

GLOBAL INFORMATION SOCIETY WATCH 2015

Sexual rights and the internet



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
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Alan Finlay

Assistant editor, publication production

Lori Nordstrom (APC)

Proofreading

Valerie Dee

Stephanie Wildes

Graphic design

Monocromo

info@monocromo.com.uy

Phone: +598 2400 1685

Cover illustration

Matias Bervejillo

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BOSNIA AND HERZEGOVINA

BETWEEN FREEDOM AND LONELINESS: THE TWO SIDES OF THE INTERNET



Okvir and One World Platform

Azra Causevic and Valentina Pellizzer

www.okvir.org and oneworldplatform.net/en

Introduction

In Bosnia and Herzegovina, lesbian, gay, bisexual, trans*, intersex, queer and allied (LGBT*IQ) persons and activists are targeted because of their gender, sexuality and political actions. They are faced with violence and discrimination on social, economic and institutional fronts on a daily basis, both offline and online. This is due to the patriarchal and nationalistic politics of division, segregation and silencing, which have found a strong ally in anti-LGBT*IQ groups in Bosnia and Herzegovina. The authorities passed an anti-discrimination law in 2009, which included gender identity and sexual orientation¹ (both terms were undefined). Yet there is a lack of political will, public awareness and institutional strategies to implement the law at all territorial levels in Bosnia and Herzegovina. This results in a general lack of trust in state mechanisms for protection amongst LGBT*IQ persons, with most cases of human rights violations unreported.

LGBT*IQ persons, communities and activists, failed by state mechanisms for protection, are turning to the few LGBT*IQ organisations for help. Some, who do not do this, are left to their own devices to find support, often online. The internet is being used to access diverse information, as a way to network and socialise, as well as a tool to bring about social change for LGBT*IQ groups. Its main advantages are the flow of information and the anonymity it allows. On the other hand, as powerful as they are, social and multimedia platforms are responsible for not adequately resolving online

violence against LGBT*IQ persons. Changes in this regard should go hand-in-hand with awareness raising on privacy amongst the LGBT*IQ community in Bosnia and Herzegovina.

This report focuses on how the internet and social media have been used as a resource by LGBT*IQ persons, activists, groups and organisations in Bosnia and Herzegovina. It reflects on the advantages of the internet when it comes to the free flow of information, how it is a source of support and a way to socialise for LGBT*IQ persons, and how it also serves as a powerful community-building tool for LGBT*IQ organisations. The report points out vulnerabilities for LGBT*IQ persons online (regardless of whether they are “out” or not), and how their privacy is being violated and their personal and public information used without their consent by other internet users. It shows that online violence is committed even within closed LGBT*IQ circles. It identifies the weaknesses of LGBT*IQ strategies for combating gender and sexual violence that use platforms such as Facebook and GayRomeo.

Policy and political background

Bosnia and Herzegovina has a set of domestic laws and is signatory to international conventions,² that together with the anti-discrimination law should serve to protect individuals from a range of criminal offences. However, when it comes to technology-related violence these laws appear to offer little in the way of protection.

One World Platform researched remedies and responses in the case of technology-related violence against women and girls and the results were disconcerting. We found that: “The legal framework is full of obstacles that prevent survivors of technology-related violence from accessing legal remedies. There are very few lawyers dealing with

¹ Bosnia and Herzegovina Law on Prohibition of Discrimination, Official Gazette No. 59/09, 2009 – Article 2 (Discrimination): (1) Discrimination, in terms of this Law, shall refer to different treatment including every exclusion, limitation or preference based on real or assumed features towards any person or group of persons on grounds of their ... sex, sexual expression or sexual orientation, and every other circumstance with a purpose or a consequence to disable or endanger recognition, enjoyment or realisation of rights and freedoms in all areas of public life. www.mhrr.gov.ba/PDF/LjudskaPrava/ZakonOZabraniDiskriminacijaNacrpt.pdf

² Such as the Criminal Code and the Law on Protection of Personal Data, in terms of domestic legislation, and international agreements like the Council of Europe Convention on Cybercrime (conventions.coe.int/Treaty/EN/Treaties/Html/185.htm). The national policy regarding the analysis, detection, prosecution and prevention of cyber crime is regulated by the Bosnia and Herzegovina Strategy for Combating Organised Crime and Corruption (adopted by the Council of Ministers in June 2006). This is based on the Council of Europe Convention on Cybercrime, signed on 9 February 2005 and ratified on 19 May 2006.

