *Human Rights Law Journal*, vol. 18 (1997), p. 151, entered into force March 16, 2008, [http://www.eods.eu/library/LAS\\_Arab%20Charter%20on%20Human%20Rights\\_2004\\_EN.pdf](http://www.eods.eu/library/LAS_Arab%20Charter%20on%20Human%20Rights_2004_EN.pdf) (accessed July 3, 2021).

<sup>293</sup> African Charter on Human and People's Rights, June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982) (entered into force October 21, 1986), <https://www.african-court.org/wpafc/wp-content/uploads/2020/04/AFRICAN-BANJUL-CHARTER-ON-HUMAN-AND-PEOPLES-RIGHTS.pdf> (accessed January 26, 2023).

<sup>294</sup> The African Commission, 275 Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity - ACHPR/Res.275(LV)2014, <https://www.achpr.org/sessions/resolutions?id=322> (accessed January 26, 2023).

## The Right to Nondiscrimination

Article 2 of the ICCPR requires states parties to “ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind.”<sup>295</sup> Article 26 specifically guarantees that “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.” Sexual orientation is a status protected against discrimination under these provisions, as the UN Human Rights Committee, which monitors compliance with the ICCPR, has made clear on several occasions.<sup>296</sup> Similarly, the Committee against Torture, which monitors compliance with the Convention against Torture, has explicitly noted that “the discriminatory use of mental or physical violence or abuse” based on sexual orientation and gender identity “is an important factor in determining whether an act constitutes torture.”<sup>297</sup>

The rights to equality before the law and to nondiscrimination in the enjoyment of the rights to security of person,<sup>298</sup> privacy,<sup>299</sup> and free expression, assembly, and association<sup>300</sup> mean that everyone should be free to lead an intimate life peacefully, express oneself freely, and move and meet in public without fear of harassment or assault. As shown in this report, LGBT people in the MENA region lack those freedoms even though, according to the UN Working Group on Arbitrary Detention, arrests for same-sex conduct between consenting adults are, by definition, arbitrary.<sup>301</sup> LGBT people’s human rights to

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<sup>295</sup> ICCPR, art. 2.

<sup>296</sup> See, for example, *Toonen v. Australia*, Communication No. 488/1992, U.N. Doc. CCPR/C/50/D/488/1992 (Human Rights Committee, April 4, 1994), paras. 8.2-8.7; *Young v. Australia*, Communication No. 941/2000, U.N. Doc. CCPR/C/78/D/941/2000 (Human Rights Committee, September 18, 2003), para. 10.4; *X v. Colombia*, Communication No. 1361/2005, U.N. Doc. CCPR/C/89/D/1361/2005 (Human Rights Committee, May 14, 2007), para 7.2

<sup>297</sup> Committee against Torture, General Comment No. 2: Implementation of Article 2 by States Parties, U.N. Doc. CAT/C/GC/2 (January 24, 2008), paras. 20-21.

<sup>298</sup> ICCPR, art. 9; Arab Charter on Human Rights, art. 14; African Charter on Human and Peoples’ Rights, art. 6.

<sup>299</sup> ICCPR, art. 17; Arab Charter on Human Rights, art. 21. As the Human Rights Committee has observed, “the notion of privacy refers to the sphere of a person’s life in which he or she can freely express his or her identity, be it by entering into relationships with others or alone.” *Coeriel et al. v. Netherlands*, Communication No. 453/1991, U.N. Doc. CCPR/C/52/D/453/1991 (Human Rights Committee, December 9, 1994), para. 10.2.

<sup>300</sup> ICCPR, arts. 19, 21, 22; Arab Charter on Human Rights, arts. 24, 32; African Charter on Human and Peoples’ Rights, arts. 9-11.

<sup>301</sup> See, for example, UN Commission on Human Rights, Report of the Working Group on Arbitrary Detention, U.N. Doc. E/CN.4/2004/3 (December 15, 2003), para. 73; Working Group on Arbitrary Detention, Opinion No. 7/2002 (Egypt), paras. 27-28, in Commission on Human Rights, Opinions Adopted by the Working Group on Arbitrary Detention, U.N. Doc. E/CN.4/2003/8/Add.1 (January 24, 2003), p. 68.



nondiscrimination, as well as privacy, are also violated by prosecutions for consensual sex in private between adults.<sup>302</sup>

States have an obligation to prevent, prosecute, and punish these and other human rights violations.<sup>303</sup>

## The Right to Freedom of Expression

Article 19 of the ICCPR provides:

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.<sup>304</sup>

In 2012, the UN Human Rights Council adopted a landmark resolution that “affirms that the same rights that people have offline must also be protected online, including the right to freedom of expression, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.”<sup>305</sup>

Article 32 of the Arab Charter on Human Rights guarantees “the right to information and freedom of opinion and expression, as well as the right to receive and impart information and ideas through any media and regardless of geographical boundaries.”<sup>306</sup>

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<sup>302</sup> See generally: UN OHCHR, “Born Free and Equal, Sexual Orientation and Gender Identity in International Human Rights Law,” (New York and Geneva: UN OHCHR, 2012), <https://www.ohchr.org/sites/default/files/Documents/Publications/BornFreeAndEqualLowRes.pdf>; Human Rights Watch, *In a Time of Torture, The Assault on Justice in Egypt's Crackdown on Homosexual Conduct* (New York: Human Rights Watch, 2004), <https://www.hrw.org/reports/2004/egypt0304/egypt0304.pdf>

<sup>303</sup> *Ibid.*

<sup>304</sup> ICCPR, art. 19(2).

<sup>305</sup> Human Rights Council, The Promotion, Protection and Enjoyment of Human Rights on the Internet, U.N. Doc. A/HRC/RES/20/8 (July 16, 2012), [undocs.org/A/HRC/RES/20/8](https://undocs.org/A/HRC/RES/20/8) (accessed January 13, 2023).

<sup>306</sup> Council of the League of Arab States, Arab Charter on Human Rights, September 15, 1994, reprinted in *Human Rights Law Journal*, vol. 18 (1997), p. 151, available in Arabic at <http://www1.umn.edu/humanrts/arab/a003-2.html> (accessed July 4, 2022).

The right to freedom of expression, along with the rights to freedom of assembly and association, are not absolute. Limitations on these rights are possible if they are necessary for and proportionate to the protection of national security, public order, public health, morals, or the rights and freedoms of others. Limitations for these purposes must be established in law, not impair the essence of these rights, and be consistent with the right to an effective remedy.<sup>307</sup> Restrictions for the protection of “morals” should be imposed as an exceptional matter: as the Human Rights Committee has cautioned that restrictions on this ground should not be based on “understandings of morality deriving exclusively from a single social, philosophical, or religious tradition” and “may not, for instance, be imposed because of opposition to expressions of sexual orientation or gender identity.”<sup>308</sup>

## The Right to Privacy

Article 17 of the ICCPR stipulates that: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.” Article 12 of the Universal Declaration of Human Rights also explicitly notes that “Everyone has the right to the protection of the law against such interference or attacks.”<sup>309</sup>

Article 21 of the Arab Charter on Human Rights states that “No one shall be subjected to arbitrary or unlawful interference with regard to his privacy, family, home or correspondence, nor to unlawful attacks on his honor or his reputation.”<sup>310</sup> Article 16 also protects the right to privacy during the investigation and trial for anyone charged with a criminal offence.<sup>311</sup>

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<sup>307</sup> See Human Rights Committee, General Comment No. 34: Article 19: Freedoms of Opinion and Expression, U.N. Doc. CCPR/C/GC/34 (September 12, 2011), paras. 21-36; Human Rights Committee, General Comment No. 37 on the Right of Peaceful Assembly, U.N. Doc. CCPR/C/GC/37 (September 17, 2020), paras. 36-49.

<sup>308</sup> Human Rights Committee, General Comment No. 37, para. 45. See also Human Rights Committee, General Comment No. 34, para. 32.

<sup>309</sup> The Universal Declaration of Human Rights, United Nations, <https://www.un.org/en/universal-declaration-human-rights/> (accessed July 4, 2022).

<sup>310</sup> Arab Charter on Human Rights, art. 21.)

<sup>311</sup> Arab Charter on Human Rights, art. 16.

As with the right to free expression, the right to privacy may be limited, but limitations on the right should not be “arbitrary.”<sup>312</sup> The Human Rights Committee has cautioned that interference with the right to privacy should “be provided for by law, be in accordance with the provisions, aims, and objectives of the Covenant and be reasonable in the particular circumstances of the case.”<sup>313</sup>

## The Right to Freedom from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Convention against Torture, the ICCPR, the Arab Charter on Human Rights, and the African Charter on Human and Peoples’ Rights are among the treaties that prohibit torture and other ill-treatment.<sup>314</sup> Moreover, the prohibition of torture is a norm of customary international law.<sup>315</sup>

The prohibition of torture and other ill-treatment is absolute and non-derogable.<sup>316</sup> Confessions obtained by torture may not be admitted in evidence, except against the torturer.<sup>317</sup>

States have a duty to prevent, investigate, prosecute, punish, and provide other effective remedies for acts of torture and other ill-treatment.<sup>318</sup> The duty to protect people against

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<sup>312</sup> ICCPR, art. 17(1). See also Human Rights Committee, General Comment No. 16 (23d sess., 1998), paras. 1, 4, in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.1 (1994), p. 21.

<sup>313</sup> *Van Hulst v. Netherlands*, Communication No. 903/1999, U.N. Doc. CCPR/C/82/D/903/1999 (Human Rights Committee, November 15, 2004), para. 7.3. See also Human Rights Committee, General Comment No. 16, paras. 3-4.

<sup>314</sup> Convention against Torture; ICCPR, art. 7; Arab Charter on Human Rights, art. 8; African Charter on Human and Peoples’ Rights, art. 5.

<sup>315</sup> Committee against Torture, General Comment No. 2, para. 1 (observing that the prohibition of torture is “accepted as a matter of customary international law” and is in fact a “peremptory *jus cogens* norm”).

<sup>316</sup> Convention against Torture, art. 2(2); Committee against Torture, General Comment No. 2, paras. 1, 3, 5-7; *Article 19 v. Eritrea*, Communication No. 275/2003, [2007] ACHPR 79, para. 98.

<sup>317</sup> Convention against Torture, art. 15.

<sup>318</sup> *Ibid.*, arts. 2(1) (obligation to prevent acts of torture), 4(1) (obligation to ensure that all acts of torture are criminal offenses), 5-9 (obligations to prosecute or extradite), 12 (obligation to investigate), 13-14 (right to a remedy); ICCPR, art. 2(3) reparations for violations of ICCPR rights); Arab Charter on Human Rights, art. 13 (obligation to “take effective measures to prevent such acts and shall regard the practice thereof or participation therein, as a punishable offence”); Committee against Torture, General Comment No. 2, paras. 3-4, 8-12, 15; Human Rights Committee, General Comment No. 31, para. 16; Human Rights Committee, General Comment No. 31: Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (March 29, 2004), para. 16 (“where appropriate, reparation can involve restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, guarantees of non-

ill-treatment extends not only to acts by government officials, but also to acts inflicted by people in a private capacity, including violence committed by non-state actors such as armed groups and by family members.<sup>319</sup>

The Committee against Torture has specified that states should “ensure the protection of members of groups especially at risk of being tortured, by fully prosecuting and punishing all acts of violence and abuse against these individuals and ensuring implementation of other positive measures of prevention and protection . . . .”<sup>320</sup> Similarly, the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity call on all states to:

take all necessary legislative, administrative and other measures to prevent and provide protection from torture and cruel, inhuman or degrading treatment or punishment, perpetrated for reasons relating to the sexual orientation or gender identity of the victim, as well as the incitement of such acts.<sup>321</sup>

## The Rights to Life and Security of Person

Article 6(1) of the ICCPR affirms that “[e]very human being has the inherent right to life,” which should be protected by law.<sup>322</sup> Article 9 of the ICCPR provides that “[e]veryone has the right to liberty and security of person.”<sup>323</sup> Similarly, the Arab Charter on Human Rights states in article 5 that “Every individual has the right to life, liberty and security of person. These rights shall be protected by law.”<sup>324</sup>

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repetition and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations.”).

<sup>319</sup> Committee against Torture, General Comment No. 2, paras. 15, 18; Human Rights Committee, General Comment No. 31, para. 18.

<sup>320</sup> Committee against Torture, General Comment No. 2, para. 21.

