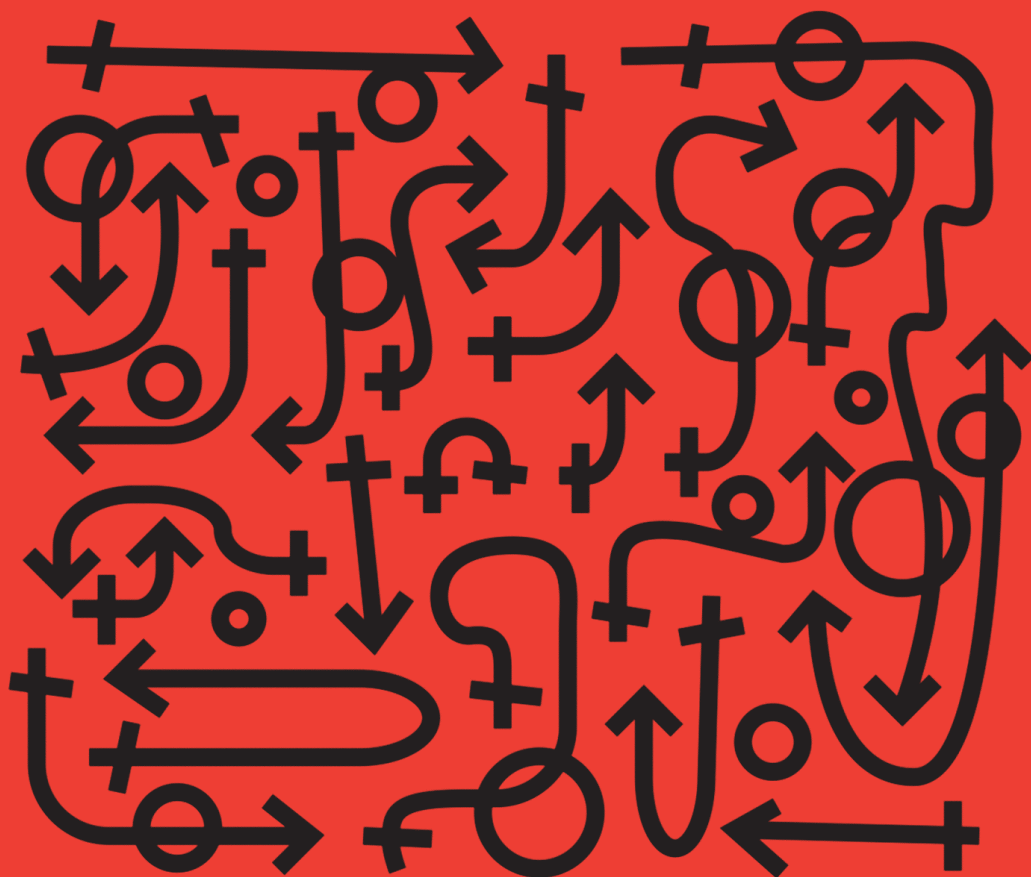


GLOBAL INFORMATION SOCIETY WATCH 2015

Sexual rights and the internet



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
AND HUMANIST INSTITUTE FOR COOPERATION WITH DEVELOPING COUNTRIES (Hivos)

Global Information Society Watch 2015

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Introduction

The population of Rwanda is young, which implies that it is sexually active. Today, people between 0 and 35 years old are estimated to account for 79% of the whole population of over 11 million.¹ While 49% of the total population is between the ages of 0 and 18 years, those aged 15 to 24 constitute 20%.

According to a behavioural survey conducted in 2009² among youth aged between 15 and 24, 31% of the respondents reported that they have had sex. Among those who had experienced sex, 47% were males and 53% females. The median age at first sexual intercourse was 16 for male and 17 for female respondents. According to a Save the Children report quoted by Grover and Sandhu,³ 13 million children are born worldwide each year to women who are under the age of 20; more than 90% of these children are born in developing countries. Complications of pregnancy and childbirth are the leading cause of mortality among women between the ages of 15 and 19 in developing countries.