internet rights in the country, and survivors rarely seek justice through civil lawsuits because it is a very expensive process... The police are the first point of contact for women facing violence, but they appear ill-equipped to deal with technology-related VAW.”³ If we consider the discriminatory attitudes towards both communities of women and LGBT*IQA, the perception that threats do not constitute violence, and the inability to take online harassment seriously, anyone who faces attacks is left with little meaningful recourse. Cyber crime departments tend to focus, with the exception of cases of child pornography, on high-tech systems violations such as banking fraud or the hacking of security systems.

“I am not crazy nor the only one...”

Gathering information regarding the internet and sexual rights for our research was met with a great deal of enthusiasm by the LGBT*IQA persons and activists that we contacted. After the first dozen questionnaires had been gathered, it was already clear that internet platforms and forums are being used widely among LGBT*IQA persons to express themselves freely because of the inability to do this publicly in offline spaces. The internet is also being used to compensate for the missing gaps in public education and information⁴ and for socialising on platforms like Facebook, GayRomeo and Grindr. For all research participants, the internet has given them a chance to explore the information that is missing in the educational system, and in society generally, regarding sexual identities and sexual expression. For all participants except two, this is enabled by the ability to be anonymous online. The internet has “opened my eyes” one participant said. It “helped me reach the right persons” and “has primarily helped me in understanding and educating myself regarding my identity” another participant noted. I.M.,⁵ aged 25-35 and self-identifying as pansexual queer, had this to say:

Within the past 15 years the internet has helped me in finding additional information needed for understanding both my gender and sexuality

and accepting the “phases” in the development of my own identities. In those moments when I had nobody to talk to, the articles, texts and books I was downloading have served as a form of support, to actually see I am not “crazy” nor the only one. Through [online] self-education I could widen my own horizons, accept myself better and love myself. Knowing there are people who are different and connecting with them has meant so much regarding my development.

Sexual rights groups in Bosnia and Herzegovina use the internet as a tool for community building, awareness raising and advocacy on a daily basis. LGBT*IQA groups and formal organisations who focus on community building in Bosnia and Herzegovina primarily use email, Facebook, Instagram, Tumblr, Twitter and Skype to reach out to their community members and promote the activities and events organised. Some LGBT*IQA groups such as TANKA (Tuzlanska Alijansa Kvir Aktivista)⁶ are using the power of technology and the internet for creative education such as streaming queer movies among their community members on a monthly basis. Due to the powerful spread of information, the internet is making it easier for organisations and groups to reach out to victims of violence, discrimination and hate speech based on sexual and gender identity, while at the same time being an equally dangerous tool in the mobilisation against LGBT*IQA persons in Bosnia and Herzegovina, as noted by Association Okvir:⁷

On January 27, 2014, the “Stop the Faggot Parade in Sarajevo on May 1, 2014” Facebook page was organised. It received more than 4,000 likes from potential [anti-LGBT*IQA] perpetrators. There were hundreds of hate speech comments inciting hate crime and the personal profiles of other Facebook users were also targeted. The same Facebook page was used as means of mobilisation for a physical attack against the participants in the Merlinka International Queer Film Festival, where our documentary movie “With Love, Your Children” was to be screened as the first Bosnia and Herzegovina movie of the Festival. We were continually reporting the page... Some of our community members were forcefully “outed” and locations of LGBT*IQA friendly places in Sarajevo were mapped. We immediately reacted through contacting our community members who were “outed” on the page. Some of them live with their families and

3 Association for Progressive Communications (APC). (2015, 21 July). Exploring technology-related violence against women in Bosnia and Herzegovina. *GenderIT*. www.genderit.org/edition/exploring-technology-related-violence-against-women-bosnia-and-herzegovina; the research in local language is available here: oneworldplatform.net/wp-content/uploads/2015/07/Zaustavinasilje-%C3%85%C2%BDenska-prava-i-sigurnost-na-internetu.pdf

4 See www.queer.ba, www.okvir.org, www.lgbt.ba and www.transserbia.org

5 Interviews conducted for this GISWatch report. The interviewees' names have been changed to protect their anonymity.

6 <https://www.facebook.com/aTkivizam?fref=nf>

7 www.okvir.org

keep two different Facebook profiles, yet some have only one profile with customised visibility settings. We were in the position to access their accounts, as they were not able to do so from their homes, and to customise their privacy settings on Facebook. This was an alarm for us, knowing how low the awareness on privacy protection is among our community members. This was also the starting point of our community work on internet safety and data protection workshops among LGBT*IQ persons.