<sup>321</sup> International Commission of Jurists (ICJ), The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, November 2017, [http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5\\_yogyakartaWEB-2.pdf](http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf) (accessed July 1, 2022).

<sup>322</sup> ICCPR, art. 6(1).

<sup>323</sup> *Ibid.*, art. 9.

<sup>324</sup> Arab Charter on Human Rights, art. 5.

States have an obligation to protect these rights, including by “tak[ing] appropriate measures...to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors.”<sup>325</sup> States “must respond appropriately to patterns of violence against categories of victims such as,, violence against persons on the basis of their sexual orientation or gender identity.....”<sup>326</sup> They also require state authorities to speedily and effectively investigate crimes that amount to threats to life or security of person and to identify and prosecute the perpetrators.

The UN Human Rights Committee has found states in violation of their obligations under article 9 if they have failed to take adequate steps to protect people in the face of repeated death threats.<sup>327</sup> The committee has also criticized states’ failure to protect people from violence based on sexual orientation or gender identity.<sup>328</sup>

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<sup>325</sup> Human Rights Committee, General Comment No. 35: Article 9 (Liberty and Security of Person), U.N. Doc. CCPR/C/GC/35 (December 16, 2014), para. 9.

<sup>326</sup> *Ibid.*

<sup>327</sup> See, for example, *Delgado Paéz v. Colombia*, Communication No. 195/1985, U.N. Doc. CCPR/C/39/D/195/1985 (Human Rights Committee, August 23, 1990), para. 5.5 (“It cannot be the case that, as a matter of law, States can ignore known threats to the life of persons under their jurisdiction, just because that he or she is not arrested or otherwise detained. States parties are under an obligation to take reasonable and appropriate measures to protect them.”).

<sup>328</sup> See generally UN Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 15 (Rev.1), Civil and Political Rights: The Human Rights Committee, May 2005, No. 15 (Rev.1), <https://www.ohchr.org/documents/publications/factsheet15rev.1en.pdf> (accessed July 3, 2022).

## XI. Digital Platform Responsibility

Human rights apply online just as they do offline. Companies have a responsibility to respect human rights—including the rights to nondiscrimination, privacy, and freedom of expression—under the United Nations Guiding Principles on Business and Human Rights.<sup>329</sup> The Guiding Principles require companies to “[a]void causing or contributing to adverse human rights impacts” and “[s]eek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services.”<sup>330</sup> The Guiding Principles further require businesses to be transparent about their policies, practices, and steps they take to identify, prevent, and mitigate human rights abuses.<sup>331</sup>

International law permits legitimate restrictions on freedom of expression, including to ensure speech does not infringe on other people’s rights.<sup>332</sup> In the context of the Middle East and North Africa region, and based on this report’s analysis, part of applying these human rights principles should compel companies to invest in content moderation. Underinvesting in content moderation is especially detrimental to people who are marginalized, including LGBT people, who are disproportionately affected by the risks and harms stemming from content moderation.

The Santa Clara Principles on Transparency and Accountability in Content Moderation,<sup>333</sup> which Twitter and Meta (Facebook, Instagram, and WhatsApp) have endorsed, provide helpful guidance. Companies should follow the Santa Clara Principles, including on training human content moderators on human rights and the adverse impacts for users of these platforms, including those that disproportionately affect LGBT people.

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<sup>329</sup> Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, in Human Rights Council, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie, U.N. Doc. A/HRC/17/31 (March 21, 2011), annex, [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr_en.pdf) (accessed July 1, 2022).

<sup>330</sup> *Ibid.*, princ. 13.

<sup>331</sup> *Ibid.*

<sup>332</sup> ICCPR, art. 19(2).

<sup>333</sup> The Santa Clara Principles on Transparency and Accountability in Content Moderation, 2021, <https://santaclaraprinciples.org/> (accessed July 1, 2022).

Digital platforms should engage meaningfully with organizations defending LGBT rights and digital rights in the MENA region in the development of policies and features, from design to implementation and enforcement, including content moderation and trust and safety strategies that prioritize the concerns of LGBT people in the MENA region. Relatedly, digital platforms should quickly remove abusive content that could put LGBT people at risk, and as appropriate, suspend or ban users who repeatedly post abusive content. To do so, platforms should provide context-specific information in Arabic to users and advise on their rights and the applicable law.

Given the dangers that having an online presence carries for LGBT people in the MENA region, the lack of efficient mechanisms for redress, as documented in this report, further drives them off digital platforms. Companies' failure to meet their responsibility to respect LGBT people's human rights—namely by preventing and mitigating adverse human rights impacts that harm them: entrapment, extortion, online harassment, and reliance on personal digital information in prosecutions—means that many LGBT people are no longer able to express themselves freely online. This targeting and harassment inhibit their ability to use social media and participate in the global community.

Platform design decisions—from the recommended algorithms to decisions about how content can be shared and amplified—inevitably shape what can and cannot be said as well as what gets attention. Whenever platforms do take down content, they should notify the user who published the content and give a reason. Individuals should be able to seek review of a decision in the language or dialect they speak if they think the company has wrongly taken down their content.

Last but not least, content moderation requires proficiency in human rights and linguistic diversity. In 2021, LGBT activists in the MENA region developed the *Arabic Queer Hate Speech Lexicon*,<sup>334</sup> which identifies and contextualizes hate speech terms through a collaborative project between activists in seventeen countries in the MENA region. The Lexicon includes hate speech terms in multiple Arabic dialects, which the algorithms of social media platforms can—and should—integrate.<sup>335</sup> The Lexicon is in both Arabic and

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<sup>334</sup> “The Arabic Queer Hate Speech Lexicon,” 2021, <https://www.helem.net/advocacy> (accessed July 1, 2022).

<sup>335</sup> *Ibid.*

English and is a living document that will be revised every year. To better detect anti-LGBT hate speech in Arabic, as well as remedying the adverse human rights impacts, companies should actively engage LGBT and digital rights activists in the MENA region when determining effective solutions.

## Platform Design Should Center the Most Marginalized

Digital security development across platforms should center the realities of those most affected, including LGBT people in the MENA region. Understanding the context of how LGBT people are targeted online, and how digital information is weaponized against them, should inform platforms' design processes for a more secure digital experience. As research has demonstrated, security warnings alone are not sufficient.<sup>336</sup>

In a 2022 report, Afsaneh Rigot, fellow with the Technology and Public Purpose Project at the Belfer Center and senior researcher on technology and human rights with Article 19, introduced a framework she calls “Design from the Margins” (DFM).<sup>337</sup> By way of the DFM structure, Rigot argues that “through understanding and establishing who is most impacted by social, political, and legal frameworks, we can also understand who is most likely to be a victim of the weaponization of certain technologies and the [existing] security gaps they are harmed by. DFM shows that we must center the most impacted and marginalized users such as queer folks in MENA in these processes from ideation to production.”<sup>338</sup>

In addition to the DFM framework, Rigot told Human Rights Watch:

We need a radical shift in how we are changing and designing our tech. It is vital that we make our digital technologies that are depended upon and advertised to these at-risk groups [LGBT people in MENA] safer. It is the responsibility of [social media] companies to mitigate harms and protect

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<sup>336</sup> Afsaneh Rigot, “Digital Crime Scenes,” Berkman Klein Center, March 7, 2022, <https://cyber.harvard.edu/publication/2022/digital-crime-scenes> (accessed July 1, 2022).

<sup>337</sup> Afsaneh Rigot, “Design from the Margins,” Belfer Center for Science and International Affairs, Harvard Kennedy School, May 13, 2022, <https://www.belfercenter.org/publication/design-margins> (accessed November 4, 2022).

<sup>338</sup> *Ibid.*



their most impacted users. This is grounded in the knowledge that when those most marginalized are designed for, we are all designed for.<sup>339</sup>

It remains important to emphasize that this responsibility does not only fall on social media companies. Unless authorities across the region stop targeting LGBT people online, there will remain limitations to what digital platforms can do. However, the marked absence of government protection, the impunity afforded to perpetrators of digital targeting, and the dire lack of access to redress, highlight the pervasive offline consequences of online targeting, and the need for platforms to mitigate these risks by securing LGBT people’s digital experience.

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<sup>339</sup> Human Rights Watch remote interview with Afsaneh Rigot, December 2, 2022.

## **XII. Recommendations**

### **To Digital Platforms, including Facebook, Instagram, and Grindr**

- Exhibit full transparency regarding resources directed toward user safety and content moderation in the Middle East and North Africa (MENA) region, including by publishing data on the number of staff or contractors tasked with moderating content originating from the MENA region, and the number of content moderators proficient in all dialects of the Arabic language.
- Center the online experiences of those most vulnerable to abuse, including LGBT people in the MENA region, in driving policy and product design, and ensure solutions to policy and design challenges account for the full diversity of users.
- Engage meaningfully with organizations defending LGBT and digital rights in the MENA region on the development of policies and features, from design to implementation and enforcement, including on content moderation and trust and safety strategies that prioritize the concerns of LGBT people.
- Establish direct lines of communication between users and local or regional advocacy and support groups for rapid response to digital targeting threats.
- Ensure platforms are adequately staffed to develop and enforce policy that meets the needs of LGBT people in MENA and build trust with groups defending their rights, including by hiring people with relevant language proficiency and who are supportive of LGBT rights.
- Demonstrate, across the board, more clarity, consistency, and transparency that allow platform policies and actions to be assessed against human rights responsibilities.
- In consultation with civil society groups, build an option for users to activate a suite of safety controls with one click (either at any time or specifically during an emergency).
- In consultation with civil society groups, introduce an option to remotely wipe devices or automatically on failed login-attempts, that allows the user to automatically delete the application and its content when the user is in danger.

### *Invest in Content Moderation*

- Effectively moderate content on public platforms for hate speech, incitement to violence, discrimination, or hostility against LGBT people in the MENA region. This includes hiring a sufficient number of representative and diverse staff from the region who are proficient in all dialects of the Arabic language and training such staff on the human rights implications of digital targeting against vulnerable groups, such as LGBT people in the MENA region.
- Proactively and quickly remove abusive content that violates platform guidelines or standards on hate speech, incitement to violence, discrimination, or hostility, as well as content that could put users at risk, while upholding free expression in line with international law.

### *Improve Reporting Mechanisms*

- Introduce a more effective, survivor-centered response to account reporting.
- Offer people the ability to track and manage their reports.
- Present people who flag content with a log of content they have reported and the outcomes of moderation processes.
- Establish additional avenues for all users, including LGBT people, to access help and support during the reporting process.
- Create an avenue for people to provide anonymous feedback about the reporting experience and outcomes.
- Provide opportunities for people to provide additional context when reporting accounts or content.
- Allow people to flag if they are reporting in the same language as the abuse, and if they are not, offer robust translation options.

### *Provide Clear Guidance*

- Provide easily accessible, detailed, and transparent guidance to users about what content is prohibited, including examples of permissible and impermissible content and the guidelines used by reviewers to determine whether content is prohibited, and about how automated detection is used across each category of content.

- Ensure policies and community guidelines feel “human” and refrain from dense, technical, or impersonal language, particularly as this may not translate well into other languages or contexts.
- Transparently explain how restrictions on expression are necessary and proportionate to a legitimate aim and procedurally fair, and take steps, when moderating content in Arabic, based on clear, established, and transparent processes to avoid making arbitrary, biased, or selective decisions.
- Provide adequate notice to any user whose post has been removed or account has been suspended, which is accessible even if a user’s account is suspended or terminated.

### *Conduct Human Rights Due Diligence*

- Conduct human rights due diligence, including periodical human rights impact assessments, that fully capture the adverse human rights impacts of digital targeting, and that include identifying, preventing, ceasing, mitigating, remediating, and accounting for potential and actual adverse impacts on human rights, including the rights of LGBT people in the MENA region.
- Scope human rights impact assessments to a particular country or regional context and dedicate adequate time and resources into engaging rightsholders who are adversely impacted, including LGBT people.

### *Preserve Evidence of Human Rights Violations*

- Preserve and archive material of human rights violations and abuses that may have evidentiary value while ensuring the privacy and security of vulnerable users, including LGBT people.

### *Access to Data*

- Provide access to data for independent researchers, including but not limited to those in the fields of human rights hate speech, incitement to violence, discrimination, or hostility, while protecting user privacy, to allow them to fully assess the platform’s implementation of human rights due diligence.

