

# Restrictions to the freedom of expression, association and assembly of LGBTI communities in Asia

Submission to the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

08 February 2024

Joint submission by: International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World)<sup>1</sup>

With the support of: Asia Pacific Alliance for Sexual and Reproductive Health and Rights<sup>2</sup> Blue Diamond Society<sup>3</sup> EQUAL GROUND<sup>4</sup> Global Unions LGBTI Workers Project<sup>5</sup> Kyrgyz Indigo<sup>6</sup> Mitini Nepal<sup>7</sup> Transgender Europe (TGEU)<sup>8</sup>

<sup>&</sup>lt;sup>1</sup> ILGA World (International Lesbian, Gay, Bisexual, Trans and Intersex Association), https://ilga.org, established in 1978, is a federation of more than 1,700 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex (LGBTI) human rights. ILGA World enjoys the ECOSOC status, consistently engaging with UN human rights bodies, and conducts legal and socioeconomic research on the situation of LGBTI persons. ILGA World supports local LGBTI civil society groups engaging with United Nations treaty bodies, special procedures and the Human Rights Council. It also produces research publications on social and legal situation of LGBTI persons. This includes <u>Annual Treaty Bodies Reports</u>, <u>Treaty Bodies Strategic Litigation Toolkit</u>, <u>Special Procedures Factsheets</u> and <u>ILGA World Database</u>.

<sup>&</sup>lt;sup>2</sup> Asia Pacific Alliance for Sexual and Reproductive Health and Rights is a network of civil society organizations that aims to advance SRHR in the region.

<sup>&</sup>lt;sup>3</sup> Blue Diamond Society is the pioneer organization working for the LGBTIQ+ community in Nepal. BDS advocates for all sexual and gender minorities to ensure equal rights, economic empowerment, livelihood support, equal access to public and private services, representation and protection.

<sup>&</sup>lt;sup>4</sup> EQUAL GROUND is a nonprofit organisation seeking economic, social, cultural, civil and political rights for the LGBTIQ community of Sri Lanka. EQUAL GROUND is committed to creating a safe space for all LGBTIQ individuals and to providing opportunities for self-help including mental well-being, economic, social and political empowerment, access to health, education, housing and legal protection for the LGBTIQ community.

<sup>&</sup>lt;sup>5</sup> Global Unions LGBTI Workers (lgbtiworkers.org) is a project of the Council of Global Unions (CGU). The CGU represents 200 million workers in thousands of trade unions in all economic sectors and and national trade union centres.

<sup>&</sup>lt;sup>6</sup> Kyrgyz Indigo is a public association founded in 2009 that supports the LGBTI community in Kyrgyzstan.

<sup>&</sup>lt;sup>7</sup> Mitini Nepal (MN) is a non-governmental organization working on intersectional and intergenerational issues of lesbians, bisexuals, and transgender people and is the pioneer organization for the LBT movement. It was established in 2005 with the aim of protecting and promoting the human rights of the sexual and gender minorities' in Nepal.

<sup>&</sup>lt;sup>8</sup> TGEU is a membership-based organisation working to strengthen the rights and wellbeing of trans people in. Europe and Central Asia.

#### **Table of Contents**

Introduction	3
Methodology	3
Restrictions to freedom of expression, association and assembly: evidence from Asia	3
Online restrictions and censorship	3
Restrictions to registration and foreign funding of LGBTI groups	8

### Introduction

In Asia, LGBTI people continue to face laws criminalizing consensual same-sex sexual acts and gender diversity under the scope of public decency and morality. Furthermore, in recent years, various laws, policies, and practices have been introduced and implemented with the specific intention of curtailing their freedom of expression, association and assembly in various spaces.

This joint report specifically explores legislative and policy barriers to LGBTI representation and expression in online spaces, restrictions to the cultural rights of artists, media and cultural workers that publish LGBTI content, and threats to freedom of association and assembly. It highlights how these measures directly hamper the exercise of freedom of expression, association and assembly not just for LGBTI communities but also for other individuals and groups working on LGBTI equality and related issues.

### Methodology

To produce this report, ILGA World first conducted preliminary desk research through the <u>ILGA World Database</u> to identify existing explicit and non-explicit legal barriers to freedom of expression and association in Asia. Other secondary sources were then scoped and analyzed to record all attempts to introduce such legal barriers in the last ten years.

