

# OUR FREEDOM SPACE

MAPPING DIGITAL LGBTQI ACTIVISM IN INDIA  
EXECUTIVE SUMMARY



Astraea LESBIAN FOUNDATION FOR JUSTICE

# EXECUTIVE SUMMARY

India has a long history of diverse and expansive notions of gender and sexuality, but colonial rule sought to criminalize those identities. Lesbian, gay, bisexual, transgender, queer, intersex (LGBTQI)\* organizers began to advocate for their rights in earnest in the 1980s, and have recently secured major legislative wins, starting with 2014's landmark *National Legal Services Authority v. Union of India* (NALSA) judgment, which recognized the right to self-determine one's own gender. Then in September 2018, after 17 years of advocacy, India's Supreme Court repealed Section 377 of the penal code, a colonial-era relic used to target and criminalize LGBTQI communities. In rendering Section 377 unconstitutional, the Court affirmed that LGBTQI people deserve to live free from stigma, discrimination and indignities.

While this is a historic ruling for India's LGBTQI communities, there still remain insufficient protections for people and communities at the margins. In particular, India's transgender communities continue to face legal obstacles to true equality. For example, the NALSA judgement was quickly followed by the passage of the Transgender Persons (Protection of Rights) Bill (often called the Trans Bill) which was intended to implement the protections outlined in the ruling. While the Bill's supporters argue that it will protect trans communities through anti-discrimination measures, activists argue that the Bill actually poses major challenges, including that it pushes people of varying gender identities to identify as trans.

As activists navigate this complex and changing landscape, organizing is also adapting through innovative digital strategies. The spread of affordable mobile phones has made digital organizing an integral part of LGBTQI lives, as 78 percent of people in India access the internet through these devices. This report, *Our Freedom Space*, explores the complex benefits and challenges facing individuals and communities who use digital devices and spaces to build community, organize and advocate for LGBTQI rights. Through research with LGBTQI activists in India, we have identified eight key findings:

## Digital platforms are a powerful tool for increased LGBTQI visibility and a critical access point for members of the community.

LGBTQI organizing often starts online, and creates new entry points for activists, nonprofit organizations, unfunded collectives and individuals. Organizers use social media platforms to fundamentally improve the lived experiences of LGBTQI people in India, from helping LGBTQI people navigate an often stigmatizing and discriminatory health care system to posting resources for transgender and lesbian women in crisis. Activists also use digital spaces to thoughtfully craft new narratives about LGBTQI communities, amplifying the voices of those who are routinely silenced and connecting those who are traditionally isolated. Digital spaces also enable LGBTQI people to build community and shape their political ideals both on and offline.

## Activists in the LGBTQI community employ a range of strategies to guard their privacy and safety.

From posting only in secret groups to turning off their GPS to avoid tracking to carefully screening new followers to creating elaborate password systems, activists are careful about protecting themselves online. The same goes for using dating apps; it's common to

withhold photos and personal details until they have built up sufficient trust. Activists also take advantage of the relative anonymity of the digital world to protect themselves from retaliation as they fuel resistance movements. Many users—particularly trans and gender non-conforming people—create multiple accounts that let them explore various parts of their identities in relative safety.

## Patriarchal gender and sexual norms are being replicated in digital spaces leading to a significant gender gap in access to the internet.

While India will have an estimated 735 million Internet users by 2021, the vast majority—over 70 percent—are men. That gap is even more exaggerated among mobile phone users. Women are often discouraged and even prevented from logging on or obtaining mobile phones by parents, community leaders and romantic partners. Women, LGBTQI and other marginalized communities who are online often find themselves in very traditional “male” spaces which operate under rigid notions of patriarchy and hypersexualize them through slurs, the non-consensual posting of images and outright threats of rape and sexual assault. The result is that many communities are unable to fully participate in the social, cultural and political advancements that internet access makes possible, as mobiles are one of the primary ways people get online.