## Egypt

### *To the Government*

- End police targeting of people based on their suspected same-sex conduct or sexual orientation.
- Ensure the immediate and unconditional release of all adults imprisoned for consensual same-sex conduct with adults, as well as of anybody imprisoned for same-sex conduct while under the age of 18 with adults or with other children of similar age.
- Protect freedom of expression on the internet and the privacy of internet communications.
- Train police, prison officials, judges, and prosecutors on international human rights standards and nondiscrimination, particularly issues of sexual orientation and gender identity with the aim of eliminating the stigma that contributes to injustice for crimes against LGBT people.
- End the practice of forensic anal exams of men and transgender women accused of “debauchery” (fujur) or any other crime.
- Enforce existing safeguards against torture and ill-treatment by investigating, disciplining and when appropriate prosecuting officials who engage in or condone abuse, including prosecutors who fail to fulfill their duties to regularly monitor places of detention and open investigations into arbitrary detention, torture, and ill-treatment and those who themselves abuse detainees.
- Order the National Security Agency to halt the practice of detaining suspects in its offices and to immediately transfer all detainees in its custody to registered, legal detention sites.
- Ensure torture victims have direct and speedy access to consensual forensic medical examinations without a referral by higher authorities.
- Ensure the Ministry of Justice’s forensic pathologists receive specialized training on recognizing and documenting physiological and psychological injuries inflicted by torture and ill-treatment, including on international human rights standards on torture and ill-treatment and nondiscrimination, particularly issues of gender and sexuality that contribute to torture and ill-treatment.
- Ensure both plaintiffs and witnesses’ safety from retaliation or harassment during investigations of torture or other forms of official abuse.

- Issue clear regulations that specify (1) prison officials’ duties to protect LGBT prisoners from abuse on the basis of their consensual sexual conduct or sexual orientation and gender identity and (2) appropriate disciplinary actions, including referral to the prosecution for investigation, to punish prison officials and inmates who engage in, encourage, or condone the mistreatment or discrimination against such prisoners.
- Investigate and hold accountable individuals making online or offline statements that incite or threaten violence against LGBT people.

### *To the Parliament*

- Amend Law 10/1961 “On the Combating of Prostitution” to eliminate all references to “debauchery” (fujur).
- Eliminate from all laws any vague, ambiguous, or sweeping language that could be used to target people on the basis of adult, consensual same-sex conduct or the expression of their sexual orientation or gender identity.
- Pass comprehensive anti-discrimination legislation that prohibits discrimination, including online, on the grounds of sex, gender, gender identity, and sexual orientation and includes effective measures to identify and address such discrimination.
- Amend the definition of torture in article 126 of the penal code to bring it in line with the Convention against Torture.

### *To Security Forces*

- End arrests of adults for consensual same-sex conduct between adults. Children should not be arrested for sexual relations with adults, nor should children be arrested for sexual conduct with assenting children of similar ages.
- End the entrapment of LGBT people over the internet based on their sexual orientation, same-sex conduct, or their exercise of freedom of expression.
- Refrain from violating the privacy of defendants during the investigation, including by asking for their phones, social media accounts, or passwords.
- Cease unlawfully gathering or fabricating digital information to support the prosecution of LGBT people.

- Ensure that individuals have access to legal representation during interrogations in police custody, including by informing arrestees of their right to a lawyer and providing one upon request.
- Ensure that transgender detainees are held in facilities in accordance with their gender identity.
- Safeguard the right of sexual and gender minorities to report crimes without facing the risk of arrest, and ensure no LGBT crime victim is denied assistance, arrested, or harassed on the basis of their sexual orientation or gender identity.
- Refrain from inquiring about the sexual orientation or gender identity of individuals reporting violations and abuses.

## Iraq

### *To Iraqi Federal and Kurdistan Regional Authorities*

- Investigate all reports of armed group or other violence against people targeted because of their actual or perceived sexual orientation, gender identity, or gender expression, and appropriately punish those found responsible.
- Investigate security forces' complicity in violence against LGBT people based on their sexual orientation or gender identity and expression, and engage directly with armed forces to stop the violence.
- Publicly condemn all such violence, including incidents in which members of armed groups under the Popular Mobilization Forces are directly implicated.
- Establish protection mechanisms for victims of such violence, including measures to ensure that mechanisms are confidential and swift, and that individuals know how to access these mechanisms.
- Train security forces on international human rights standards and nondiscrimination, particularly on issues of gender and sexuality.
- Safeguard the right of sexual and gender minorities to report crimes without facing the risk of arrest, and ensure no LGBT crime victim is denied assistance, arrested, or harassed on the basis of their sexual orientation or gender identity.
- Investigate and hold accountable individuals making online or offline statements that incite or threaten violence against LGBT people.

### *To the Government of Iraq and Kurdistan Regional Government Legislative Authorities*

- Pass comprehensive anti-discrimination legislation that prohibits discrimination, including online, on the grounds of sex, gender, gender identity, and sexual orientation and includes effective measures to identify and address such discrimination.
- Examine vague provisions of the penal code, including paragraphs 200(2), 401, 402, 501, and 502, that could justify the arbitrary arrest or harassment of people due to their actual or perceived sexual orientation, gender identity, or gender expression or be used to prevent civil society from addressing taboo or stigmatized issues, and repeal, modify, or otherwise ensure such provisions are not applied in manner contrary to international human rights law.

### *To the Iraqi Ministry of Interior*

- Ensure detainees, including LGBT people, are aware of existing complaint mechanisms, detainees can submit complaints without fear of reprisals, and complaints are handled confidentially and swiftly, following a clear procedure.
- Investigate and, as appropriate, prosecute security officials who violate laws related to surveillance, arbitrary searches, and unlawful invasion of privacy.
- Prohibit security forces from inquiring about the sexual orientation or gender identity of individuals reporting violations and abuses.

## **Jordan**

### *To the Government*

- End police targeting of people based on their suspected same-sex conduct or sexual orientation.
- End the entrapment of individuals over the internet based on their sexual orientation or homosexual conduct, or their exercise of freedom of expression.
- Protect freedom of expression on the internet, as well as the privacy of internet communications.



- Train judges and prosecutors in human rights standards and nondiscrimination. Such training should include issues of gender and sexuality, with the aim of eliminating the stigma that contributes to injustice.
- Train police and prison officials in international human rights standards and nondiscrimination, particularly covering issues of gender and sexuality, with the aim of eliminating the stigma that contributes to abuse.
- Investigate and hold accountable individuals making online or offline statements that incite or threaten violence against LGBT people.

### *To the Parliament*

- Pass comprehensive anti-discrimination legislation that prohibits discrimination, including online, on the grounds of sex, gender, gender identity, and sexual orientation and includes effective measures to identify and address such discrimination.
- Examine vague “morality” provisions of the penal code that could justify the arbitrary arrest or harassment of people due to their actual or perceived sexual orientation, gender identity, or gender expression or be used to prevent civil society from addressing taboo or stigmatized issues, and repeal, modify, or otherwise ensure that such provisions are not applied in manner contrary to international human rights law.

### *To Security Forces*

- Refrain from violating the privacy of defendants during the investigation, including by asking for their phones, social media accounts, or passwords.
- Cease unlawfully gathering or fabricating digital information to support the prosecution of LGBT people.
- Ensure that individuals have access to legal representation during interrogations in police custody, including by informing arrestees of their right to a lawyer and providing one upon request.
- Ensure that transgender detainees are held in facilities in accordance with their gender identity.

- Safeguard the right of LGBT people to report crimes without facing the risk of arrest, and ensure no crime victim is denied assistance, arrested, or harassed on the basis of their sexual orientation or gender identity.
- Refrain from inquiring about the sexual orientation or gender identity of individuals reporting violations and abuses.

#### *To the Ministry of Interior*

- Prosecute security officials who violate laws related to surveillance, arbitrary searches, and unlawful invasion of privacy.

## **Lebanon**

#### *To the Parliament*

- Repeal article 534 of the Lebanese Penal Code, which criminalizes “sexual intercourse contrary to the order of nature.”
- Repeal article 523 of the Lebanese Penal Code, which criminalizes “secret prostitution.”
- Pass comprehensive anti-discrimination legislation that prohibits discrimination, including online, on the grounds of sex, gender, gender identity, and sexual orientation and includes effective measures to identify and address such discrimination.

#### *To the Office of the Public Prosecutor (OPP)*

- Refrain from filing criminal charges against transgender women for “imitating women” and against LGBT people for engaging in consensual same-sex conduct.
- Instruct the investigating security agencies to respect the rights of defendants during the summons and during the investigation, including by informing them of their right to speak with a lawyer, family member, or acquaintance; to have a lawyer present during interrogations; to be referred to a judge promptly; and to remain silent.
- Prosecute security officials who violate laws related to surveillance, arbitrary searches, unlawful invasion of privacy, and torture and ill-treatment.

### *To the Ministry of Interior*

- Issue clear guidelines on the treatment of LGBT detainees, including by ensuring that security forces do not discriminate against LGBT people.
- Ensure detainees are aware of existing complaints mechanisms, detainees can submit complaints without fear of reprisals, and complaints are handled confidentially and swiftly, following a clear procedure.
- Prohibit security forces from inquiring about the legal residency status, sexual orientation, or gender identity of individuals reporting violations and abuses.

### *To Security Forces, including the Internal Security Forces (ISF) and General Security Office (GSO)*

- Stop arresting and detaining LGBT people on the basis of their sexual orientation or gender identity, including under article 534 on “unnatural offenses” or “morality laws” outlined in articles 209, 526, 531, 532, and 533.
- Refrain from violating the privacy of defendants during an investigation, including by asking for their phones, social media accounts, and passwords without a judicial order.
- Cease unlawfully gathering digital information to support the prosecution of LGBT people.
- Safeguard the right of sexual and gender minorities to report crimes without facing the risk of arrest, and ensure no crime victim is denied assistance, arrested, or harassed on the basis of their sexual orientation, gender identity, or legal residency status.
- Ensure that transgender detainees are held in facilities in accordance with their gender identity.
- End the practice of detaining refugees merely because their residency documents have expired or because they do not have legal status, and allow Syrians who do not currently have legal residency to regularize their status.

## Tunisia

### *To the Government*

- Protect freedom of expression on the internet, as well as the privacy of internet communications.
- Train judges and prosecutors in human rights standards and nondiscrimination. Such training should include issues of gender and sexuality, with the aim of eliminating the stigma that contributes to injustice.
- Train police and prison officials in international human rights standards and nondiscrimination, particularly covering issues of gender and sexuality, with the aim of eliminating the stigma that contributes to abuse.
- Investigate and hold accountable individuals making online or offline statements that incite or threaten violence against LGBT people.

### *To the Newly Elected Parliament*

- Repeal article 230 of the penal code, which punishes both female and male homosexual acts with up to three years in prison.
- Pass comprehensive anti-discrimination legislation that prohibits discrimination, including online, on the grounds of sex, gender, gender identity, and sexual orientation and includes effective measures to identify and address such discrimination.
- Repeal the presidential Decree Law No. 54, which seeks to combat cybercrimes related to ‘false information’ and communication systems.
- Repeal article 86 of the 2001 Telecommunication Code, which criminalizes “harming others via public telecommunications networks,” and has been used to target dissent.

### *To Security Forces*

- Stop arresting and detaining LGBT people on the basis of their sexual orientation or gender identity, including under article 230 on “sodomy” or “morality laws” outlined in articles 226 and 226 *bis*.

- Refrain from violating the privacy of defendants during an investigation, including by asking for their phones, social media accounts, or passwords.
- Cease unlawfully gathering digital information to support the prosecution of LGBT people.
- Ensure that individuals have access to legal representation during interrogations in police custody, including by informing arrestees of their right to a lawyer and providing one upon request.
- Safeguard the right of LGBT people to report crimes without facing the risk of arrest, and ensure no crime victim is denied assistance, arrested, or harassed on the basis of their sexual orientation, gender identity or gender expression.
- Ensure that transgender detainees are held in facilities in accordance with their gender identity.
- Respect the rights and identities of LGBT people at police stations, and refrain from harassing them on the basis of their sexual orientation, gender identity, or gender expression.

## Acknowledgments

This report was researched and written by Rasha Younes, senior researcher in the Lesbian, Gay, Bisexual, and Transgender (LGBT) Rights program at Human Rights Watch.

The report was reviewed by Graeme Reid, director, and Mauricio Albarracín-Caballero, deputy director, of the LGBT Rights program; Joseph Saunders, deputy Program director; a senior editor in the LGBT Rights program; Lama Fakh, director of the Middle East and North Africa division; Rothna Begum, senior researcher in the Women's Rights division; Bill Van-Esveld, associate director of the Children's Rights division; Frederike Kalthener, director of the Technology and Human Rights division; Abir Ghattas, director of Information Security; and Michael Garcia Bochenek, senior legal advisor.