Okvir itself experienced the crude reality of Facebook's real-name policy. As a young collective, they were using Facebook to communicate with the LGBT*IQ community:

The real-name policy has caused us major setbacks regarding the outreach and safety of our community. Our trans* friends and some of us were forced to shift to "real" names where even the violent option of sending one's documents [the demand of disclosure is experienced as a form of violence] would not pass due to discrepancies between the category of sex on the documents and one's gender identity.

Additionally, some of our friends who are not "out" regarding their gender identity did not want to succumb to Facebook's policy of sending the documents at all. This meant shifting to names given at birth. Obviously, we understood the scope of violence imposed by Facebook and were thinking of ways how to respond, yet we felt quite limited...

Further, our profile as an Association was a personal profile which we had used for about three years... it brought many benefits regarding safety and control over whom we befriend and what kind of information we share regarding public events and community events. But it was suspended and automatically shifted by Facebook to a public page. We were left to our own devices when it came to communication in the meantime (especially setting up the events – an option now not available via our public profile). Shifting our profile to a public page was done within a couple of days, without our permission, without prior notice, with one option: to either have everything public or remove all of the comments made before. We chose the latter. This means that since then all of the data of our friends tracked on our profile has been made public and we had to notify them on online safety, in terms of leaving comments and

"likes" publicly, with the risk of being "outed" in public.

Regardless of the internet offering freedom and anonymity for persons who are not (completely) "out", there is the spectre of violence targeting LGBT*IQ persons based on their gender expression and sexuality. Such is the example of A.D., a self-identified gay man, aged 24-30, who is "out" to his closest friends and family. He was a victim of cyber stalking including receiving online death threats on Facebook. He was left to his own devices to find support:

I started receiving hate speech private messages on my Facebook profile account from an anonymous profile. This person/profile was sending me threatening messages, including offensive name-calling (faggot) and direct threats to kill me, repeatedly saying, "You are sick." I did not reply to any of the messages and immediately blocked the user. I strengthened my privacy settings on Facebook and also deleted my last name, as Facebook offered that option. Soon afterwards, a second anonymous user showed up and started sending me a stream of harassing messages, calling me out for a date and [asking] to meet me. I ignored the messages, which made him start threatening me ... calling me "provoking" and "ridiculing God, an infidel" and "sick". He then posted a link to a porn site on my wall. Luckily I had only my closest friends who were allowed to see my wall; yet after that I decided to completely delete my Facebook profile and open up a new one, with a nickname.

All self-identified gay men participating in the research have noted that GayRomeo is the number one platform used for dating and establishing new contacts, followed by Grindr and Facebook. However, as one participant in our research revealed, violence within already closed LGBT*IQ online spaces is rarely spoken of and considered taboo, especially on social networks such as GayRomeo.

GayRomeo, an instant messaging and dating community for gay, bisexual and transgender men founded by the German GMBH company Planet Romeo, has more than 6,740,000 registered profiles and 1,389,150⁸ active users worldwide. A case of so-called "revenge porn" happened to one self-identified and publicly "out" gay man, D.J., who was

8 www.planetromeo.com/service/kontakthilfe/keyword_suche.php?helpid=176

one of the 2,498 users⁹ registered on GayRomeo Bosnia and Herzegovina:

In 2007, when I was not yet “out”, I registered a profile using a nickname on GayRomeo. I started chatting with this person (both under nicknames) and told him my name... and sent him some of my personal pictures. We arranged to meet, yet I did not show up for the date. A couple of days later, I saw an active profile under my personal name, with all my private pictures. He literally outed me! I did not know what to do, as I was new to GayRomeo. I then received a message from that person, who told me he did it out of revenge because I did not show up for the date. His profile was active seven days more and then turned off.

When A.D. was sharing his story, visibly distressed, on the question of how he handled his situation, he repeated: “I couldn’t report him (the abuser) to Facebook, I was not out! I couldn’t come out to my friends and tell them to keep reporting him! I was not out! I also couldn’t go to the police when he was sending me life-threatening messages – it’s scary!”

