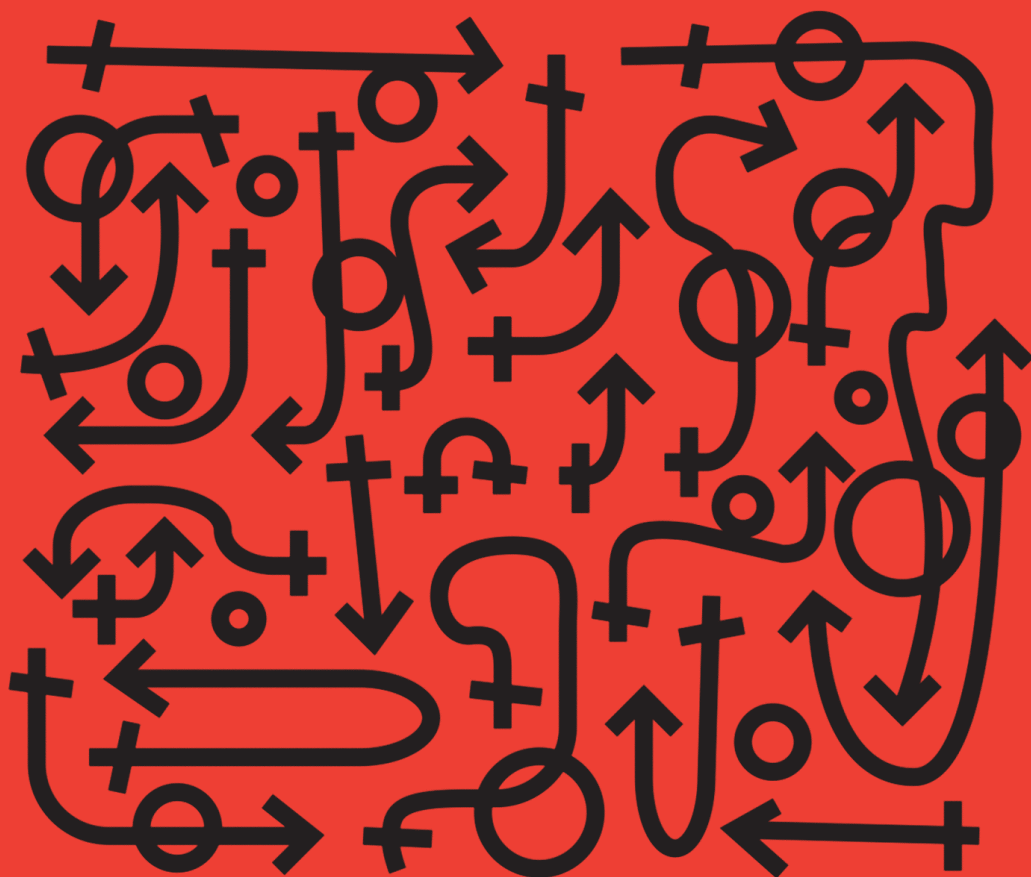


GLOBAL INFORMATION SOCIETY WATCH 2015

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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COSTA RICA

THE ROLE OF THE INTERNET IN EXERCISING THE HUMAN RIGHTS OF SEX WORKERS IN DOWNTOWN SAN JOSÉ: A CASE STUDY



Sulá Batsú

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Introduction

One of the most vulnerable groups in Costa Rican society are women sex workers in the northwest sector of the centre of the capital, San José.

We decided to work with this group of women because our mission as an organisation is focused on the use of technologies for the exercise of the rights of vulnerable and excluded populations. Sulá Batsú also seeks to develop new lines of action with regard to their interests, needs and vision, which have been identified through the participatory research we conduct annually for GISWatch.¹

As Amnesty International has declared: “Sex workers are one of the most marginalized groups in the world who in most instances face constant risk of discrimination, violence and abuse.”²

There are around 400 women working in the streets or in small hotels in what is called the “red zone” of the capital. They live in poverty, and many of them are single mothers with low levels of education. They are a mix of immigrants and Costa Rican citizens from around the country, and their ages range from 30 to 65. Some of them live in the street, while others live in the slums of the capital. They are discriminated against, stigmatised, abused – even in health centres – and are subjected to police repression.