Finally, ILGA member organizations in Asia provided input, including information, especially recent cases, on the actual situation of the exercise of freedom of expression, association, and assembly of LGBTI communities in their respective countries and regions.

# Restrictions to freedom of expression, association and assembly: evidence from Asia

#### Online restrictions and censorship

Under the guise of fighting cybercrime, regulating online content, or protecting internet users from pornography and other indecent or age-inappropriate material, various States have enacted laws that curtail the freedom of expression of LGBTI people and of other individuals working on/ or discussing LGBTI issues in digital spaces. At the same time, several measures are more explicit in restricting freedom of expression online to protect and promote certain religious, moral and cultural standards. As social media and other online spaces have become an important mobilizing tool for LGBTI individuals and groups, these measures also impair the exercise of their freedom of association and assembly. In some countries, broad cybercrime and anti-pornography laws criminalize specific forms of online content, including the positive representation and expression of LGBTI people.

- In Iran, the Computer Crimes Law (Law No. 71,063) (2009) punishes by imprisonment of 91 days to one year and/or by a fine "the use of computer systems, telecommunication systems or data carriers to publish or distribute immoral content, or its storage with the intent to corrupt society," with Article 15 explicitly including acts of "sexual perversion."<sup>9</sup>
- In Indonesia, the Law on Pornography of 2008 (No. 44/2008) punishes by imprisonment of six months up to 15 years or a fine "producing, making, reproducing, duplicating, distributing, broadcasting, importing, exporting, offering, trading, renting, or making available pornography which explicitly contains... intercourse, including sex that is deviant."<sup>10</sup> Indonesia routinely uses this broad law, such as in conducting several raids on social gatherings and prosecuting LGBTI people under false claims to promote or produce "pornographic" materials.<sup>11</sup>
- In Kuwait, where consensual same-sex sexual acts are still criminalized, Article 21 of the Press and Publications Law (Law No. 3) (2006) punishes the publication of anything "insulting the public morals or instigating to violate the public order or to violate the laws or to commit crimes, even if the crime did not occur" by a fine not less than three thousand Dinar and not more than ten thousand Dinar. This law was extended to include websites and electronic media under the Law Regulating Electronic Media (Law No. 8) (2016).<sup>12</sup>

As these countries also persecute LGBTI individuals through other laws that categorize consensual same-sex sexual acts as sexual perversion or deviance or violations of public morality, cybercrime and anti-pornography laws further put them in danger of unjust policing and criminalization. This threat is also present in countries that do not criminalize consensual same-sex sexual acts or explicitly restrict or censor LGBTI content, such as in **Nepal**, where the current draft of the Nepali Civil Code raises concerns by deeming non-heterosexual sex as "unnatural," potentially enabling authorities to harass, extort, or deny services to the SOGIESC minority groups.<sup>13</sup>

Regulatory authorities in some countries are also empowered to censor or block online content that positively represents LGBTI identities, relationships and expressions.

• In **China**, China Netcasting Services Association, a non-governmental industry association, also issued Regulation on Administration of Online Short Video

<sup>&</sup>lt;sup>9</sup> Iran, <u>Computer Crimes Law (Law No. 71,063) (2009)</u>. Information obtained from the <u>ILGA World Database</u>.

<sup>&</sup>lt;sup>10</sup> Indonesia, Law on Pornography of 2008 (No. 44/2008). Information obtained from the ILGA World Database.

<sup>&</sup>lt;sup>11</sup> Information shared by the Asia Pacific Alliance for Sexual and Reproductive Health and Rights.

<sup>&</sup>lt;sup>12</sup> Kuwait, Law Regulating Electronic Media (Law No. 8) (2016). Information obtained from the ILGA World Database.

<sup>&</sup>lt;sup>13</sup> Information shared by Mitini.