Additional expert reviews were provided by Hiba Zayadin, senior Jordan researcher; Salsabil Chellali, Tunisia researcher; Amr Magdi, senior Egypt researcher; Aya Majzoub, former Lebanon researcher; and the Iraq research team. Nora Noralla and Ahmed El-Salawy, former interns in the LGBT Rights program, provided background information.

Liliana Patterson, senior editor in the Multimedia division, produced the videos accompanying the report. Amr Kokash, an external videographer, accompanied the researcher and filmed the videos.

Yasemin Smallens, coordinator of the LGBT Rights program, provided editorial and production coordination and formatted the report. Travis Carr, publications officer. The report was prepared for publication by Fitzroy Hepkins, administrative manager. The report was translated by Afifa El Samad, senior Arabic translation coordinator.

Human Rights Watch would like to thank the members of the Coalition for Digital and LGBT Rights, our partners, who provided expert review of the research and connected Human Rights Watch with those interviewed: an LGBT rights organization in Cairo (name withheld for security reasons) and Masaar in Egypt, IraQueer and the Iraqi Network for Social Media

(INSM) in Iraq; Rainbow Street and the Jordan Open Source Association (JOSA) in Jordan, Helem and Social Media Exchange (SMEX) in Lebanon, and Damj Association in Tunisia.

We are grateful to the human rights organizations, researchers, and lawyers whose input benefitted this research, including but not limited to, Afsaneh Rigot, senior researcher at Article19; The Center for Democracy and Technology; Glitch Charity; HateAid Organization; Feminist Internet; NOYB – European Center for Digital Rights; and Esther Onfroy.

This report is dedicated to all the LGBT people who shared their stories with us.

# Annex I: Letter to Meta

## HUMAN RIGHTS WATCH

350 Fifth Avenue, 34<sup>th</sup> Floor  
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*Director*  
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Minjon Tholen, *Director of Diversity,*  
*Equity, and Inclusion*

Miranda Sissons  
Director of Human Rights  
Facebook Inc. (Meta)  
February 2, 2023

Iain Levine  
Senior Human Rights Advisor  
Facebook Inc. (Meta)  
February 2, 2023

Dear Ms. Sissons, Dear Mr. Levine,

I am writing to you on behalf of Human Rights Watch to notify you of research we have conducted on a range of online abuses faced by lesbian, gay, bisexual, and transgender (LGBT) people in the Middle East and North Africa (MENA) region, including on Meta platforms, and to ask you to solicit Meta's perspective. In addition, I would like to invite your response to several specific questions that have stemmed from the research.

Our research documents the use of digital targeting by security forces and its far-reaching offline consequences—including arbitrary detention and torture—in five countries: Egypt, Iraq, Jordan, Lebanon, and Tunisia. It also exposes how security forces employ digital targeting as a means of gathering or creating digital evidence to support prosecutions against LGBT people. It is based on 120 interviews, including 90 with LGBT people affected by digital targeting and 30 with expert representatives, such as lawyers and digital rights professionals. As you will know, authorities in the MENA region systematically target LGBT people, including by weaponizing laws that criminalize same-sex conduct and discriminate against LGBT people.<sup>1</sup>

Human Rights Watch found that security forces have entrapped LGBT people on social media platforms, subjected them to online extortion, online harassment, and outing, and relied on illegitimately obtained digital photos, chats, and similar information in prosecutions, in violation of the right to privacy and other human rights.

Of the dozens of digital targeting cases Human Rights Watch documented, 26 cases of online harassment, including doxing and outing, were on Facebook and Instagram in Jordan, Lebanon, and Tunisia. We also documented 25 cases of online death threats by armed groups on Facebook and Instagram in Iraq. Human Rights Watch found that as a result of online harassment, LGBT people reported losing their jobs, suffering family violence, including physical abuse, threats to their lives, and conversion practices, being forced to change their residence and phone numbers, deleting their social media accounts,

<sup>1</sup> Human Rights Watch, *"The Love that Dare Not Speak Its Name,"* (New York: Human Rights Watch, 2019), [http://internap.hrw.org/features/features/lgbt\\_laws/](http://internap.hrw.org/features/features/lgbt_laws/)



[www.hrw.org](http://www.hrw.org)



fleeing the country for risk of persecution, and suffering severe mental health consequences. In most cases, LGBT individuals harassed with public social media posts reported the abusive content to Facebook or Instagram. However, in all cases of reporting, these platforms did not remove the content, claiming it did not violate company guidelines or standards.

Human Rights Watch documented 20 cases of online entrapment, including on Facebook, by security forces, who impersonated LGBT people, in Egypt, Iraq, and Jordan. Sixteen of those entrapped were arrested by security forces and subsequently detained. The immediate offline consequences of entrapment range from arbitrary arrest to torture and other ill-treatment, including sexual assault, in detention.

Human Rights Watch documented 17 cases of online extortion by private individuals, including on Instagram and Facebook, in Egypt, Iraq, Jordan, and Lebanon. Extortionists often pretended to be LGBT people online in order to gain their victim's trust, along with details about their personal lives—particularly digital information relating to their sexual orientation or gender identity—that can be used as blackmail. In most cases, the alleged extortionist used that online information to extort people offline. Organized gangs in Egypt and armed groups in Iraq are among the perpetrators of extortion.

In order for our report to be as complete as possible, we would greatly appreciate your responses to the following questions:

- 1) What steps, if any, has Meta undertaken or does Meta plan to undertake to effectively moderate content on public platforms for hate speech, incitement to violence, discrimination, or hostility, against LGBT people in the MENA region, including by proactively removing abusive content that violates platform guidelines or standards?

In terms of Meta's content moderation, we request the following information:

- a. Please provide the number of content moderators at Meta currently moderating content originating from the MENA region. What number of these content moderators are proficient in Arabic, including the dialects of the countries they work on?
- b. Please indicate if content moderators working to moderate content originating from the MENA region receive any training on human rights in general, and LGBT rights in particular.
- c. Please indicate if content moderators working to moderate content originating from the MENA region are trained on the adverse impacts of digital targeting by security forces, particularly against vulnerable groups, such as LGBT people in the MENA region.
- d. Please provide an overview of Meta's content moderation in the Arabic language, including figures indicating the extent to which moderation in Arabic depends on automation, as well as figures on Meta's expenditure on content moderation in Arabic.
- e. Please indicate Meta's criteria for content moderation relating to hate speech, incitement to violence, discrimination, or hostility, against LGBT people.
- f. Please provide a breakdown of content moderation outcomes related to hate speech, incitement to violence, discrimination, or hostility, against LGBT people in the MENA region in the last five years.

- 2) What steps, if any, has Meta undertaken or does Meta plan to undertake to ensure a more effective, survivor-centered response to account reporting?

In terms of Meta's reporting mechanisms, we request the following information:

- a. Please indicate if Meta is taking any measures to offer people the ability to track and manage their reports.
  - b. Please indicate if Meta is taking any measures to present people who flag content with a log of content they have reported and the outcomes of moderation processes.
  - c. Please indicate if Meta is taking any measures to establish additional avenues for all users, including LGBT people, to access help and support during the reporting process.
  - d. Please indicate if Meta is taking any measures to create an avenue for people to provide anonymous feedback about the reporting experience and outcomes.
  - e. Please indicate if Meta is taking any measures to provide opportunities for people to provide additional context when reporting accounts or content.
  - f. Please indicate if Meta is taking any measures to allow people to flag if they are reporting in the same language as the abuse, and if they are not, to offer robust translation options.
- 3) What steps, if any, has Meta undertaken or does Meta plan to undertake to protect LGBT people in MENA from being targeted by law enforcement impersonating LGBT people on its platforms?
  - 4) What procedures does Meta have in place so that people who are victims of extortion can quickly and expeditiously notify the company and seek a remedy?
  - 5) What steps, if any, has Meta undertaken or does Meta plan to undertake to ensure meaningful engagement with organizations defending LGBT and digital rights in the MENA region on the development of policies and features, from design to implementation and enforcement?
  - 6) What steps, if any, has Meta undertaken or does Meta plan to undertake to establish direct lines of communication between users and local or regional advocacy and support groups for rapid response to digital targeting threats?
  - 7) What tangible steps has Meta undertaken or does Meta plan to undertake to ensure its platforms are adequately staffed to develop and enforce policy that meets the needs of LGBT people in MENA, and build trust with groups defending their rights?
  - 8) Does Meta plan to conduct human rights due diligence, including periodical human rights impact assessments, that fully capture the adverse human rights impacts of digital targeting, and that include identifying, preventing, ceasing, mitigating, remediating, and accounting for potential and actual adverse impacts on human rights, including the rights of LGBT people in the MENA region? If so, please provide a concrete timeline for these reports.
  - 9) Does Meta plan to scope human rights impact assessments to a particular country or regional context, and dedicate adequate time and resources into engaging rightsholders who are adversely impacted, including LGBT people? If so, please provide a concrete timeline for these assessments.
  - 10) What steps, if any, has Meta undertaken or does Meta plan to undertake to preserve and archive material of human rights violations and abuses that may have evidentiary value?
  - 11) What steps, if any, has Meta undertaken or does Meta plan to undertake to provide access to data for independent researchers, including but not limited to those in the fields of

human rights hate speech, incitement to violence, discrimination, or hostility, to allow them to fully assess the platform's implementation of human rights due diligence?

We respectfully request that you provide us with a written response to these questions and any other information that you wish to provide by **February 20** so that we may have the opportunity to review and reflect it as appropriate in our reporting. We will post on our website relevant parts of any response received after that date. If you would like to meet with us to discuss our questions, please let us know.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at [REDACTED].org or [REDACTED]

Sincerely,

[REDACTED]

Graeme Reid  
Director, LGBT Rights Program  
Human Rights Watch

# Annex II: Letter to Grindr

## HUMAN RIGHTS WATCH

350 Fifth Avenue, 34<sup>th</sup> Floor  
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James Ross, *Legal and Policy Director*  
Bruno Stagno Ugarte, *Chief Advocacy Officer*  
Minjon Tholen, *Director of Diversity, Equity, and Inclusion*

Jack Harrison-Quintana  
Director  
Grindr for Equality  
February 3, 2023

Dear Mr. Harrison-Quintana,

I am writing to you on behalf of Human Rights Watch to notify you of research we have conducted on a range of online abuses faced by lesbian, gay, bisexual, and transgender (LGBT) people in the Middle East and North Africa (MENA) region, including on Grindr, and to ask you to solicit Grindr's perspective. In addition, I would like to invite your response to several specific questions that have stemmed from the research.

In February, we will publish our research documenting the use of digital targeting by security forces and its far-reaching offline consequences — including arbitrary detention and torture—in five countries: Egypt, Iraq, Jordan, Lebanon, and Tunisia. It also exposes how security forces employ digital targeting as a means of gathering or creating digital evidence to support prosecutions against LGBT people. It is based on 120 interviews, including 90 with LGBT people affected by digital targeting and 30 with expert representatives, such as lawyers and digital rights professionals. As you may know, authorities in the MENA region systematically target LGBT people, including by weaponizing laws that criminalize same-sex conduct and discriminate against LGBT people.<sup>1</sup>

Human Rights Watch found that security forces have entrapped LGBT people, including on Grindr, subjected them to online extortion, online harassment, and outing, and relied on illegitimately obtained digital photos, chats, and similar information in prosecutions, in violation of the right to privacy and other human rights.

Human Rights Watch found that security forces create fake profiles to impersonate LGBT people and entrap them on social media platforms, including Grindr, and unlawfully search LGBT people's personal devices to collect private information to enable their prosecution. Across the five countries covered, security forces searched LGBT people's phones by forcing them to unlock their devices under duress — by beating them or threatening them with violence. Security forces and prosecutors used photos, chats, and dating applications, such as Grindr, on LGBT people's phones as a basis for their prosecution and abuses against them. They targeted and persecuted people based on their presumed or actual sexual orientation or gender identity.

<sup>1</sup> Human Rights Watch, *"The Love that Dare Not Speak Its Name,"* (New York: Human Rights Watch, 2019), [http://internmap.hrw.org/features/features/lgbt\\_laws/](http://internmap.hrw.org/features/features/lgbt_laws/).