This report will focus on sexual rights in Rwanda *vis-à-vis* the existing policies and legal framework, and efforts and challenges in educating young people on sexual reproduction. The role of new media in bridging the current gaps in sexual education and what can be the potential effect of harmful internet content on unsupervised young people will also be explored.

Policy and political background

In 1990, Rwanda signed the Convention on the Rights of the Child (CRC) and reports on it regularly.⁴ The CRC gives young people the right to information on sexual and reproductive health.⁵ However, talking about sex in Rwanda is still a taboo topic, be it at home between parents and their children, be it at school between teachers and pupils, or be it between partners.⁶ This situation makes it difficult for the youth to have the right information and knowledge about sexuality. In some cases, they get plied with information from people with bad intentions, which may lead to consequences such as undue anxiety, unwanted pregnancies, an inability to say “no” to unwanted sexual advances, or an inability to negotiate safe sex.

Some local media, especially radio stations, online media houses and the Media High Council (MHC) have started discussing topics linked to sexuality.⁷ But the reaction from the public is three-fold: one part of the population views such programmes as an act of propagating obscenity, another part prefers to use euphemistic language so that children may not guess what they are talking about, and the last category of people enjoy these discussions. For many, the discussions are the only sure way of getting information on sexuality that parents, schools and society are not providing.

Some of the public discussion on sexuality has been provoked by films and song clips appearing on the topic due to the emerging multimedia industry in the country. For example, one local movie in 2012 started causing a stir in the public even before its official launch. The furor mainly arose over concerns that the film might contain scenes of obscenity and nudity.⁸ A tendency empirically observed in the

1 www.statistics.gov.rw

2 Rwanda Biomedical Center. (2010). *Behavioral Surveillance Survey Among Youth Aged 15-24 Years. Rwanda-2009*. rbc.gov.rw/IMG/pdf/behavior_and_biological_survey_among_youth_15-24_years_rwanda_2009-2.pdf

3 Grover, N., & Sandhu, K. (2009). Teenage Pregnancy: Too much too soon. *South Asian Federation of Obstetrics and Gynecology*. www.jaypeejournal.com/ejournals/ShowText.aspx?ID=390&Type=FREE&TYP=TOP&IN=_ejournals/images/JPLOGO.gif&IID=41&isPDF=NO

4 UN Committee on the Rights of the Child. (2013). Concluding observations on the third and fourth periodic reports of Rwanda, adopted by the Committee at its sixtythird session (27 May–14 June 2013). www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-RWA-CO-3-4.pdf

5 Ministry of Health. (2012). Adolescent Sexual Reproductive Health and Rights Policy 2011-2015. www.moh.gov.rw/fileadmin/templates/policies/ASRH_and_Right_policy.pdf

6 Ibid.

7 www.mhc.gov.rw/fileadmin/templates/PdfDocuments/Reports_and_Publications/Others/Raporo_ku_muco.pdf

8 Rwanda Show. (2012, 7 September). Rwanda movie industry making stride. *Rwanda Show*. www.rwandashow.com/shows/821/rwanda-movie-industry-making-stride

last category mentioned above, those who support discussions of sexuality, is that it contains groups of people who are making big money through selling pictures of naked girls, especially of girls and young women under 18 years old.⁹

To date, there is no specific law regulating new media, nor how children can access and use the internet. However, stakeholders have started a process to establish child online protection strategies: “Our children are there online and we cannot deny them access but we want to protect them as we nurture them,” the minister of youth and ICT in Rwanda said.¹⁰ When it comes to issues of violence and obscenity, Article 7 of the Code of Ethics of Media Practitioners in Rwanda states: “A journalist shall avoid broadcasting or publishing news inciting violence or obscene news encouraging hostility or other illegal activities.”¹¹ The current Penal Code simply envisages prohibition of child pornography. In Article 230, it provides that “any person who displays, sells, rents, disseminates or distributes pornographic pictures, objects, movies, photos, slides and other pornographic materials involving children shall be liable to a term of imprisonment of five years to seven years and a fine of five million to twenty million Rwandan francs.”¹²

Sex work is not criminalised under the Penal Code of Rwanda.¹³ Nevertheless, Article 205 implies its illegality and stipulates that whoever engages in prostitution shall fulfil the following obligations:

- Not to leave territorial limits determined by the court
- Not to go to certain places determined by the court
- To be subjected to surveillance measures
- To seek medical treatment
- To periodically report to administrative services or authorities determined by the court.