Platforms (2019), which regulates network platforms that carry out short video services not to display "in the language, performance, subtitle and background of short video programs" content "expressing and presenting abnormal sexual relations or sexual conduct," "presenting and promoting unhealthy views and states of love and marriage" and "non-mainstream views of marriage."<sup>14</sup>

- In Malaysia, Section 233 of the Communications and Multimedia Act (1998), which prohibits "obscene" communications, has been used to block LGBTIQ+ content on websites, as well as some websites themselves.<sup>15</sup>
- In **Singapore**, the Internet Code of Practice (1997) empowers the Infocommunications Media Development Authority to direct licensed internet content providers to remove or block access to content that "advocates homosexuality or lesbianism."<sup>16</sup>
- In **Sri Lanka**, the Parliament just passed the Online Safety Act (2023), which empowers a five-member Online Safety Commission to remove or block access to content that it considers "prohibited statements." Further, its power to regulate "inauthentic online accounts" with the offence of "cheating by personation" may threaten LGBTI persons who maintain anonymity on social media platforms or "assume a non-LGBTI online identity to avoid harassment.<sup>17</sup>

Other countries ban access to content or websites without the specific intention of censoring LGBTI expression may nevertheless have the effect of restricting the freedom of expression of LGBTI people. This is the case in **Nepal**, where the decision of the cabinet to ban TikTok In November 2023 as part of its anti-pornography drive has been seen by LGBTI activists to be detrimental to LGBTI users of the platform who use it as a way to freely express their identities and showcase their talents.<sup>18</sup>

#### Barriers to the enjoyment of cultural rights

Many States in Asia have adopted laws, policies, and guidelines that censor artistic and cultural works or content that depict LGBTI identities, expressions and behaviors. Through the threat of penalties such as imprisonment, fines, suspension, or revocation of license, these measures censor or may otherwise force into self-censorship individual or collective artists, cultural workers, and content creators, as well as platforms that create, publish, or distribute artistic and cultural works or content that positively depict LGBTI communities. At the same time, it is crucial to highlight that these restrictions also prevent individuals from exercising their right to "enjoy the arts,"

<sup>&</sup>lt;sup>14</sup> China Netcasting Services Association, <u>General Rules for the Review of Network Audio-visual Program Content (2017</u>). Information obtained from the <u>ILGA World Database</u>.

<sup>&</sup>lt;sup>15</sup> Outright International. (2021). <u>NO ACCESS LGBTIQ Website Censorship in Six Countries</u>.

<sup>&</sup>lt;sup>16</sup> Singapore, Internet Code of Practice (1997). Information obtained from the ILGA World Database.

<sup>&</sup>lt;sup>17</sup> Information shared by EQUAL GROUND. For more information, see: <u>No liberty, no safety: Sri Lanka must withdraw the Online Safety Bill.</u>

<sup>&</sup>lt;sup>18</sup> Information shared by Blue Diamond Society. For more information, see: <u>Nepal bans TikTok citing disruption to social harmony</u>.

as they may also penalize anyone found possessing, reproducing, accessing, viewing, or consuming such materials.

Under the guise of promoting public morality, certain States broadly prohibit a range of materials, including artistic and cultural works or content, that positively depict LGBTI communities, whether explicitly or not:

- In North Korea, Article 193 of the Criminal Code (2009) prohibits the import, keeping, and distribution of "decadent culture," including "sexual video recordings."<sup>19</sup>
- In the **Philippines**, Article 201 of the Revised Penal Code, which prohibits the propagation of "immoral doctrines, obscene publications and exhibitions and indecent shows," was used to arrest a drag queen for a performance where they dressed as Jesus Christ and danced to a rock rendition of The Lord's Prayer.<sup>20</sup>
- In **Yemen**, Article 199 of the Penal Code (1994) prohibits printouts, hand illustrations, photographs, symbolic signals or any other public material or pictures "with a view towards corrupting public morals" and penalizes persons "who tempt for licentiousness or spreads advertisements or instruments for this purpose whatever expression they take." Furthermore, Article 103 of the Law on the Press and Publications (Law No. 25) (1990) prohibits the publication or dissemination of "anything which undermines public morals."<sup>21</sup>

In some countries, government boards and authorities that review, classify and regulate films and television programs are able to censor content that positively represents LGBTI communities:

In China, several rules, guidelines and regulations empower government authorities to censor LGBTI-related content. Notice No. 267 (2021) on Carrying out Comprehensive Management in the Field of Culture and Entertainment (2021) of the National Radio and Television Administration of China (NRTA) explicitly prohibits the representation of "effeminate men" in all media, considering it "abnormal aesthetics." For television programs, the General Rules for Television Series Content Production (2015) prohibits television shows that "express or display abnormal sexual relations or sexual behaviour, such as homosexuality." Similarly, China Netcasting Services Association, a non-governmental industry association, issued the General Rules for the Review of Network Audio-visual Program Content (2017), which explicitly prohibits content relating to homosexuality, included under the category of "abnormal sexual relations or sexual behaviour."<sup>22</sup>

- <sup>20</sup> Information shared by LGBTI activists from the Philippines. For more information, see: Drag artist Pura Luka Vega faces cybercrime raps.
- <sup>21</sup> Information obtained from the <u>ILGA World Database</u>.

<sup>&</sup>lt;sup>19</sup> North Korea, The Criminal Law of the Democratic People's Republic of Korea (2009). Information obtained from the ILGA World Database.

<sup>&</sup>lt;sup>22</sup> Information obtained from the <u>ILGA World Database</u>.

- In Malaysia, Section 7(1) of the Printing Presses and Publications Act (1984) grants the Home Minister sole discretion to ban any publication deemed "in any manner prejudicial to or likely to be prejudicial to public order, morality [or] which is likely to alarm public opinion," which was used by the Minister to seize a reported total of 164 watches from local Swatch stores for bearing symbols related to the LGBTI community as part of Swatch's Pride Collection.<sup>23</sup> Under its Film Censorship Guidelines (2010), the Film Censorship Board (LPF) is called to identify scenes depicting "homosexuals embracing in a provocative manner" and "transgender behaviour and lifestyle," as well as advertisements "that are of an anti-social nature or indecent including any kissing scenes between men and women or between the same sex."<sup>24</sup>
- In **Singapore**, various guidelines explicitly prohibit "obsence sexual depictions" or the promotion or justification of "lifestyle such as homosexuality, lesbianism, bisexualism, transsexualism" across various forms of media.<sup>25</sup>

These restrictions form part of broader efforts by States to promote certain religious and moral standards.

- In Kyrgyzstan, Executive Decree No. 1 (2021) "on the spiritual and moral development and physical education of the individual" establishes "the priority of spiritual and moral motives of life behavior over material interests" and urges state authorities on culture, education, science and sports to promote "spiritual, moral and family values."<sup>26</sup> In line with the objective of this directive, a law was passed on 14 August 2023 to amend the child protection law. This amendment prohibits sharing information on diverse sexual orientations or gender identities as "promotion of non-traditional sexual relations." The law introduces fines for disseminating information about "non-traditional sexual relationships". Article 2-1 of the law expands the definition of information harmful to the health and development of children as follows: "4) [information] that denies family values, promotes non-traditional sexual relationships and encourages disrespect for parents or other family members."<sup>27</sup>
- In Qatar, Article 2 of the Law on Consumer Protection (2008) affirms the consumer's right to have their "religious values, customs and traditions" respected, which in December 2021 was used by the Ministry of Commerce and Industry to justify the confiscation of rainbow-coloured children's toys from a number of local shops.<sup>28</sup>

<sup>&</sup>lt;sup>23</sup> Information obtained from the <u>ILGA World Database</u>. For more information, see: <u>Owners of 'LGBT' Swatch watches could be jailed for</u> <u>three years in Malaysia</u>.

<sup>&</sup>lt;sup>24</sup> Malaysia, <u>Film Censorship Guidelines (2010)</u>. Information obtained from the <u>ILGA World Database</u>.

<sup>&</sup>lt;sup>25</sup> These include the Codes of Practices of the Media Development Authority, which it has the power to issue under the Broadcasting Act (1994), such as the Free-to-Air Radio Programme Code (2004), Board of Film Censors Classification Guidelines (2011), Content Guidelines for Local Lifestyle Magazines (2013), Content Guidelines for Imported Publications (2013), Content Code for Nationwide Managed Transmission Linear Television Services (2016), Content Code for Over-the-Top, Video-on-Demand and Niche Services (2016), Video Game Classification Guidelines (2019), Film Publicity Materials Guidelines (2019), Guidelines on Print Publicity Materials for Video Games (2019), and Guidelines for Audio Materials (2019). Information obtained from the <u>ILGA World Database</u>.