## LGBTQI activists are frequently targeted for violence and harassment in digital spaces.

While organizer-held spaces can buoy members of the community, dating apps and social media platforms are often simultaneously sites of abuse for LGBTQI users, particularly for transgender and nonbinary people. This abuse takes the form of discrimination, targeted harassment via faceless profiles, threats of violence and blackmail. Users typically block harassers, but have learned from experience that neither the platforms that benefit from their participation nor law enforcement agencies are interested in protecting them, content to ignore structural issues of abuse and discrimination to protect their own interests. There is a need for accountable and accessible reporting systems that members of the community can use to report harassment and abuse without outing themselves or further compromising their safety.

## With digital spaces blurring the lines between the personal and professional, it provides both opportunities and challenges for activists' well-being.

The prevalence of mobile phone usage and the dominance of organizing apps like WhatsApp and Facebook encourages an expectation that activists will be available round the clock to help those who reach out through online channels. This pressure makes it increasingly difficult for organizers to disengage and stave off burnout. In addition, there is a blurring of the personal, professional and political in digital activism. Dating apps may be used for personal use and organizing. And some activists choose alternative identities for security, privacy or self-exploration, which requires the creation of separate accounts and personalities. As both a positive response to these realities and outreach for the broader LGBTQI community, there is a heightened focus on expanding the ways in which digital spaces can support healing and emotional well-being; activists use group forums and apps to inform, connect, mobilize and support marginalized communities.

## LGBTQI organizers realize they need to be more digitally secure, but there are several barriers blocking the path.

Lack of familiarity with the online world, the latest technological advances and a rapidly evolving set of best practices can mean the difference between using secure messaging apps and having sensitive data intercepted. Many members of the LGBTQI community are resigned to the prevailing ways of capturing, and potentially sharing, personal information, which leaves little room to opt out. A dearth of resources written in Indian languages—which are thought to be more reliable than those written in English—compound the disconnect. The dominance of English in online spaces creates a divide based on class, caste, education and region that shuns

diversity and isolates many, locking them out of spaces that could help them thrive. An increase in the availability of accessibly written resources would invite more people into activism.

## The stark rural-urban divide in internet access is both an obstacle and gateway for LGBTQI communities living outside major cities.

Though access to and use of digital technology in India is widespread, it is not equal based on geographic location. Only an estimated 20 percent of the mobile phones outside of urban centers in India can log onto the internet, leaving the majority of users incapable of accessing digital communities and the work of digital activists. For those who can log on, the internet is a particularly useful resource for reducing isolation and building community. YouTube videos that tell the stories of trans and queer people are one example of how queer-friendly online content can fill a void often felt by those living outside of big cities. This is where the combination of traditional community outreach can complement digital organizing strategies.

## Overly broad legislation, frequent internet shutdowns and surveillance technologies restrict online expression, threaten privacy and prohibit access for LGBTQI activists.

India has the highest number of internet shutdowns of any nation—which directly restricts rights to freedom of assembly, expression and association. Increasingly, broad applications of legislation, such as laws against sedition, are widely used to intimidate, limit expression and curb dissent deemed “anti-national.” Laws also directly affect LGBTQI organizing by categorizing and censoring information around sexual orientation, sexual rights and health as “illegitimate” content. The dominance and dependence on Aadhar (Unique IDs) for services from welfare entitlements to tax returns is also a key concern for activists, who may be specifically targeted through this mass surveillance. These threats on civil society extend beyond the LGBTQI community and emphasize the need for intersectional approaches to challenge restrictions to organizing and free expression.

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*\* A note on terms: Though the term “trans” is not commonly used in India, this report uses the notation “trans” to be inclusive of transgender, transsexual and transvestite, as well as culturally specific non-normative gender and sexual identities in India such as hijra, aravani and thirunangaigal. The term “transgender” isn’t always understood to be an umbrella term in India given the visibility of hijra, aravani and other cultural and region-specific gender identities. In the HIV context, transgender or “TG” may be used as an umbrella term, but usually only refers to trans women. In addition, this report uses the acronym LGBTI (lesbian, gay, bisexual, trans and intersex) to be broadly inclusive of sexual orientation, gender identity and bodily diversity. The term LGBTI or the identification of specific groups, such as lesbians or trans people, are used where these are reflective of organizations or activities referenced.*



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