The sex workers are organised in an association called La Sala (The Room).³ Founded more than 20 years ago, La Sala is led by the sex workers themselves, with the objective of defending their rights and improving their quality of life. La Sala provides a meeting place for sex workers, where they find mutual support, receive training, and discuss the leadership of the organisation, amongst other things.

MISSION OF LA SALA

Our mission is that sex work be recognised in labour laws in Costa Rica, including the rights that we have as women sex workers, because although they are not recognised, we know we have rights as women and citizens.

In 2010, the Constitutional Court of Costa Rica declared internet access a fundamental right of citizens. The court also ordered the state to promote and guarantee universal access to new technologies.

On the other hand, sex work is not legally recognised in the country. There are regulations on other issues associated with sexual exploitation, such as trafficking⁴ and procuring, as well as legislation on women’s rights, the right to information, and the right to health and education for all Costa Ricans.⁵

The Sulá Batsú team aimed to interrogate the role of the internet in the exercise of the rights of the sex workers in the context in which they live and work. Our research design included content analysis (reading news about La Sala, reviewing research and reports on the organisation, as well as another similar organisation in Latin America),⁶ a participatory workshop with women from La Sala⁷ on the rights to information and communication and the internet’s role in the exercise of these rights, and an in-depth interview with a member of La Sala, a former sex worker who narrates her experience with social networking. We will call her Maria in this report.

1 www.giswatch.org/country/costa-rica

2 Amnesty International. (2015, 11 August). Global movement votes to adopt policy to protect human rights of sex workers. <https://www.amnesty.org/en/latest/news/2015/08/global-movement-votes-to-adopt-policy-to-protect-human-rights-of-sex-workers>

3 www.facebook.com/organizacionlasala

4 www.migracion.go.cr/institucion/Trata/Ley%20Trata%20de%20Personas%20%28difusion%20digital%29.pdf

white.lim.ilo.org/ipcc/documentos/ley_contra_la_esc_cr.pdf

5 www.constitution.org/cons/costaric.htm

6 www.redtralsex.org

7 Report on participatory workshop with 40 women sex workers in La Sala.

Case study: The right to the internet and sex workers

Conditions of access

The women who participated in this case study work and live in one of the places in Costa Rica with the best connectivity and access to technology: downtown San José. However, they have no possibility of accessing or using the internet. This shows once again that the exercise of the right to the internet cannot be addressed only from the point of view of infrastructure. According to our regulations and laws, these sex workers, as citizens of our country, have the right to internet access.

The main reason for not being able to access the internet is the high costs. Usually all of the sex workers have mobile phones that use prepaid services, and not smartphones, because of the price. They mostly use their mobiles for messaging, such as the service WhatsApp, to communicate with people close to them, especially their children. They also use their phones to take family and personal photographs, and use applications on their phones for entertainment, such as radio apps.

Most of them do not have access to computers, besides the ones that are publicly available in La Sala. Overall, research participants did not feel that they had the skills to leverage the internet to strengthen their rights and improve their working and living conditions.

We found that younger women use the mobile phone more than older women. Some women use mobile phones for contacting and managing clients, but they are in the minority. Most of the work is done by demand on the street, and in small hotels in the zone.

Mobile phones can function as tools for seeking help in moments of danger, violence or abuse. However, this is not always the case, as sometimes making a call has led to more violence and risk to the sex worker.

The use of social networks is associated with stigma and discrimination as evidenced in Maria's case, which exemplifies the situation of many sex workers in the zone.

The case of Maria⁸

Maria represents the story of many sex workers in San Jose's "red zone". She is a former sex worker in a stable relationship with a partner, who decided to quit sex work some time ago. Maria used to work in small hotels in downtown San José.

One day at dawn, after working during the night, she took public transport to go home. The bus driver did not want her on the bus, because he and some fellow passengers knew Maria was a sex worker. She made the driver stop the bus and climbed on. She was furious, she protested, insulted the driver and passengers, and refused to get off the bus. Passengers insulted her, using her work, her condition as a poor woman, and her migrant status (she is Nicaraguan) to humiliate her.