<sup>&</sup>lt;sup>26</sup> Kyrgyzstan, Executive Decree No. 1 (2021). Information obtained from the ILGA World Database.

<sup>&</sup>lt;sup>27</sup> Information shared by TGEU. For more information, see: <u>Kyrgyzstan Passes Anti-LGBTI+ 'Propaganda' Law</u>.

<sup>&</sup>lt;sup>28</sup> Qatar, <u>Law on Consumer Protection (2008)</u>. Information obtained from the <u>ILGA World Database</u>.

#### Restrictions to freedom of association and assembly

States have enacted laws and policies that institutionalize barriers for LGBTI groups to register and receive funding, especially from foreign sources, impairing their freedom of association and assembly.

In some countries, LGBTI groups are not allowed to register or formally operate due to laws forbidding associations from violating the prohibition of consensual same-sex sexual acts.

- In Iraq, Article 10 of the Law of Non-Governmental Organizations (Law No. 12) (2010) forbids all NGOs from "conducting any activities or pursuing any goals that violate the constitution or other Iraqi laws," which was reportedly cited by the General Secretariat of the Iraqi Council of Ministers to deny permission to at least one LGBTI organisation to operate locally.<sup>29</sup>
- In Saudi Arabia, where consensual same-sex sexual acts are punishable by death, Article 8 of the Civil Society Associations and Organisations Law (Royal Decree No. M/8, 19.2.1437H) (2016) prohibits the creation of an association if its charter conflicts with the provisions of Sharia, or "public morality."<sup>30</sup>
- In **Yemen**, Article 4(1) of Yemen's Law on Associations and Foundations (Law No. 1) (2001) states that in order to register an organisation, it is required "that its objectives do not violate the constitution, laws and legislations in force."<sup>31</sup>

Some countries prohibit or restrict access to foreign funding and may criminalize those associations as "foreign agents."

- In India, the Foreign Contribution Regulation Act (FCRA) has been amended several times since 2014 to make it more difficult for NGOs, including those working on LGBTI issues, to receive foreign donations. The most recent amendment in September 2020 requires that organizations receiving foreign funds can only use 20% of those funds for administrative purposes and that foreign funds cannot be transferred between organizations. As a result, this has severely restricted the ability of LGBTI NGOs to receive (and utilize) funds from overseas and, therefore, freely operate.<sup>32</sup>
- In **Jordan**, Article 17 of the Law of Societies (Law No. 51) (2008), as amended by Law No. 22 (2009), requires that the source of foreign funding be "not

<sup>&</sup>lt;sup>29</sup> Iraq, Law of Non-Governmental Organizations (2010). Information obtained from the ILGA World Database.

<sup>&</sup>lt;sup>30</sup> Saudi Arabia, <u>Civil Society Associations and Organisations Law (Royal Decree No. M/8, 19.2.1437H) (2016)</u>. Information obtained from the <u>ILGA World Database</u>.

<sup>&</sup>lt;sup>31</sup> Yemen, Law on Associations and Foundations (Law No. 1) (2001). Information obtained from the ILGA World Database.

<sup>&</sup>lt;sup>32</sup> Information shared by the Asia Pacific Alliance for Sexual and Reproductive Health and Rights. For more information, see: International Commission of Jurists. (2020). India's Foreign Contribution Regulation Act: A Tool to Silence Indian Civil Society Organizations.

contrary to public order or morals." Additionally, Article 3 prohibits the registration of any society which has "illegal goals or purposes."<sup>33</sup>

In some countries, there are pending bills that, if passed, would make it difficult for LGBTI groups to operate.