Conclusions

Due to the harsh restrictions to freedom of expression regarding sexuality and gender rights in Bosnia and Herzegovina, the internet is widely used by LGBT*IQ persons and activists as their main source for information, to find support and to mobilise. For LGBT*IQ persons, the internet represents one of their main resources for support in their personal and political development, while for activist groups it is a vital tool for communication, mobilisation, education and providing support for LGBT*IQ persons. Platforms used include Twitter, Facebook, email, Skype and Tumblr.

Most of the LGBT*IQ participants in the research said they are subjected to at least some forms of LGBT*IQ-phobic abuse online via the social platforms they use. Social media platforms such as Facebook remain the primary platforms for socialising for most of the research participants, while GayRomeo and Grindr are favoured by self-identified male gay participants. Both Facebook and GayRomeo offer some forms of protection specifically for LGBT*IQ persons, yet, according to the experiences shared by LGBT*IQ persons in Bosnia and Herzegovina, their standards and procedures of tackling gender and sexuality-based violence are insufficient and poor.

The Facebook policy of reporting the abusers should be tightened when dealing with LGBT*IQ-phobic abusers. Facebook does have its Facebook Network of Support that was formed “in light of recent tragedies involving youth who have taken their own lives as a result of anti-LGBT bullying.”¹⁰ The aim is to “effectively address issues faced by the lesbian, gay, bisexual, and transgender community.”¹¹ On the other hand, steps advised by Facebook include: block bullies, report harassment, stick up for others, think before posting, get help when overwhelmed and know you are never alone. These do not solve the issue of LGBT*IQ-phobic violence. Facebook does not suspend abusers’ profiles, but temporarily removes them from the victim of online abuse. This lack of concern for their LGBT*IQ users is especially evident in cases of persons who are not “out”, leaving them to resort to their own capacities when handling the abuse.

It is a similar situation when it comes to the policy of GayRomeo, where, in cases of “revenge” porn as described by D.J., GayRomeo only offers the options to block the abuser (i.e. to restrain their access to the victim) and to contact GayRomeo directly, adding: “Please include a picture of yourself holding a [piece of] paper with your profile number or email address on it. This will help to prove that you are the person featured in the image. You should be recognizable in this image.”¹² When presenting this option to D.J. he said: “I was not out at that time, there is no way I could trust someone online by giving away my identity. On the other hand, I trusted this man [the abuser] and had given him my personal pictures...”

Being led by their experiences, all of the participants in the research have given a lot of thought to their safety online and do not believe the internet is a safe place where they can be anonymous. There is a great lack of awareness of privacy by LGBT*IQ persons, as well as little knowledge and use of privacy protection tools. Only two participants in the research used security mechanisms and tools like TOR,¹³ VPNs,¹⁴ proxies and others – in one case an LGBT*IQ group had to intervene and use these tools to protect the personal profiles of persons who were subjected to online violence. All the participants in the research want to improve their

10 https://www.facebook.com/note.php?note_id=161164070571050

11 Ibid.

12 <https://www.planetromeo.com>

13 <https://www.torproject.org>

14 https://en.wikipedia.org/wiki/Virtual_Private_Network

9 <https://en.wikipedia.org/wiki/GayRomeo.com>

online safety, yet it is clear that one's safety online is a collective issue as much as it is personal. The internet safety of LGBT*IQ persons demands a strategy implemented by the LGBT*IQ community itself, as much as measures by social media platforms need to be taken.

Action steps

The following advocacy steps can be suggested for Bosnia and Herzegovina:

- Facebook should consider the specific circumstances of LGBT*IQ persons who are not “out” when they report hate speech and threats. They should consider designing strategies that are more effective in punishing LGBT*IQ-phobic violence, as well as the perpetrators of this violence.
- Organised action to change Facebook's real-name policy should be supported.
- GayRomeo should be more open to discussing online violence happening betweenGBT* men on their platform and develop an appropriate strategy of awareness raising and combating this violence.
- LGBT*IQ community members in Bosnia and Herzegovina should be supported by developing effective resources and security tools to ensure their internet safety.
- A rapid response network (such as trolling the trolls) should be organised to help the victims of abuse in the very first hours and days of the attacks. Legal remedies are too slow to ensure a prompt and timely response and public support.

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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2015 Report

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