Looking at the current draft ICT bill,¹⁴ Article 17 stipulates that in order to protect the public from any threat to public safety, and to safeguard public

health or in the interest of national security, the minister has the power to direct the communications regulatory authority to issue to any person a directive suspending or restricting that person’s entitlement to “provide an electronic communications network or services or any associated facility.” In general the ICT bill is expected to ensure the interests of consumers, and includes clauses on cyber security, privacy, and consumer protection from inappropriate content.

On different occasions the Ministry of Health attempted to pass legislation to legalise abortion and access to contraception for adolescents, but these efforts were blocked by lawmakers who argued that the changes were against Rwanda’s cultural values.¹⁵

Homosexuality is not illegal in Rwanda, but is strictly against societal norms according to religious leaders,¹⁶ with a strong cultural resistance regarding its existence as read in the Rwanda HIV and AIDS National Strategic Plan (2009-2012),¹⁷ which states that men who have sex with men (MSM) “remain a hidden population in Rwandan society because of social stigma associated with sexual orientation.” In addition, there is limited information about groups such as homosexual men, lesbians or sex workers in Rwanda.¹⁸ Traditional gender norms promote heterosexual relationships and do not condone homosexuality. These very strong cultural and gender norms and ideals for both men and women can be seen as the origin of the stigma and discrimination of homosexual men and other members of the lesbian, gay, bisexual, transgender and intersex community (LGBTI).¹⁹

These gender norms are especially affecting the sexual and reproductive health of adolescents, who, when confronting issues of their own sexuality and identity, face many barriers in understanding the biological and emotional issues they are experiencing.

Challenges at schools

In Rwandan culture, having sex before marriage and not falling in line with existing marital norms is seen as a curse, not only for yourself but also for your entire family. As seen above, sexuality in Rwanda is

9 www.igihe.com/amakuru/u-rwanda/article/kigali-itsinda-chocolate-pictures

10 Mugabo, J. (2015, 17 July). Govt moves to protect children from cyber attacks. *The New Times*. www.newtimes.co.rw/section/article/2015-07-17/190688

11 Rwanda Media Commission. (2013). Rwanda Journalists and Media Practitioners’ Code of Ethics. rnc.org.rw/wp-content/uploads/2014/08/COE-ENG.pdf

12 www.police.gov.rw/uploads/tx_download/Official_Gazette_no_Special_of_14.06.2012-4.pdf

13 *Ibid.*

14 www.parliament.gov.rw/uploads/tx_publications/DRAFT_LAW_GOVERNING_INFORMATION_AND_COMMUNICATION_TECHNOLOGIES.pdf

15 Ministry of Health. (2011). Rapid Assessment of Adolescent Reproductive Health Programs in Rwanda. pdf.usaid.gov/pdf_docs/paooj35h.pdf

16 www.radiomaria.rw/imyanzuro-yinama.aspx

17 rbc.gov.rw/library/sites/default/files/Final%20NSP_2013-2018.pdf

18 Ministry of Health. (2012). *Op. cit.*, page 20.

19 Rwanda Biomedical Center. (2013). Gender Assessment of Rwanda’s National HIV Response. www.rbc.gov.rw/IMG/pdf/gender_assessment_report_b5_fin.pdf

something that people do not want to discuss and express publicly. The publication of erotic images or stories is considered harmful to children.

Recent stories in the news on the increasing number of unintended teenage pregnancies and the consequences that follow suggest that some young girls, especially students from primary school to the tertiary level, engage in unsafe sex because of limited knowledge on sexuality.