- In the Kurdistan region in **Iraq, the** "Bill on the Prohibition of Promoting Homosexuality" (2022), which aims to penalize "anyone who advocates for LGBT rights or promotes homosexuality" with imprisonment for up to one year, has been receiving popular support. Media and civil society organizations that "promote homosexuality" would also have their licenses revoked.<sup>34</sup>
- In Kyrgyzstan, a bill on non-governmental organizations was initiated in early 2023 and is currently approved on second reading. In addition to the fact that it introduces the concept of "foreign representative", similar to the Russian law on "foreign agents," it introduces the division of organizations into two types: organizations with social orientation and organizations with political orientation. It requires all organizations to undergo re-registration processes, and those that are re-registered as organizations with a social orientation are deprived of the right to participate in or organize peaceful assemblies, as well as the right to receive foreign funding. Registration and re-registration have also become more complicated, and additional reporting forms are introduced.<sup>35</sup>

Other policies that do not explicitly target LGBTI people can also negatively affect their freedom of assembly. In **Nepal**, the District Administration Office of Kathmandu has declared that more than five people will not be allowed to gather and perform any kind of demonstration in a prohibited area from New Baneshwar to Maitighar Mandla. This is a blow to LGBTI people's freedom of assembly as the area has been used by civil society for protest actions, including LGBTI groups who use it for visibility purposes.<sup>36</sup>

Lastly, LGBTI workers' organizations and trade unions have also faced harassment, intimidation and other threats from States due to their work<sup>3738</sup>

• In **Myanmar**, trade unionists<sup>39</sup> and LGBTI activists<sup>40</sup> face state-sponsored harassment, arbitrary arrest and detention.

<sup>&</sup>lt;sup>33</sup> Jordan, Law of Societies (Law No. 51) (2008). Information obtained from the ILGA World Database.

<sup>&</sup>lt;sup>34</sup> Information obtained from the <u>ILGA World Database</u>. For more information, see: <u>Bill on the Prohibition of Promoting Homosexuality</u>"

<sup>&</sup>lt;u>(2022</u>).

<sup>&</sup>lt;sup>35</sup> Information shared by Kyrgyz Indigo.

<sup>&</sup>lt;sup>36</sup> Information shared by Blue Diamond Society.

<sup>&</sup>lt;sup>38</sup> Information shared by the Global Unions LGBTI Workers Project.

<sup>&</sup>lt;sup>39</sup> For more information, see: <u>Global Rights Index 2023.</u>

<sup>&</sup>lt;sup>40</sup> For an example, see: မန္တလေး LGBT သပိတ်ခေါင်းဆောင်နဲ့ ဒဂုံတက္ကသိုလ်ကျောင်းသူတို့ နှစ်ရှည်ထောင်ဒဏ် ချမှတ်ခံရ<u>.</u>

 In Lebanon, a Global Unions LGBTI Workers conference planned for Beirut was cancelled after Minister of Interior Bassam Mawlawi ordered the Internal Security Forces to "immediately take the necessary measures to prevent any type of celebration, meeting or gathering" during Pride month.<sup>41</sup>

<sup>&</sup>lt;sup>41</sup> For more information, see: <u>Lebanon: Attack on Freedoms Targets LGBTI People.</u>

## Annex of Laws

#### **Online restrictions and censorship**

- In **China**, the Regulation on Public Account Information Services for Internet Users (2021) of the Cyberspace Administration of China (CAC) restricts any online public account by implementing "review before publishing" for live streaming and interactive content.
- In Jordan, Article 14 of the Cybercrime Law (2023) punishes with a minimum of 6 months imprisonment and a fine the use and creation of information networks, technology, systems, or websites to "promote debauchery," "seduce another person," or "expose public morals," while Article 13 penalizes the publication, creation, purchase, sale, or promotion of "pornographic content.
- In Indonesia, the Electronic Information and Transactions Law (No. 19/2016 and No. 11/2008) is a significant legal barrier that limits access to sexual and reproductive health (SRH) information and criminalizes those deemed to have spread "pornographic" materials when disseminating educational information, images, or audio-visual content about SRH online or offline.
- In **Saudi Arabia**, Article 6 of the Anti-Cybercrime Law (2007) punishes by imprisonment not exceeding five years and/or a fine the use of information networks and computers for the "production, preparation, transmission, or storage of material impinging on public order, religious values, public morals" and the "preparation, publication, or promotion of material for pornographic networks."
- In **Pakistan**, Section 34 of the Prevention of Electronic Crimes Act (2016) empowers the Pakistan Telecommunication Authority to remove or block access to content "if it considers it necessary in the interest of the glory of Islam, public order, decency, or morality."
- In the **United Arab Emirates**, under its Internet Access Management Regulatory Policy, the Telecommunications Regulatory Authority blocks access to content "that motivates, supports, promotes or publishes opinions that include aggression to public manners or involves corrupting youth or calling for embracing or promoting destructive principles such as homosexuality," as well as the "practice of vice, adultery, prostitution or illegal and unethical relations."