[www.hrw.org](http://www.hrw.org)

Human Rights Watch documented 20 cases of online entrapment, including on Grindr, by security forces in Egypt, Iraq, and Jordan. Sixteen of those entrapped were arrested by security forces and subsequently detained. The immediate offline consequences of entrapment range from arbitrary arrest to torture and other ill-treatment, including sexual assault, in detention.

Human Rights Watch documented 17 cases of online extortion by private individuals, including on Grindr, in Egypt, Iraq, Jordan, and Lebanon. Extortionists often pretended to be LGBT people in order to gain their victim's trust, along with details about their personal lives—particularly digital information relating to their sexual orientation or gender identity—that can be used as blackmail. In most cases, the alleged extortionist used that online information to extort people offline. Organized gangs in Egypt and armed groups in Iraq are among the perpetrators of extortion.

In order for our report to be as complete as possible, we would greatly appreciate your responses to the following questions:

- 1) What steps, if any, has Grindr undertaken or does Grindr plan to undertake to effectively moderate content on public platforms for hate speech, incitement to violence, discrimination, or hostility, against LGBT people in the MENA region, including by proactively removing abusive content that violates platform guidelines?

In terms of Grindr's content moderation, we request the following information:

- a. Please provide the number of content moderators at Grindr currently moderating content originating from the MENA region. What number of these content moderators are proficient in Arabic, including the dialects of the countries they work on?
  - b. We recognize that Grindr does provide training on human rights in general, and LGBT rights in particular, to content moderators working to moderate content originating from the MENA region. Please provide details on Grindr's current training program. In addition, please indicate if content moderators are trained on the adverse impacts of digital targeting, particularly against vulnerable groups, such as LGBT people in the MENA region.
- 2) What steps, if any, has Grindr undertaken or does Grindr plan to undertake to ensure a more effective, survivor-centered response to account reporting?

In terms of Grindr's reporting mechanisms, we request the following information:

- a. Please indicate if Grindr is taking any measures to offer people the ability to track and manage their reports, and provide details of such measures.
- b. Please indicate if Grindr is taking any measures to present people who flag content with a log of content they have reported and the outcomes of moderation processes, and provide details of such measures.

- c. Please indicate if Grindr is taking any measures to create an avenue for people to provide anonymous feedback about the reporting experience and outcomes, and provide details of such measures.
  - d. Please indicate if Grindr is taking any measures to provide opportunities for people to provide additional context when reporting accounts or content, and provide details of such measures.
  - e. Please indicate if Grindr is taking any measures to allow people to flag if they are reporting in the same language as the abuse, and if they are not, to offer robust translation options, and provide details of such measures.
- 3) We recognize that Grindr published a “Holistic Security Guide” that encompasses multiple areas of user safety, including guidance on entrapment. Please indicate additional measures that Grindr has undertaken or that Grindr plans to undertake to protect LGBT people in MENA from being targeted by law enforcement impersonating LGBT people on its platform.
  - 4) What procedures does Grindr have in place so that people who are victims of extortion and subsequent human rights violations can quickly and expeditiously notify the company and seek a remedy?
  - 5) What steps, if any, has Grindr undertaken or does Grindr plan to undertake to ensure meaningful engagement with organizations defending LGBT and digital rights in the MENA region on the development of policies and features, from design to implementation and enforcement?
  - 6) What steps, if any, has Grindr undertaken or does Grindr plan to undertake to establish direct lines of communication between users and local or regional advocacy and support groups for rapid response to digital targeting threats?
  - 7) Does Grindr plan to conduct human rights due diligence, including periodical human rights impact assessments, that fully capture the adverse human rights impacts of digital targeting, and that include identifying, preventing, ceasing, mitigating, remediating, and accounting for potential and actual adverse impacts on human rights, including the rights of LGBT people in the MENA region? If so, please provide a concrete timeline for these reports.
  - 8) Does Grindr plan to scope human rights impact assessments to a particular country or regional context, and dedicate adequate time and resources into engaging rightsholders who are adversely impacted, including LGBT people? If so, please provide details of assessments Grindr has conducted, and a concrete timeline for future assessments.

We respectfully request that you provide us with a written response to these questions and any other information that you wish to provide by **February 20** so that we may have the opportunity to review and reflect it as appropriate in our reporting. We will post on our website relevant parts of any response received after that date.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at [REDACTED] or [REDACTED]

Sincerely,



Graeme Reid  
Director, LGBT Rights Program  
Human Rights Watch

# Annex III: Letter to Egyptian Ministry of Interior

## HUMAN RIGHTS WATCH

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James Ross, *Legal and Policy Director*  
Bruno Stagno Ugarte, *Chief Advocacy Officer*  
Minjon Tholen, *Director of Diversity, Equity, and  
Inclusion*



HRW.org

February 8, 2023

Minister Mahmoud Tawfik  
*Ministry of Interior*  
*Cairo, Egypt*

Office of the Prosecutor General  
National Council for Human Rights

Dear Minister Tawfik,

I am writing to you on behalf of Human Rights Watch to share the findings of our research on a range of online abuses faced by lesbian, gay, bisexual, and transgender (LGBT) people in Egypt, and to request information around LGBT people's interactions with security forces and access to protection in Egypt. In addition, I would like to request your response to a list of questions that have stemmed from the research.

Human Rights Watch is an international nongovernmental human rights advocacy organization whose work involves investigating and documenting human rights abuses in over 100 countries across the world, including Egypt.

In February, Human Rights Watch will publish a report documenting the use of digital targeting by security forces and its far-reaching offline consequences—including arbitrary detention and torture—in five countries in the Middle East and North Africa region, including Egypt. The report also exposes how security forces employ digital targeting as a means of gathering or creating digital evidence to support prosecutions against LGBT people. It is based on 120 interviews, including 90 with LGBT people affected by digital targeting, 32 of whom resided in Egypt, and 30 with expert representatives, such as lawyers and digital rights professionals.

Human Rights Watch found that Egypt's security forces have entrapped LGBT people on social media platforms and dating applications, subjected them to online extortion, and relied on illegitimately obtained digital photos, chats, and similar information in prosecutions, in violation of the

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right to privacy and other human rights. In Egypt, government digital targeting has led to arbitrary arrests and prosecution of LGBT people and their custodial torture and ill-treatment.

Human Rights Watch documented 29 arrests and prosecutions in Egypt, including against foreigners, suggesting a coordinated policy to persecute LGBT people. The documented cases suggest a tactic of security forces hunting down LGBT people online and then arresting, detaining, and inflicting torture or other ill-treatment on them.

In every instance of arrest, security forces searched individuals' phones, mostly by force or under threat of violence, to collect—or even create—personal digital information to enable their prosecution. Some LGBT people who had been detained told Human Rights Watch that when police officers could not find such digital information at the time of arrest, they downloaded same-sex dating applications on their phones, uploaded photos, and fabricated chats to justify their detention.

LGBT people who were detained reported facing numerous due process violations, including having their phones confiscated, being denied access to a lawyer, and being forced to sign coerced confession statements. LGBT people reported being denied food and water, family and legal representation, and medical services as well as verbal, physical, and sexual assault. Some were placed in solitary confinement. Transgender women detainees were routinely held in men's cells, where they faced sexual assault and other forms of ill-treatment. In one case, a transgender woman from Cyprus was detained at a police station in Cairo, where she reported facing repeated sexual assaults, for 13 months due to security forces' confusion around her gender identity.

Authorities in Egypt subjected a 17-year-old transgender girl to a forced anal exam. Forced anal tests are sexual assault and violate the prohibition of torture and other cruel, degrading, and inhuman treatment or punishment. They violate medical ethics and are internationally discredited because they lack scientific validity to “prove” same-sex conduct. The Egyptian Medical Syndicate has taken no steps to prevent doctors from conducting these degrading and abusive exams.

Human Rights Watch also documented cases of online extortion by private individuals in Egypt. Extortionists often pretended to be LGBT people in order to gain their victim's trust, along with details about their personal lives—particularly digital information relating to their sexual orientation or gender identity—that could be used as blackmail. Organized gangs in Egypt are among the perpetrators of extortion. In several cases, victims of extortion reported the perpetrators to the authorities, but authorities responded by arresting all the extortion victims. Egyptian authorities subjected one 16-year-old gay boy who reported his extortion and sexual assault to an anal exam to “allow him to escape detention.”

Most LGBT people interviewed by Human Rights Watch said that they would not report a crime to the authorities, either because of previous attempts in which the complaint was

dismissed or no action was taken, or because they felt they would be blamed for the crime due to their non-conforming sexual orientation, gender identity, or expression.

In order for our report to be as complete as possible, we would greatly appreciate your responses to the following questions:

- 1) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that security forces halt arrests of adults for consensual same-sex conduct between adults?
- 2) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure the immediate and unconditional release of all adults imprisoned for consensual same-sex conduct with adults, as well as of anybody imprisoned for same-sex conduct while under the age of 18 with adults or with other children of similar age?
- 3) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that security forces end the practice of forensic anal exams of men and transgender women accused of “debauchery” (fujur) or any other crime?
- 4) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that security forces end the entrapment of LGBT people over the internet based on their sexual orientation, same-sex conduct, or their exercise of freedom of expression?
- 5) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that security forces refrain from violating the privacy of defendants during an investigation, including by coercing them to provide their phones, social media accounts, or passwords?
- 6) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure security forces cease unlawfully gathering or fabricating digital information to support the prosecution of LGBT people?
- 7) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that individuals have access to legal representation during interrogations in police custody, including by informing arrestees of their right to a lawyer and providing one upon request?
- 8) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that transgender detainees are held in facilities in accordance with their gender identity?
- 9) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to enforce existing safeguards against torture and ill-treatment by investigating, disciplining and when appropriate prosecuting officials who engage in or condone abuse, including prosecutors who fail to fulfill their duties to

regularly monitor places of detention and open investigations into arbitrary detention, torture, and ill-treatment and those who themselves abuse detainees?

- 10) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that the National Security Agency halts the practice of detaining suspects in its offices and immediately transfers all detainees in its custody to registered, legal detention sites?
- 11) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure torture victims have direct and speedy access to consensual forensic medical examinations without a referral by higher authorities?
- 12) Does the Ministry currently take any specific measures to ensure that security forces respect the rights and identities of LGBT people at police stations, and refrain from harassing them based on their sexual orientation and gender identity or expression? If so, please provide us with details of those measures. If the Ministry currently is not, but plans to develop new measures in this regard, please provide us with details of the planned measures and a timeframe for their implementation.
- 13) Would the Ministry issue a statement publicly condemning violence against people targeted because they do not conform to gender and masculinity norms, or are suspected of same-sex conduct?
- 14) What existing complaints mechanisms are available to people, including LGBT people, if Ministry of Interior officials, including police, perpetrate abuses against them? Please detail how these complaints mechanisms work, including what measures are in place to ensure that complaints are handled confidentially and swiftly. In terms of the Ministry's complaints mechanisms, we request the following information:
  - a. Please provide statistics for how many Ministry of Interior officials, including police, have been sanctioned under these internal complaints mechanisms for committing abuses against individuals within the last five years and what sanctions were imposed.
  - b. Please indicate how many of these complaints stemmed from abuses committed against LGBT people.
  - c. Please provide statistics for how many Ministry of Interior officials, including police, have been charged with crimes against LGBT people within the last five years, what criminal charges were brought, and what sentences were imposed.

- 15) Does the Ministry have a policy that prohibits security forces from inquiring about the sexual orientation or gender identity of individuals who are reporting violations? If not, is the Ministry planning to implement such a prohibition?

We respectfully request that you provide us with a written response to these questions and any other information that you wish to provide by **February 20** so that we may have the opportunity to review and reflect it as appropriate in our reporting. We will post on our website relevant parts of any response received after that date. If you would instead like to hold a virtual meeting with us to discuss our questions, please let us know.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at

[REDACTED]

Sincerely,

Lama Fakhri  
Director, Middle East and North Africa Division  
Human Rights Watch

# Annex IV: Letter to Iraqi Ministry of Foreign Affairs

## HUMAN RIGHTS WATCH

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Miriam Thelen, *Director of Diversity, Equity, and  
Inclusion*



HRW.org

February 8, 2023

Minister Fuad Hussain  
Ministry of Foreign Affairs  
Baghdad, Iraq

Dear Minister Hussain,

I am writing to you on behalf of Human Rights Watch to share the findings of our research on a range of online abuses faced by lesbian, gay, bisexual, and transgender (LGBT) people in Iraq, and to request information around LGBT people's interactions with security forces and access to protection in Iraq. In addition, I would like to request your response to a list of questions that have stemmed from the research.