In November 2011, the Ministry of Health issued a communiqué against condoms in schools. In it Minister of Health Agnes Binagwaho stated that the government was in favour of sexual reproductive health education and not condoms in schools: “The Ministry of Health would like to make it clear that our position as a government is to encourage sexual reproductive health education in our secondary schools, aimed at opening the minds of our youth to the dangers associated with early sexual encounters as opposed to distribution of condoms.”²⁰

Some members of civil society have pushed against this decision, most of them recognising that access to contraception and abortion are fundamental issues for adolescents. They said: “We shall continue to explain to the various stakeholders why we are advocating for condom accessibility in secondary schools. We don’t have the mandate and capacity to distribute them, but rather [can advocate] for easy accessibility.”²¹

The high unwanted pregnancy rate amongst teenagers is being observed in both educated and non-educated sectors of the population. Recent reports demonstrate this:

- In 2012, the University of Rwanda recorded a rise in unwanted pregnancies in the student community: 59 unplanned pregnancies were identified.²²
- In 2013, the *New Times*, one of the daily newspapers in Rwanda, reported what they called a “pregnancy scandal” that had engulfed Groupe Scolaire Nsinda, a rural school in Rwamagana in the Eastern Province, where 26 students were found pregnant over a two-year period.²³

- On 30 March 2015, a local online newspaper²⁴ reported that 55 girls got pregnant in a period of one year in a “cell” (the name for an administrative entity approximately 12 square kilometres in size) in a remote sector called Rutare, in the Gicumbi district in the Northern Province.

These reports are a concern to society at different levels, and can have a profoundly negative impact on the people involved. As for reaction, in the case of the report in the *New Times*, the governor of the Eastern Province, Odette Uwamariya, said: “It is disgusting to hear what happened to the girls. I want to see to it that culprits are brought to book.”²⁵

For the reporter, the causes of this situation are the limited knowledge on sexuality and a lack of capacity to refuse unsafe sex or negotiate safer sexual relationships. The reporter asked himself questions: “Who is teaching them ‘how to say no’? Who is explaining to them how, and let me whisper it, to have safe sex? We can keep our heads in the sand like ostriches, but the fact of the matter is a sexual revolution of sorts is upon us. ... The advent of mobile phones connected to the Internet, social media and globalization (or western value systems; whatever you wish to call it) has totally changed the game. Our children are exploring their sexuality a lot more than we ever did.”²⁶

Findings from a national survey on the incidence of unintended pregnancy and abortion in Rwanda show that in 2009, 47% of pregnancies in Rwanda were unintended. During the first Rwanda family planning day event held on 23 March 2013 in Kigali, it was revealed that about half (47%) of all pregnancies in the country were unintended, of which 22% of those were ending in induced abortion.²⁷

In urban areas, in middle class families who employ domestic workers, it has been observed that some children under their care are exposed to pornographic videos stored on the domestic workers’ mobile phones, which they share with the kids in the absence of their parents.

These domestic workers spend many hours with the children compared to the children’s parents. By being exposed to this pornographic material young people who might not have the opportunity

20 Kaitesi, M. (2011, 10 November). Gov’t against condoms in schools. *The New Times*. www.newtimes.co.rw/section/article/2011-11-10/36664

21 Rwanda Civil Society Platform. (n/d). Gov’t against condoms in schools. *RCSPP*. www.rcsprwanda.org/spip.php?article63

22 Ubumenyi. (2013, 20 March). Unplanned pregnancies at NUR worry officials. *Ubumenyi*. www.ubumenyi.com/?p=1147

23 Ntayomba, S. (2013, 6 February). Rwanda’s recent spate of teenage pregnancies is our fault. *The thing is...* <https://sunnynstayombya.wordpress.com/2013/02/06/rwandas-recent-spate-of-teenage-pregnancies-is-our-fault>

24 www.makuruki.rw/spip.php?Article3910

25 Ntayomba, S. (2013, 5 February). Teenage pregnancies our fault. *The New Times*. www.newtimes.co.rw/section/Printer/2013-02-05/62592/