#### Barriers to the enjoyment of cultural rights

- In Afghanistan, Article 31(1) of the Law on Mass Media (2006) prohibits the publication of matters "contrary to principles of Islam."
- In **Bahrain**, Article 355 of the Penal Code (1976) punishes by imprisonment for up to two years and a fine any person who prints, imports, exports, owns, possesses, carries or displays with the intent of exploiting, distributing or

showing any publications, drawings, pictures, films, symbols or such other items "if they violate public morals."

- In Iran, Article 6 of the Press Law (1986) prohibits "fornication and forbidden practices" and "the publication of photographs, images and material that offends against public chastity." Under Article 698 of the Islamic Penal Code (2013), violations of this law are punishable by imprisonment of two months to two years and flogging of up to 74 lashes and, in case of repeated offenses, to an intensification of punishments and loss of licence. Article 640 of the Islamic Penal Code (2013) also prohibits "displaying and showing to the public, or producing or keeping any writing or design, rotogravure, painting, picture, newspapers, advertisements, posters, film, motion picture, or basically anything, which violates public prudence and morality."
- In **Lebanon**, Article 533 of the Penal Code (1943) criminalises manufacturing, exporting, supplying, or acquiring "writings, drawings, manual or photographic images, suggestive films, or other indecent items with the intention to trade or distribute them, or announce or inform how to obtain them."
- In Oman, Articles 25 and 28 of the Publications and Publishing Law (1984) prohibit the publication of content that "disrupts public order or calls people to embrace or promote anything deemed in contravention of the principles of the Islamic religion" or "that might prejudice the public code of conduct, moral norms or divine religions." Article 42 of the Executive Regulations (2007) promulgated under the Telecommunications Regulation Law (2002) prohibits the use of telecommunication services containing information that is "contrary to the public order or morality", "infringes religious practice or upsets others", or "promotes any subject or product breaching the law."
- In **Syria**, Article 208 of the Penal Code (1949) prohibits "offensive public utterances" in writing, graphics, images, and other forms of expression.
- In the **United Arab Emirates**, Article 362 of the Federal Penal Code (1987), as amended by Federal Decree-Law No. 7 (2016), punishes the production, possession or display of any material against public morals with a jail sentence and/or a fine.
- In Indonesia, the Circular to All Broadcasting Companies on Effeminate Men (2016) of the Indonesian Broadcasting Commission (KPI) prohibits all broadcasting companies from representing the sexual and gender diversity of men. In the same month, it also affirmed that radio and television programs that "promoted" homosexual lifestyle violated the Broadcasting Program Standards (2012). In 2021, it also issued a circular titled Edaran Tentang Pelaksanaan Siaran Pada Bulan Ramadan (2021) requesting broadcasters not to display content "contrary to norms and decency," including LGBTI content.

#### Restrictions to freedom of association and assembly

In Bangladesh, Under the Societies Registration Act (1860) Section 20, only specific types of civil society organizations may be registered. LGBTI activists have reported that registration of their groups has been rejected on the basis of the criminalisation of same-sex sexual activity and/or that in trying to register, they have faced threats to their safety from state officials and citizens. CSOs have reported that additional administrative protocols have mandated CSOs to go through extensive review processes for each new project funded by a foreign donor, making it harder for them to operate their programs effectively and efficiently.<sup>42</sup> There are also difficulties in the country to form and obtain recognition of trade unions and LGBTI civil society organisations.<sup>43</sup>

For more information, see the ILGA World Database:

- Legal barriers to freedom of expression;
- Legal barriers to freedom of association.

<sup>&</sup>lt;sup>42</sup> Information shared by the Asia Pacific Alliance for Sexual and Reproductive Health and Rights.

<sup>&</sup>lt;sup>43</sup> Information shared by the Global Unions LGBTI Workers Project.