Human Rights Watch is an international nongovernmental human rights advocacy organization whose work involves investigating and documenting human rights abuses in over 100 countries across the world, including Iraq.

In February, Human Rights Watch will publish a report documenting the use of digital targeting by security forces and its far-reaching offline consequences in five countries in the Middle East and North Africa region, including Iraq. It is based on 120 interviews, including 90 with LGBT people affected by digital targeting, 18 of whom resided in Iraq, and 30 with expert representatives, such as lawyers and digital rights professionals.

Human Rights Watch found that Iraq's security forces have entrapped LGBT people on social media platforms and dating applications, subjected them to online extortion, and harassed them with online death threats. LGBT people entrapped reported facing sexual assault by security forces, and being threatened with arrest if they did not comply with security forces' abuse of power. LGBT people extorted online detailed being threatened with outing and arrest by armed groups. Extortionists pretended to be gay men; met their victims online; took their victim's personal information, such as their family, residence, and employment

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details; and then demanded exorbitant sums of money to keep the information private. Human Rights Watch documented 32 cases of online death threats in Iraq and, in every case, the victims became deeply fearful, sometimes suicidal, saying they had to change their residence, delete all social media accounts, change their phone numbers, and, in some cases, flee the country for fear of being monitored, blackmailed, and entrapped by armed groups, many of which are affiliated with the Popular Mobilization Forces (PMF), which are nominally under the control of the prime minister.

In March 2022, Human Rights Watch published a report documenting the killings, abductions, sexual violence, and other torture of LGBT people by armed groups in Iraq.<sup>1</sup> The findings demonstrated that in many cases, the offline abuses were preceded by online threats.

Most LGBT people interviewed by Human Rights Watch said that they would not report a crime to the authorities, either because of previous attempts in which the complaint was dismissed or no action was taken or because they felt they would be blamed for the crime due to their non-conforming sexual orientation, gender identity, or expression.

In order for our report to be as complete as possible, we would greatly appreciate your responses to the following questions.

**To the Ministry of Interior**

- 1) Does the Ministry currently take any specific measures to ensure that security forces, including PMF forces, respect the rights and identities of LGBT people at checkpoints and in police stations, and refrain from harassing them based on their sexual orientation and gender identity or expression? If so, please provide us with details of those measures. If the Ministry currently is not, but plans to develop new measures in this regard, please provide us with details of the planned measures and a timeframe for their implementation.
- 2) Would the Ministry issue a statement publicly condemning violence against people targeted because they do not conform to gender and masculinity norms, or are suspected of same-sex conduct?
- 3) What existing complaints mechanisms are available to people, including LGBT people, if Ministry of Interior officials, including police and PMF forces, perpetrate abuses against them? Please detail how these complaints mechanisms work, including what measures are in place to ensure that complaints are handled confidentially and swiftly. In terms of the Ministry's complaints mechanisms, we request the following information:

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<sup>1</sup> Human Rights Watch, "Everyone Wants Me Dead:" Killings, Abductions, Torture, and Sexual Violence Against LGBT People by Armed Groups in Iraq, (New York: Human Rights Watch, 2022) <https://www.hrw.org/report/2022/03/23/everyone-wants-me-dead/killings-abductions-torture-and-sexual-violence-against>

- a. Please provide statistics for how many Ministry of Interior officials, including police and PMF forces, have been sanctioned under these internal complaints mechanisms for committing abuses against individuals within the last five years and what sanctions were imposed.
  - b. Please indicate how many of these complaints stemmed from abuses committed against LGBT people.
  - c. Please provide statistics for how many Ministry of Interior officials, including police and PMF forces, have been charged with crimes against LGBT people within the last five years, what criminal charges were brought, and what sentences were imposed.
- 4) Does the Ministry have a policy that prohibits security forces from inquiring about the sexual orientation or gender identity of individuals who are reporting violations? If not, is the Ministry planning to implement such a prohibition?

We respectfully request that you provide us with a written response to these questions and any other information that you wish to provide by **February 20** so that we may have the opportunity to review and reflect it as appropriate in our reporting. We will post on our website relevant parts of any response received after that date. If you would instead like to hold a virtual meeting with us to discuss our questions, please let us know.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at

██████████.

Sincerely,

Lama Fakhri  
Director, Middle East and North Africa Division  
Human Rights Watch

# Annex V: Letter to Jordanian Ministry of Interior

## HUMAN RIGHTS WATCH

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**Adam Coogler**, Deputy Director  
**Ahmed Benchemsi**, Advocacy and Communications  
Director

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**Bahy El Din Hassan**  
**Hassan Elmasry**  
**Mansour Farhang**  
**Loubna Freih Georges**  
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**Valentina Rosa**, Chief Development Officer  
**James Ross**, Legal and Policy Director  
**Bruno Stagno Ugarte**, Chief Advocacy Officer  
**Minjon Tholen**, Director of Diversity, Equity, and  
Inclusion

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February 8, 2023

Minister Mazin Abdellah Hilal Al-Farrayeh  
Ministry of Interior  
Amman, Jordan

Dear Minister Al-Farrayeh,

I am writing to you on behalf of Human Rights Watch to share the findings of our research on a range of online abuses faced by lesbian, gay, bisexual, and transgender (LGBT) people in Jordan, and to request information around LGBT people's interactions with security forces and access to protection in Jordan. In addition, I would like to request your response to a list of questions that have stemmed from the research.

Human Rights Watch is an international nongovernmental human rights advocacy organization whose work involves investigating and documenting human rights abuses in over 100 countries across the world, including Jordan.

In February, Human Rights Watch will publish a report documenting the use of digital targeting by security forces and its far-reaching offline consequences in five countries in the Middle East and North Africa, including Jordan. The report also exposes how security forces employ digital targeting as a means of gathering digital evidence to support prosecutions against LGBT people. It is based on 120 interviews, including 90 with LGBT people affected by digital targeting, ten of whom resided in Jordan, and 30 with expert representatives, such as lawyers and digital rights professionals.

Human Rights Watch found that Jordan's security forces have entrapped LGBT people on social media platforms and dating applications, subjected them to online extortion, and relied on illegitimately obtained digital photos, chats, and similar information in prosecutions, in violation of the right to privacy and other human rights. Human Rights Watch also documented five cases where LGBT activists faced online hate speech due to their activism, prompting the authorities to summon them for interrogation.

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LGBT people who were detained reported facing numerous due process violations, including having their phones confiscated, being denied access to a lawyer, and being forced to sign coerced confession statements. LGBT people reported being denied food and water, family and legal representation, and medical services as well as verbal and sexual assault. Transgender women detainees were held in men's cells. Human Rights Watch also documented cases of online extortion by private individuals in Jordan. Extortionists often pretended to be LGBT people in order to gain their victim's trust, along with details about their personal lives—particularly digital information relating to their sexual orientation or gender identity—that can be used as blackmail. In Jordan, gay men recounted being tricked online into having cybersex, threatened with video recordings of the act, and repeatedly harassed if they did not agree to terms stated by the perpetrators. Human Rights Watch recorded one case in which the extortionists claimed to be intelligence agents. In one case, the victim of online extortion in Jordan, who sought protection from the authorities, was instead prosecuted and sentenced to six months in prison based on a cybercrime law criminalizing “promoting prostitution online,” reduced to one month and a fine upon appeal. Most LGBT people interviewed for this report said that they would not report a crime to the authorities, either because of previous attempts in which the complaint was dismissed or no action was taken or because they felt they would be blamed for the crime due to their non-conforming sexual orientation, gender identity, or expression. In order for our report to be as complete as possible, we would greatly appreciate your responses to the following questions.

- 1) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that security forces halt arrests of adults for consensual same-sex conduct between adults?
- 2) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that security forces end the entrapment of LGBT people over the internet based on their sexual orientation, same-sex conduct, or their exercise of freedom of expression?
- 3) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that security forces refrain from violating the privacy of defendants during an investigation, including by coercing them to provide their phones, social media accounts, or passwords?
- 4) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure security forces cease unlawfully gathering digital information to support the prosecution of LGBT people?

- 5) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that individuals have access to legal representation during interrogations in police custody, including by informing arrestees of their right to a lawyer and providing one upon request?
- 6) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that transgender detainees are held in facilities in accordance with their gender identity?
- 7) Does the Ministry currently take any specific measures to ensure that security forces respect the rights and identities of LGBT people at police stations, and refrain from harassing them based on their sexual orientation and gender identity or expression? If so, please provide us with details of those measures. If the Ministry currently is not, but plans to develop new measures in this regard, please provide us with details of the planned measures and a timeframe for their implementation.
- 8) What existing complaints mechanisms are available to people, including LGBT people, if Ministry of Interior officials, including police, perpetrate abuses against them? Please detail how these complaints mechanisms work, including what measures are in place to ensure that complaints are handled confidentially and swiftly. In terms of the Ministry's complaints mechanisms, we request the following information:
  - a. Please provide statistics for how many Ministry of Interior officials, including police, have been sanctioned under these internal complaints mechanisms for committing abuses against individuals within the last five years and what sanctions were imposed.
  - b. Please indicate how many of these complaints stemmed from abuses committed against LGBT people.
  - c. Please provide statistics for how many Ministry of Interior officials, including police, have been charged with crimes against LGBT people within the last five years, what criminal charges were brought, and what sentences were imposed.
- 9) Does the Ministry have a policy that prohibits security forces from inquiring about the sexual orientation or gender identity of individuals who are reporting violations? If not, is the Ministry planning to implement such a prohibition?

We respectfully request that you provide us with a written response to these questions and any other information that you wish to provide by **February 20** so that we may have the opportunity to review and reflect it as appropriate in our reporting. We will post on our website relevant parts of any response received after that date. If you would instead like to hold a virtual meeting with us to discuss our questions, please let us know.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at [REDACTED].

Sincerely,

Lama Fakhri  
Director, Middle East and North Africa Division  
Human Rights Watch

# Annex VI: Letter to Lebanese Ministry of Interior

## HUMAN RIGHTS WATCH

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**Hassan Elmasry**  
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**Valentina Rosa**, *Chief Development Officer*

**James Ross**, *Legal and Policy Director*

**Bruno Stagno Ugarte**, *Chief Advocacy Officer*

**Minjon Tholen**, *Director of Diversity, Equity, and  
Inclusion*

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February 8, 2023

Minister Bassam Al-Mawlawi  
*Ministry of Interior of Lebanon*

Major General Abbas Ibrahim  
*Director of General Security*  
*General Directorate of the General Security of Lebanon*

Major General Imad Osman  
*Director of Internal Security*  
*General Directorate of the Internal Security of Lebanon*

Dear Minister Al-Mawlawi, Major General Osman, and Major General  
Ibrahim,

I am writing to you on behalf of Human Rights Watch to share the findings of our research on a range of online abuses faced by lesbian, gay, bisexual, and transgender (LGBT) people in Lebanon, and to request information around LGBT people's interactions with security forces and access to protection in Lebanon. In addition, I would like to request your response to a list of questions that have stemmed from the research.

Human Rights Watch is an international nongovernmental human rights advocacy organization whose work involves investigating and documenting human rights abuses in over 100 countries across the world, including Lebanon.

In February, Human Rights Watch will publish a report documenting the use of digital targeting by security forces and its far-reaching offline consequences in five countries in the Middle East and North Africa, including Lebanon. The report also exposes how security forces employ digital targeting as a means of gathering digital evidence to support prosecutions against LGBT people. It is based on 120 interviews, including 90 with LGBT people affected by digital targeting, 17 of whom resided in Lebanon, and 30 with expert representatives, such as lawyers and digital rights professionals.

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In Lebanon, Human Rights Watch found that digital targeting has resulted in arbitrary arrests by Internal Security Forces (ISF) and General Security Office (GSO) members, reliance on improperly obtained personal digital information by ISF and GSO members in prosecutions, and blackmail of LGBT people by private individuals. Human Rights Watch's research findings suggest that LGBT refugees, especially from Syria, who face at least two forms of vulnerability during interactions with security forces—their LGBT identities and their refugee status—are more vulnerable to digital targeting.

In every instance of arrest documented by Human Rights Watch, ISF and GSO members in Lebanon searched LGBT individuals' phones, mostly by force or under threat of violence. Human Rights Watch found that ISF and GSO members relied on illegitimately obtained digital photos, chats, and similar information in prosecutions, in violation of the right to privacy and other human rights.

