GLOBAL INFORMATION SOCIETY WATCH 2011

INTERNET RIGHTS AND DEMOCRATISATION
Focus on freedom of expression and association online

Sexuality and women's rights

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Rights and the internet: Sexuality and women's rights

The universality of human rights means that, sometimes, the specific needs of sections of society, due to the multiple forms of discrimination and inequality faced, can disappear from the understanding and translation of rights into reality. Women's rights movements have struggled for decades to gain the recognition that women's rights are human rights, culminating in the 1993 Vienna Declaration that states that "the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights." With the increasing urgency to apply the human rights framework to understanding the impact of the internet on all facets of our lives, closer attention needs to be paid to how this might impact on women and people of diverse sexualities in different contexts, to ensure that the principle of universality is truly universal in the sense of being applicable to all people, equally. This report attempts to foreground some of the key insights from the work of the Association for Progressive Communications (APC) in the area of women's rights, violence against women and sexual rights in relation to the internet.

Role of the internet in realising rights

Public participation, right to assembly and citizenship

The findings from APC exploratory research into the area of sexuality and the internet (called EROTICS) as well as our work on information and communications technologies (ICTs) and violence against women in twelve countries clearly indicate that the internet is a critical space in the struggle for fundamental rights and freedoms. This is especially true in contexts where civil liberties are restricted or threatened. In contexts where people are discriminated against because of their gender or sexual identity, the restriction of and threats to their basic rights is a daily struggle and reality. For them, the internet is an especially vital space for democratic deliberation and political contestation where different actors, struggles and concerns are able to converge to inform or transform norms and public opinion and, in turn, policy that regulates their lives. It is a site where transitional or long-term alliances are forged in the form of informal social groupings, communities of shared interests or communication spaces for action. Here, the internet convenes an especially vital public sphere due to the multiple barriers to access found in more traditional forms of "publics", like the media or political representation, due to their marginalised position in society.

Feminist and sexual rights activists in the Democratic Republic of Congo turned to the internet as the only viable safe space to organise against a proposed homosexuality bill, in a climate of extreme intolerance and violence in the region. In Lebanon, the queer movement named the registration of www.gaylebanon.com as a historical marker of when the sexual rights movement began to formally organise in the country, and has since moved to greater visibility in physical spaces. Black lesbians in South Africa mobilised support for a pride march and organised mass solidarity for cases in court against "corrective rape" through online platforms for communication and information dissemination. These examples clearly show the democratising potential of the internet in enabling the public participation of people who face great risk to their personal safety in organising for change.

Self-representation, expression, writing history and countering discriminatory norms and culture

As noted by Frank La Rue in his report to the 17th session of the United Nations Human Rights Council in March 2011, the right to freedom of opinion and expression is critically facilitated by the internet, and is both a fundamental right on its own as well as an enabler of a broad range of human rights. In terms of the heavily regulated realm of sexual speech in all parts of the world and the barriers to accessing channels of communication like the mass media, the internet at present provides a relatively more open space for non-normative expressions, subaltern histories and less readily accessible information to proliferate and be obtainable. This can have an important impact of participating in the shaping of history and culture, and to dismantle discriminatory norms that contribute to inequality and discrimination.

In India, the EROTICS research uncovers the complex ways that young women experiment with the ideas of "sexy" through self-representation in

dating, matrimonial and social networking sites. Through this, they are able to push the boundaries of cultural and social barriers that place intense scrutiny on the sexuality and mobility of women and girls. Mothers create popular blog sites that provide peer support and information and commentary on contemporary issues, challenging the traditional and patriarchal discourse in India that holds motherhood in a sacred and moral position. In Lebanon, an important strategy of the queer feminist movements is in writing, documenting and analysing personal and political accounts of their activism and sexuality, which acts to resist the colonisation of perspectives and knowledge by people outside of their community. Women's rights activists and women survivors of violence in Pakistan and the Philippines challenged the dominant construction of victimhood in situations of domestic violence by creating powerful digital stories. The digital stories enable them to take control of the narrative and to tell the complex realities of domestic violence through their own words and experiences, and present an important and often missing account of their strategies of survival as active subjects instead of passive victims of violence.

Autonomy, integrity of the body and right to security of the person

The ability to access relevant and meaningful information is critical to enable individuals to make informed decisions about their lives. It allows informed consent, the exercise of self-autonomy, and the realisation of a broad range of rights, such as the right to education, health and safety. Meaningful access to the internet and the engagement with online spaces and communities can greatly enable the capacity of individuals who face discrimination and inequality to exercise their right to self-determination and integrity of the body.

The EROTICS research showed that transgender people in South Africa are able to access online information on medical procedures of gender transitioning, including their risks, details of trustworthy medical practitioners and the experiences of others who have gone through the procedure. This helps them make an important decision about their own lives and bodies. In India, where arranged marriages by parents are commonly practised, young women are able to gain greater control over their choices of life partners through a range of online matrimonial sites. The internet in India has also become a significant, albeit controversial, site for sex education on a range of topics including HIV/AIDS, contraception, menopause and sexual pleasure. It meets an important information gap faced by young people in schools where sex education is regarded with alarm

and in moralistic terms, with India banning sex education in twelve states and the United States (US) emphasising "abstinence only" sex education.