26 Ibid.

27 Basinga, P., et al. (2013). *Unintended Pregnancy and Induced Abortion in Rwanda: Causes and Consequences*. www.sph.nur.ac.rw/IMG/pdf/Rwanda_monograph_ENG_Final_4-18-13.pdf

to discuss this with their parents can be negatively affected.²⁸

The majority of parents interviewed for this report reported that they do not talk to their children about reproductive health issues because they find it extremely difficult, and due to a lack of knowledge about the topic. Some say they feel shy to talk about sex, or they are too busy to find time to talk about it. They believe that children receive reproductive health information from school, or they assume that children do not want to talk about sex with parents.²⁹

Finally, it is worth mentioning that children need open discussions about sexuality in ways that address their everyday realities. An emerging phenomenon which is being observed in Rwanda is the sexual harassment of boys by older women called *gupfubura*. “*Gupfubura*” is a Kinyarwanda word that refers to a married partner – male or female – who is not satisfied sexually and looks for an outside partner for sexual satisfaction. For the coordinator of the National Women’s Council in Muhanga district, Prisca Mukayibanda, *gupfubura* can result in sexual violence because in some instances innocent people get affected. She laments: “If a young boy is asked by a married woman to give her sexual satisfaction [she] harasses him sexually... [The] boy is lured into sex because of material things.”³⁰

Conclusions

Freedom to access information on sexuality and reproductive health is a right that needs to be realised in Rwanda. While the internet offers potential to bridge this gap, online information can be misguided, simply wrong, and, in the case of pornography, harmful. This can in particular have a negative effect on the population under 18 years old.

The challenge is the limited supply of age-appropriate online and digital content. There is a need to mitigate the harmful use of new technologies through the adoption of specific laws addressing cyber crimes, including sexual violence online.

Action steps

Given that the majority of the Rwandan population is young, and taking into consideration how young people can be negatively affected by restrictive social norms, harmful content and the use of technology to commit crimes, the following actions need to be taken:

- Rwanda should speed up the process of providing effective legislative protection for children against all forms of cyber offences.
- There is a need for effective mechanisms and capacity to monitor sites promoting violence, harmful pornography, hate speech, and other content that may negatively affect the behaviour of young people.
- Internet users should be educated on how to use the internet safely and responsibly.
- Campaigns should be conducted to raise awareness among young people about safe sex.
- Measures are needed to build the confidence of parents to discuss reproductive health with their children openly.

28 www.izuba-rirashe.com/m-13563-bamwe-mu-bakozi-bo-mu-rugo-banduza-abana-ngo-bababaze-ababyeyi-babo.html

29 Ministry of Health. (2012). Op. cit.

30 Together Rwanda. (2012, 15 July). Rwanda: Gender based violence committee dubs infidelity a form of sexual harassment. *Together Rwanda*. www.togetherwanda.com/2012/07/rwanda-gender-based-violence-committee-dubs-infidelity-form-sexual-harassment

Sexual rights and the internet

The theme for this edition of Global Information Society Watch (GISWatch) is sexual rights and the online world. The eight thematic reports introduce the theme from different perspectives, including the global policy landscape for sexual rights and the internet, the privatisation of spaces for free expression and engagement, the need to create a feminist internet, how to think about children and their vulnerabilities online, and consent and pornography online.

These thematic reports frame the 57 country reports that follow. The topics of the country reports are diverse, ranging from the challenges and possibilities that the internet offers lesbian, gay, bisexual, transgender and queer (LGBTQ) communities, to the active role of religious, cultural and patriarchal establishments in suppressing sexual rights, such as same-sex marriage and the right to legal abortion, to the rights of sex workers, violence against women online, and sex education in schools. Each country report includes a list of action steps for future advocacy.

The timing of this publication is critical: many across the globe are denied their sexual rights, some facing direct persecution for their sexuality (in several countries, homosexuality is a crime). While these reports seem to indicate that the internet does help in the expression and defence of sexual rights, they also show that in some contexts this potential is under threat – whether through the active use of the internet by conservative and reactionary groups, or through threats of harassment and violence.

The reports suggest that a radical revisiting of policy, legislation and practice is needed in many contexts to protect and promote the possibilities of the internet for ensuring that sexual rights are realised all over the world.

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