LGBT people who were detained by ISF and GSO members reported facing numerous due process violations, including having their phones confiscated, being denied access to a lawyer, and being forced to sign coerced confession statements. LGBT people said that ISF and GSO members denied them food and water, family and legal representation, and medical services and verbally, physically, and sexually assaulted them. Transgender women detainees were held in men's cells. In one case, a transgender woman detainee was held, without charge, for 52 days at a police station in Beirut.

Human Rights Watch documented cases of online harassment, including outing by private individuals—exposing LGBT people's identities without their consent—on public social media platforms. In Lebanon, LGBT people reported offline consequences of being outed online, including family violence, and arbitrary arrests by ISF members based on unlawful phone searches and personal information found on devices.

Human Rights Watch documented cases of online extortion by private individuals in Lebanon. Extortionists often pretended to be LGBT people in order to gain their victim's trust, along with details about their personal lives—particularly digital information relating to their sexual orientation or gender identity—that can be used as blackmail.

Most LGBT people interviewed for this report said that they would not report a crime to the authorities, either because of previous attempts in which the complaint was dismissed or no action was taken or because they felt they would be blamed for the crime due to their non-conforming sexual orientation, gender identity, or expression.

In order for our report to be as complete as possible, we would greatly appreciate your responses to the following questions:

- 1) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that security forces refrain from violating the privacy of defendants during an investigation, including by coercing them through

intimidation or threat of violence to provide their phones, social media accounts, or passwords?

- 2) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure security forces cease unlawfully gathering digital information, including through illegal phone searches, to support the prosecution of LGBT people?
- 3) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that individuals have access to legal representation during interrogations in police custody, including by informing arrestees of their right to a lawyer and providing one upon request?
- 4) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that transgender detainees are held in facilities in accordance with their gender identity?
- 5) Does the Ministry currently take any specific measures to ensure that security forces respect the rights and identities of LGBT people at police stations, and refrain from harassing them based on their legal residency status, sexual orientation and gender identity or expression? If so, please provide us with details of those measures. If the Ministry currently is not, but plans to develop new measures in this regard, please provide us with details of the planned measures and a timeframe for their implementation.
- 6) What existing complaints mechanisms are available to people, including LGBT people, if ISF and GSO members perpetrate abuses against them? Please detail how these complaints mechanisms work, including what measures are in place to ensure that complaints are handled confidentially and swiftly. In terms of the ISF's and GSO's complaints mechanisms, we request the following information:
  - a. Please provide statistics for how many ISF and GSO members have been sanctioned under these internal complaints mechanisms for committing abuses against individuals within the last five years and what sanctions were imposed.
  - b. Please indicate how many of these complaints stemmed from abuses committed against LGBT people.
  - c. Please provide statistics for how many ISF and GSO members have been charged with crimes against LGBT people within the last five years, what criminal charges were brought, and what sentences were imposed.
- 7) Does the Ministry have a policy that prohibits security forces from inquiring about the sexual orientation or gender identity of individuals who are reporting violations? If not, is the Ministry planning to implement such a prohibition?

We respectfully request that you provide us with a written response to these questions and any other information that you wish to provide by **February 20** so that we may have the

opportunity to review and reflect it as appropriate in our reporting. We will post on our website relevant parts of any response received after that date. If you would instead like to hold a meeting with us to discuss our questions, please let us know.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to our Beirut office at

██████████.

Sincerely,

Lama Fakhri  
Director, Middle East and North Africa Division  
Human Rights Watch

# Annex VII: Letter to Tunisian Ministry of Interior

## HUMAN RIGHTS WATCH

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James Ross, *Legal and Policy Director*  
Bruno Stagno Ugarte, *Chief Advocacy Officer*  
Minjon Tholen, *Director of Diversity, Equity, and  
Inclusion*

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HRW.org

February 8, 2023

Minister Taoufik Charfeddine  
Ministry of Interior  
Tunis, Tunisia

Dear Minister Charfeddine,

I am writing to you on behalf of Human Rights Watch to share the findings of our research on a range of online abuses faced by lesbian, gay, bisexual, and transgender (LGBT) people in Tunisia, and to request information around LGBT people's interactions with security forces and access to protection in Tunisia. In addition, I would like to request your response to a list of questions that have stemmed from the research.

Human Rights Watch is an international nongovernmental human rights advocacy organization whose work involves investigating and documenting human rights abuses in over 100 countries across the world, including Tunisia.

In February, Human Rights Watch will publish a report documenting the use of digital targeting by security forces and its far-reaching offline consequences in five countries in the Middle East and North Africa, including Tunisia. The report also exposes how security forces employ digital targeting as a means of gathering digital evidence to support prosecutions against LGBT people. It is based on 120 interviews, including 90 with LGBT people affected by digital targeting, 15 of whom resided in Tunisia, and 30 with expert representatives, such as lawyers and digital rights professionals.

Human Rights Watch found that Tunisia's security forces have used digital targeting to crack down on LGBT organizing and to arrest and persecute individuals. In every instance of arrest, security forces searched individuals' phones, mostly by force or under threat of violence, to collect personal digital information to enable their prosecution, in violation of the right to privacy and other human rights.

LGBT people who were detained reported facing numerous due process violations, including having their phones confiscated, being denied

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access to a lawyer, and being forced to sign coerced confession statements. LGBT people reported being denied food and water, family and legal representation, and medical services, as well as facing verbal assault.

Human Rights Watch also documented cases in which social media users, including alleged police officers, publicly harassed LGBT activists with social media posts, predominantly on Facebook. Online harassment included doxxing LGBT activists who were active in street protests – revealing their personal information, including home addresses and phone numbers – and outing them – exposing their sexual orientation or gender identity without their consent. Individuals also smeared such activists online based on their sexual orientation or gender identity and posted their photos with messages inciting violence against them. The online targeting was followed by arbitrary arrests, physical assaults, and rape and death threats. The police and other security force units involved also denied them access to legal counsel.

As a result of online harassment, LGBT people reported losing their jobs, receiving threats to their lives, being forced to change their residence and phone numbers, deleting their social media accounts, fleeing the country for risk of persecution, and suffering severe mental health consequences.

Most LGBT people interviewed by Human Rights Watch said that they would not report a crime to the authorities, either because of previous attempts in which the complaint was dismissed or no action was taken or because they felt they would be blamed for the crime due to their non-conforming sexual orientation, gender identity, or expression.

In order for our report to be as complete as possible, we would greatly appreciate your responses to the following questions:

- 1) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that security forces refrain from violating the privacy of defendants during an investigation, including by coercing them to provide their phones, social media accounts, or passwords?
- 2) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure security forces cease unlawfully gathering digital information to support the prosecution of LGBT people?
- 3) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to ensure that individuals have access to legal representation during interrogations in police custody, including by informing arrestees of their right to a lawyer and providing one upon request?
- 4) Does the Ministry currently take any specific measures to ensure that security forces respect the rights and identities of LGBT people at police stations, and refrain from harassing them based on their sexual orientation and gender identity or expression? If so, please provide us with details of those measures. If the

Ministry currently is not, but plans to develop new measures in this regard, please provide us with details of the planned measures and a timeframe for their implementation.

- 5) What existing complaints mechanisms are available to people, including LGBT people, if Ministry of Interior officials, including police, perpetrate abuses against them? Please detail how these complaints mechanisms work, including what measures are in place to ensure that complaints are handled confidentially and swiftly. In terms of the Ministry's complaints mechanisms, we request the following information:
  - a. Please provide statistics for how many Ministry of Interior officials, including police, have been sanctioned under these internal complaints mechanisms for committing abuses against individuals within the last five years and what sanctions were imposed.
  - b. Please indicate how many of these complaints stemmed from abuses committed against LGBT people.
  - c. Please provide statistics for how many Ministry of Interior officials, including police, have been charged with crimes against LGBT people within the last five years, what criminal charges were brought, and what sentences were imposed.
  
- 6) Does the Ministry have a policy that prohibits security forces from inquiring about the sexual orientation or gender identity of individuals who are reporting violations? If not, is the Ministry planning to implement such a prohibition?

We respectfully request that you provide us with a written response to these questions and any other information that you wish to provide by **February 20** so that we may have the opportunity to review and reflect it as appropriate in our reporting. We will post on our website relevant parts of any response received after that date. If you would instead like to hold a virtual meeting with us to discuss our questions, please let us know.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at [REDACTED].

Sincerely,

Lama Fakh  
Director, Middle East and North Africa Division  
Human Rights Watch

# Annex VIII: Response from Grindr to Human Rights Watch



P.O. Box 69176, West Hollywood, CA 90046 [www.grindr.com](http://www.grindr.com)

Wednesday, March 1, 2023

**To The Human Rights Watch LGBTQ Team:**

Thank you for your inquiry about our strategies with regards to the dangers faced by Grindr users in the Middle East-North Africa (MENA) region. It is a subject that carries a great weight in the hearts of our entire staff and has been a major focus of work for Grindr for Equality over the past eight years. I am always pleased for the opportunity to describe in detail the tremendous work we have and will continue to put into this crucial set of challenges.

Grindr was founded in 2009 in Los Angeles, California without a clear idea of the global success it would eventually achieve. Today, over eleven million unique users log in every month from virtually every country on earth. In order to respond to our own growth, the company has had to establish a variety of internal teams with the resources and charge to think through both the challenges and opportunities presented by LGBTQ safety in all of those profoundly varied circumstances.

We have also had to adapt to the reality that we have become a fixture in the global LGBTQ ecosystem, and even the possibility of turning off the service for certain geographies would not necessarily make the community in those places any safer.

**Time and time again, over the fourteen years Grindr has been online, we have been told by organizations and activists in the MENA region that shutting down our platform for their country would decrease the overall safety of the local LGBTQ communities:**

1. Decrease the avenues through which LGBTQ people could reach out and find life-saving connection and a sense of community
2. Push Grindr users to digital platforms whose parent companies do not pay attention to the unique safety needs of LGBTQ people in the region, and
3. Push Grindr users to analogue spaces for connection like cruising spots in public restrooms and parks that have long been proven unsafe

Even in the most extreme situation we have faced, the request from our on-the-ground partners remained clear – keep the app on. During the 2017-2018 anti-LGBTQ Egyptian crackdown that followed the unfurling of the rainbow flag at the Mashrou' Leila conference in Cairo, we repeatedly consulted with the coalition of the three main Egyptian LGBTQ organizations about whether to consider suspending the service. They never swayed from their unanimous recommendation. They repeatedly asked that Grindr remain open and on for Egyptians and that they be given the opportunity to use it as a channel for

communication so that everyone accessing Grindr could be told about the situation and warned to take extreme caution.

Of course the company does not generate profit in any of the markets of the Middle East or North Africa, but, we have nevertheless tried to honor the requests of our local partners to maintain service to the regional community by committing to making it as safe as possible, given the circumstances.

Grindr for Equality was created in 2012 to be the part of Grindr that promotes LGBTQ safety, health, and human rights around the world. Our work is divided into four pillars – educate Grindr users, activate Grindr users, fund the LGBTQ movement, and consult on app features that can bring more social justice into our digital space. Additionally, we are charged with building and maintaining relationships with human rights organizations and to lead in research processes to build the company’s understanding of what our users face in various jurisdictions.

### **Relationship Building**

Grindr for Equality has engaged in establishing deep and meaningful connections with LGBTQ activists all over the Middle East-North Africa region and all over the world. From 2015, when I came on as the program’s first full-time director, I built upon my existing personal relationships from past posts in order to begin the process of establishing these direct connections.

In order to do this, our team has traveled to various parts of the region, making trips at least once a year, with the exception of the COVID years of 2021 and 2022. We have made official visits to Morocco, Tunisia, Egypt, Sudan, and Lebanon, in order to meet our partners in their own context and on their own terms and in order to get a real on-the-ground sense of what’s happening in these portions of our community. This emphasis on the MENA region outstrips the amount of time we’ve spent in any other region of the world.

Additionally, our commitment to the MENA movement has included making sure that our team includes Arabic-speakers and others whose personal experience is rooted in the LGBTQ issues of the region. Although neither of Grindr for Equality’s current staff members are Arabic-speakers, we have had team members of the past recruited directly from the regional movement. Additionally, as discussed below, the Customer Experience team is inclusive of staff with deep, direct experience in MENA.