In the US, young people under the age of seventeen are unable to access unfiltered content in publicly funded libraries. Added to the lack of comprehensive sex education in schools, this has an impact of significantly limiting their right and evolving capacity to exercise agency and decision making about a critical component of their development.

In situations of violence against women, where many victims are socially isolated as a key tactic by abusers, the internet can be a critical space for getting information on how to safely exit the violent situation and to get support and help.

Challenges, barriers and limitations

Infrastructure and access

At the most basic level, there is a persistent gender divide in society. Despite rapidly increasing levels of internet penetration in all countries, particularly through the use of mobile phones, literacy levels in terms of language and technical skills, relevant content and costs are still significant determining factors in achieving access. Given the gendered dimension of technology, economic empowerment and control over resources, these act as barriers to equal access and engagement with internet technologies.

Shared or public internet access points, which can help address some of the cost issues, provide a limited solution to access for women and girls. As touched on earlier, the only law that mandates restriction to internet content in the US applies to publicly funded libraries, which affects approximately 77 million users, and can disproportionately impact on the poorer sections of the community. In India, cybercafés are dominated by men and a culture of masculinity, with increasing state regulation placed on their operation including taking photographs of users, collection of users' personal data, and restrictions on their physical location and arrangement, in part for reasons of controlling consumption of pornography. Submitting personal information without a corresponding data protection policy means that women and girls who use cybercafés can become subjects of harassment by predominantly male cybercafé managers, making them unviable and unsafe internet access points for women and girls.

Laws and policy

National policies on gender and ICTs are primarily viewed through the framework of economic development. This translates into initiatives and budgetary allocations that only aim to build the capacity of women to improve their income, and

usually through a very limited lens. For example, in Malaysia, the recent national development plan sees ICTs as being beneficial for women because they enable them to work "flexi-hours" while still juggling their domestic responsibilities. However, such work, which is often considered low skilled and dispensable, does not provide an adequate social safety net with women being the first to lose their jobs during times of economic instability.

In many parts of the world, new legislation and policies are being developed to regulate the free flow of information on the internet. These are often accompanied by the mobilisation of anxieties around the dangers of sexual content and the risks of online interaction, the most familiar being the need to regulate or prohibit pornography, and increasingly, content or activities that are harmful to children. However, such measures often hide other agendas and interests. For example, a draft bill proposing a ban on sexual content on the internet and mobile phones submitted to the South African Department of Home Affairs in May 2010 claimed to have the best interests of women and children in mind. In fact, the bill was drafted by an organisation known to be anti-choice and homophobic, which raises serious questions about the actual intent of the proposed bill. Further, this runs counter to the constitutional guarantee of the right to freedom of expression and information in the country. In Brazil, the controversial cyber crime bill known as the "Azeredo Bill" that was fronted on the grounds of addressing paedophilia has its roots in the banking industry wanting to shift liability for internet fraud onto the shoulders of its customers instead of on banks.

Regulatory measures are also often introduced or passed at great speed with little public consultation, as shown by the EROTICS research. Legislation can include provisions with wide-ranging impact on expression, including censorship, mandated blocking and filtering of content, and invasions of privacy, such as increased surveillance and data retention. They can have a disproportionate and wide-ranging effect on the ability of marginalised sections of society to use the internet in the exercise of their rights. For example, in Indonesia, the anti-pornography bill was recently used to block a website that features information on the rights of lesbian, gay, bisexual and transsexual people.

Privacy, safety and violence against women

Privacy and anonymity are critical components of meaningful access to the internet, particularly by people who face great risk to their personal safety should they be "outed" through their internet activity. This can range from young women who are using the internet to challenge the boundaries of acceptable sexual expression, as we found in a case in India; to people of diverse sexualities who are exploring their identity and building communities, as in a case in Lebanon where homosexuality is criminalised; to women's rights defenders who are using the internet to provide support, document violations and organise for change, such as abortion rights activists in parts of Latin America.

There is a need to ensure greater protection of the right to privacy and security when it comes to the internet. Content regulation is almost always accompanied by surveillance measures, and in the face of missing privacy protections, this raises serious questions about the vitality of online spaces in advancing social justice.

It also bears reminding that even with the potential of the internet to realise freedoms, many women and girls still need to negotiate existing cultural and social barriers to fully and meaningfully engage with online spaces. The EROTICS research in India showed how young women have developed strategies to avoid surveillance of their activities by their family and boyfriends, and to manage the real risks and dangers that they can face online, including that of harassment, manipulation of photographs and violation of their right to privacy.

Technology-related violence also acts as a significant barrier to women's meaningful engagement with the internet. Cyber stalking, online sexual harassment, blackmail through the use of private and often sexualised information, photographs and videos, and the forwarding of content that depicts, promotes and normalises violence against women are becoming increasingly documented and faced by women and girls who use the internet. They create a hostile online environment and can cause women and girls to disengage from the internet due to fear for their safety. They also contribute to the creation of a communication culture that is discriminatory and tolerant of violence against women.

Conclusion

It is clear that when internet-related rights are examined through the lens of the diverse realities of women's lives and from the vantage of sexual rights, it provides a richer, nuanced and more comprehensive analysis of the different dimensions that need to be considered in the realisation of the internet's potential for fulfilment of human rights. Such an effort is necessary to ensure that our collective struggle to promote the transformative impact of the internet is one that is inclusive of diversity and affirming of equality. ∎

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GISWATCH is a joint initiative of the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos).

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