One of the passengers recorded this entire scene on a mobile phone, and it was posted online without María's authorisation. The video went viral, not only in Costa Rica but in other parts of the world where Maria has relatives who did not know she was a sex worker, including her teenage daughter and the rest of her family in Nicaragua. In addition, a TV programme with high ratings in Costa Rica featured the video, and called it "What happens in San José at night".

This had many painful repercussions in Maria's life: an intense depression that almost led to suicide, alcoholism, an inability to work and leave her room, and a very delicate family situation with the most painful consequence related to her daughter who did not know the work her mother was doing.

Maria's case is evidence of how discrimination for being an immigrant, a woman and poor, in addition to the stereotypes associated with her work and the violence that sex workers experience, were multiplied by the disregard of privacy on social networks and the unauthorised use of online content by traditional media.

Maria managed to get out of this situation due to her personal resources, her personality, her intelligence, the support of other women in her network, and some friends. Especially important was the support of her daughter. But this situation could have led Maria to her death.

Maria's case shows how new technologies may lead to more vulnerability, or exacerbate existing unequal conditions for communities that are in a position of exclusion in our countries.

Needs that were identified

The women in La Sala clearly indicated that the internet should be a useful and practical tool, and a medium for exercising their rights – otherwise they would not consider it necessary to learn how to use it. Making online transactions, reporting violence, accessing health services, and helping their children with their homework are some examples of practical uses of the net.

8 Based on an in-depth interview with a female sex worker.

For the women who took part in this research, a better understanding of technology, as well as of English, may be necessary but not sufficient to improve their working conditions. With increasing age, sex work is more and more difficult. The pressure for knowledge in English and technology increases as these women get older, impacting the possibility to get a different job in the future.

Their current priority is to access better information about their rights as women and as citizens, and to be promptly and appropriately informed about different opportunities available for them and their children. Information about health care, and friendly and safe spaces where they can get medical assistance, as well as information about their rights in this key area is extremely important for these sex workers.

Another of their major concerns is being able to advise their children about the uses of technology, especially social networks. Their children live in extremely vulnerable situations, and there have already been several situations in which technology has put them at greater risk. Due to the little knowledge the sex workers themselves have of technology, this represents a major challenge in their role as guides to their dependants.

The work of La Sala

For women in vulnerable situations, access to technologies, and the appropriate use of them, is not only a right but a way of exercising their rights generally.

La Sala makes very good use of the internet, and plays an intermediary role in the dissemination of information. For this, they receive the support of young professionals who they contact through international cooperation projects. They circulate information on the rights of sex workers, and keep sex workers informed about new initiatives, policies, research, and other organisations related to their work. La Sala also positions the opinions and demands of female sex workers in different spaces and helps them network with peers and supportive organisations. La Sala offers training and leadership, and engages in advocacy, pushing for the improvement of the living conditions of the women. Sex workers from downtown San José find a supportive space in La Sala, a resting place of comfort and warmth, and a place to fight for their rights using technologies..

Conclusions

Based on this case study we can conclude:

- That the digital divide increases the social distance and gap in understanding between more privileged communities and more vulnerable communities, even when connectivity rates increase overall.
- That there is a need to foster technological appropriation in favour of the human rights of the most vulnerable populations -- specifically for sex workers who as poor women, immigrants, single mothers and heads of households constitute, as Amnesty International says, one of the most vulnerable population groups in our countries. Technology must be appropriate for them, and be useful in their exercise of fundamental rights.
- That the excellent work of La Sala as infomediaries, as promoters of political participation, and of positioning women's voices must continue to be supported.
- That more cases like Maria's must be discussed in order to combat discrimination, violence and the violation of the privacy of communities living in vulnerable conditions. The video is still online.

Action steps

Based on the results of this research we propose:

- To present this case for public discussion.
- To use technologies to inform others about women's rights, especially if they are vulnerable to discrimination and violence, as is the case with sex workers.
- To develop a project that uses technology for the sex workers of La Sala – especially for those who, because of their age, cannot continue to engage in sex work.
- To support the work of La Sala in their process of communication, information sharing and advocacy, and their struggle for a life free of stigma and discrimination for sex workers.

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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