### **Research**

In addition to relationship building, Grindr for Equality is deeply engaged with research generation in order to better understand our users in the Middle East and North Africa and ultimately to be able to better meet their needs. Though we do not use formal human rights impact assessment tools, we are constantly investigating, documenting the stories of human rights abuses that involve our platform, and fighting against them.



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Some of the research we have developed is proprietary and was not created in a way that would allow for it to be shared with external partners. For example, we have conducted in-person multilingual user focus groups in Morocco, Egypt, and Sudan, and have conducted country-level surveys in places like Iran. However, we have also engaged in processes to create research that doesn't only inform Grindr staff but can also contribute to the greater understanding of the LGBTQ movement.

Our first public effort in this area was in collaboration with the Lebanon-based organization, Middle East-North Africa Organization for Services, Advocacy, Integration & Capacity Development (MOSAIC) and the Arab Foundation for Freedoms and Equality (AFE). Published in 2018, the report, which is titled [The Regional Livelihood of GBTO Using Grindr: Discrimination, Violence, Rights, and Relationships](#). The information is based on the self-reported experiences of 1,794 gay, bi, and trans Grindr users from all around the region. The report itself has been made available in both English and Arabic.

We have also worked with our partners at Article 19 to gather information for publications that have not been made available to the public but are shared among our coalition of LGBTQ organizations, activist technologists, and social media companies. One example of this work is the publication, *Egypt, Lebanon, and Iran: LGBTQ and Online Dating - The Promotion and Protection of the Human Rights of LGBTQ Persons through Technology* from 2017.

### **Broadcast Partnerships**

Grindr regularly leverages our ability to reach large segments of the LGBTQ community in partnership with organizations and grassroots activists to raise awareness for safety, public health, and other issues of importance to the community.

When I came on board in 2015, the world's biggest humanitarian crisis was the war in Syria. The war was displacing millions of people of all identities, but it was having a particular impact on LGBTQ people.

Of course, up until that point, no queer activists had been given the unique resources of a dating app and been asked to use it for social justice. But through consultation with the company's Product and Advertising teams as well as LGBTQ organizations working on the ground in the Middle East, we came up with a plan that has ultimately created the foundation for Grindr's broadcast partnership work all over the world.

We worked with our partners in Lebanon like MOSAIC and Marsa Sexual Health Center who were putting together services specifically for queer refugees, and used Grindr's advertising tools in ways that would be seen by those for whom these programs were created. We worked together to identify parts of Beirut and parts of Lebanon at large where we believed there were particularly high concentrations of refugees and placed location-specific messages on what services were accessible to them and how to find them.

For HIV-positive refugees, for example, we could point them towards where to get antiretroviral medications, and for all of the queer refugees who were deeply traumatized, we could funnel them into various queer mental health spaces.



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The project was successful well beyond even my own expectations, proving that this model could and should be replicated all over the world. Since then, we have made a blanket offer to most LGBTQ organizations around the world we can offer free advertising space on the app to augment their already life-saving work, and many organizations in the region have worked with us on a variety of campaigns in this vein.

That's how Grindr for Equality was born and this pro-bono messaging program that we call our Broadcasting Community became the foundation of all the work we do.

### **Philanthropy**

Although we are committed to taking short-term actions to help Grindr users in the Middle East and North Africa navigate their surroundings safely, we know that the ultimate solution to these problems lies with big-picture social change. That is why we have offered assistance to LGBTQ organizations in the region not only through collaboration but also through funding for their core work.

In the past seven years, Grindr has given away over one million US dollars to LGBTQ organizations in the region. Some of this money has gone to organizations whose work immediately impacts Grindr users today. For example, one now-defunct Egyptian organization who was providing legal aid to LGBTQ people, including Grindr users who had been entrapped on the app, was a major grantee of ours for many years.

Other grantees, however, have been those working primarily to build a movement that can ultimately change laws and policies like those that make it illegal for us to be who we are and love who we love or impose the death penalty if we do.

### **Features**

In order to maximally empower Grindr users to navigate the dangers of their environment in the Middle East-North Africa region, and elsewhere, Grindr has worked extensively with activists to develop safety-features that are available in this and other regions where they are most needed.

- Users in the Middle East-North Africa region receive a safety warning message from Grindr reminding them that they are using the app in a place where they may face danger – the message links them to [our multilingual safety tips resource](#).
  - These messages are reset every week so all users in MENA see the message at least that often, depending on how frequently they sign in.
- In MENA, by default, the “show distance” feature is disabled. The profiles listed on the cascade still populate in the order of closest to farthest away, but the specific distance a given profile is from a user is not shown. Users may now choose to display an obfuscated distance if they would like to share more information with other users without revealing anything too exact.



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- Users in MENA are able to “unsend” messages once they’re sent, to give users extra control over their words, for example if they detect suspicious behavior during a conversation.
- Users in MENA are able to send an unlimited number of disappearing messages.
- The “Explore” feature has been disabled such that users cannot use it to look into MENA from outside the country or to look at parts of the country where they are not physically present.
- Private Videos are disabled in MENA because we cannot properly block screenshots of videos at this time.
- Screenshots of profile images and images in chat are blocked for users in MENA.
- Users in MENA have access to Report a Recent Chat, where they’re able to report other users, even if they’ve been blocked by those users.
- The discrete app icon and PIN feature were developed to give users in MENA, and other particularly dangerous regions, more control over what shows up on their phone’s home screen. This also provides an additional layer of security with a required pin code.
  - Today, this feature is available to all users, regardless of country, but it was originally developed with Egypt and similar countries in mind.
- We have internal alarms set to notify the Customer Experience and Grindr for Equality teams if there is a sudden spike in account creation in Egypt that might indicate a crackdown.

### Safety Materials

In addition to features, Grindr and Grindr for Equality have developed safety information that is specific to LGBTQ people in parts of the world where we face the most danger, including the Middle East-North Africa region.

These take the form of two documents. The first is the [Grindr for Equality Holistic Safety Guide](#), authored by a former Grindr for Equality staff person whose experience was primarily as an activist in the Nile Valley region. It is intended to be a thorough exploration of online, offline, and emotional safety for Grindr users navigating difficult situations. The second is our [Safety Tips](#), which take much of the same information but reformats it into discrete bite-sized recommendations and information.

### Moderation

Unlike many other social platforms, content moderation poses a relatively lesser threat than do other forms of abuse, and we see less content abuse overall on our platform. That said, Grindr’s Customer Experience department has worked to ensure that our moderation processes are inclusive of Arabic speakers.

To that end, we have dedicated moderation in Arabic. Our capabilities are inclusive of native Levantine dialects as well as Tunisian and Moroccan Arabic, in addition to other dialects. [Our Spectrum Labs moderation tools](#) also include Arabic language models for machine learning that are in the process of being put in place.



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Additionally, Grindr's moderation team, along with the entire company, receives twice yearly training on the specific risks our community and our users face in the Middle East-North Africa region. The first of these trainings for 2023 has already taken place.

In terms of account reporting, we do not currently have features that allow individual users to track past reports and their results but related concepts are in process. However, we have created extensive avenues for reporting, including ways for users to report suspected bad actors, ways to report those actors even if they've been blocked by the potentially harmful accounts, and ways of reporting by email even if users have deleted their own accounts.

Grindr users always have the option to report a user who they believe to be a bad actor on the platform through our reporting feature. Additionally, we have responded to cases of perpetrators immediately blocking their victims and thus cutting off the normal reporting flow by creating a secondary reporting flow that our customer experience team can point users to where they are able to report even accounts that have already blocked them. Additionally, any user can contact the Grindr Customer Experience Team at [help@grindr.com](mailto:help@grindr.com) if they are unable to log back into the app and use either of the previously mentioned reporting flows.

Over the past eight years, I have personally been involved in every aspect of this work across Grindr's departments and over the course of three different ownership groups. There has been no single issue or part of the world that Grindr for Equality has put more focus on because of our unique position in the LGBTQ ecosystem of the region. And, we look forward to continuing this work until all LGBTQ people in the MENA region and beyond can live their truth without fear.

Sincerely,

Jack Harrison-Quinata  
Director, Grindr for Equality



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## Executive Summary

- We keep the app on and operational for as many markets as possible, despite government censorship, in order to provide a space for connections between queer people.
- We were a founding member of a coalition on LGBTQ dating app safety in the Middle East-North Africa region, convened by Article 19.
- We have spent the past eight years networking with LGBTQ organizations in the Middle East-North Africa region in order to better understand the human rights concerns for our community there.
- As a result, we've worked with over twenty LGBTQ organizations based in the region to broadcast their services, events, and opportunities to get involved in their movements to Grindr users in their area.
- We published [The Regional Livelihood of GBTQ Using Grindr: Discrimination, Violence, Rights, and Relationships](#) along with two partners – Middle East-North Africa Organization for Services, Advocacy, Integration & Capacity Development (MOSAIC) and the Arab Foundation for Freedoms and Equality (AFE)
- We have produced other research that has only been shared with coalition partners, such as *Egypt, Lebanon, and Iran: LGBTQ and Online Dating - The Promotion and Protection of the Human Rights of LGBTQ Persons through Technology*.
- Grindr has given away over one million US dollars to LGBTQ organizations in the region in order to ultimately change the conditions on the ground for our community.
- We have developed extensive safety features to empower Grindr users in the Middle East-North Africa region to navigate the dangers they face.
  - Weekly warning messages reminding users that they are using the app in a place where they may face danger and linking to [our multilingual safety tips](#), which are themselves a version of our [Holistic Safety Guide](#).
  - Disabled “show distance” feature so that exact distances are not shown in MENA
  - Users in MENA are able to “unsend” messages once they’re sent, to give users extra control over their speech.
  - Users in MENA are able to send an unlimited number of disappearing messages.
  - The “Explore” feature has been disabled such that users cannot use it to look into MENA from outside the country.
  - Private Videos are disabled in MENA because we cannot properly block screenshots of videos at this time.
  - Screenshots of profile images and images in chat are blocked for users in MENA.
  - Users in MENA have access to Report a Recent Chat, where they’re able to report other users, even if they’ve been blocked by those users.
  - The discrete app icon and PIN feature were developed to give users in MENA, and other particularly dangerous regions, more control over what shows up on their phone's home screen. This also provides an additional layer of security with a required pin code.
  - We have internal alarms set to notify the Customer Experience and Grindr for Equality teams if there is a sudden spike in account creation in MENA markets that might indicate a crackdown.



- Grindr’s moderation team, along with the entire company, receives twice yearly training on the specific risks our community and our users face in the Middle East-North Africa region. The first of these trainings for 2023 has already taken place.
- Grindr has dedicated moderation in Arabic. Our capabilities are inclusive of native Levantine dialects as well as Tunisian and Moroccan Arabic, in addition to other dialects. [Our Spectrum Labs moderation tools](#) also include Arabic language models for machine learning that are in the process of being put in place.
- We have made user reporting as open as possible with avenues for users 1.) to report potential bad actors normally, 2.) to report even when the offending profile has already blocked a user, and 3.) to report even when a user has already deleted their profile.



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# “All This Terror Because of a Photo”

## Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa

State actors across the Middle East and North Africa region have entrapped lesbian, gay, bisexual, and transgender (LGBT) people on social media and dating applications, subjected them to online extortion, online harassment, and outing, and improperly relied on illegitimately obtained digital photos, chats, and similar information in prosecutions, in violation of the right to privacy and other human rights. This report examines digital targeting in five countries: Egypt, Iraq, Jordan, Lebanon, and Tunisia.

Based on 120 interviews, including 90 with LGBT people directly affected by digital targeting and 30 with other experts, *“All This Terror Because of a Photo”* documents the use of digital targeting by security forces against LGBT people, and its far-reaching offline consequences—including arbitrary detention and torture. The report exposes how security forces employ digital targeting as a means of gathering or creating digital evidence to support prosecutions against LGBT people. As a result of digital targeting, LGBT people reported losing their jobs, suffering family violence, including physical abuse, threats to their lives, and conversion practices, being forced to change their residence and phone numbers, deleting their social media accounts, fleeing the country for risk of persecution, and suffering severe mental health consequences.

These abusive tactics highlight the prevalence of digital targeting and the need for digital platforms and governments to take action to ensure LGBT people’s safety online. Human Rights Watch calls on social media companies to proactively remove abusive content that violates platform guidelines on hate speech and incitement to violence, and engage meaningfully with organizations defending LGBT rights in the region on the development and improvement of policies and features. It also calls on the five governments to protect the rights of LGBT people instead of criminalizing their expression and targeting them online.



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