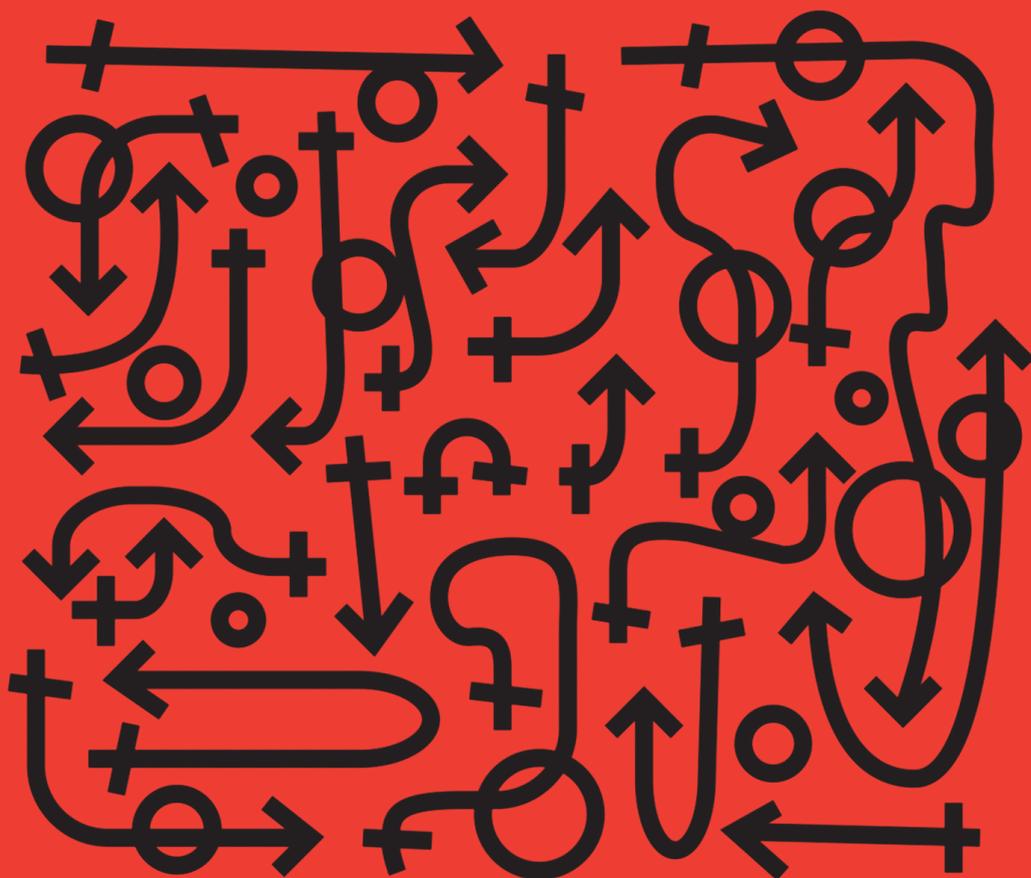


GLOBAL INFORMATION SOCIETY WATCH 2015

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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Nadine Moawad (APC)

Project coordinator

Roxana Bassi (APC)

Editor

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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Hivos

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Departamento de Comunicaciones,
Pontificia Universidad Católica del Perú
Juan Bossio
departamento.pucp.edu.pe/comunicaciones

Introduction

Gender identity and sexual orientation are not acknowledged as issues that need to be debated by the Peruvian Congress. Local legislation against discrimination in public places and in public services refers to gender identity and sexual orientation. In addition, the Ministry for Women and Vulnerable Populations¹ is preparing a policy document with recommendations on dealing with cases of violence against lesbian, gay, bisexual and transgender (LGBT) people. However, there is no general policy securing the rights of LGBTs in Peru yet.

The LGBT movement in Peru has campaigned for recognition, visibility, policies against discrimination and violence, the rights of trans people, and the realisation of their civil rights (such as same-sex marriage). While all of these issues are important, policies against violence affecting the LGBT community – which implies the formal recognition of LGBT people so that official records can be kept – are urgent. The most recent report on the human rights status of LGBT people in Peru² identified 13 murders and four suicides in the last year, with the real number possibly being higher. The problem is that without legal recognition, hate crimes against LGBT people are not considered hate crimes according to our criminal code, a legal and policy gap that is acknowledged by the Ombudsman's Office.³ At the same time, all references to LGBT issues contained

in drafts of the National Plan on Human Rights⁴ and the National Plan of Education on Human Rights⁵ developed by the Ministry of Justice have been recently deleted.⁶

While there is neither research nor statistics to back up this perception, it is accepted by rights experts and activists that the internet was appropriated by members of LGBT community right from the beginning of the service becoming available in Peru in 1995. According to Rolando Salazar, the organiser of Outfest Peru⁷ – an LGBT film festival – and former administrator of one of the first gay websites in Peru,⁸ the first internet tools used were chat rooms that were seen as a kind of free place where LGBT people could express themselves and develop relationships with others. In 1998 Salazar set up a website on gay issues that helped people to connect and develop a sense of self-identity and group consciousness, allowing them to debate issues with each other, and in this way make themselves “visible”. They ran a chat room, translated and published articles from magazines such as *Gaytimes*⁹ and *Advocate*,¹⁰ and produced their own articles. Their agenda was always to help with the process of LGBTs “coming out” and to push for the recognition of LGBT rights. As Salazar says, from 2005 to 2008 there was an explosion of LGBT blogs in Peru. Since 2010 Facebook and other social networks have become the main platforms for LGBT people to connect, debate, and be visible – and now they serve as the launch pads for activist campaigns too.

- 1 Ministerio de la Mujer y Poblaciones Vulnerables: www.mimp.gob.pe
- 2 PROMSEX 2015. (2015). Informe Anual sobre DDHH de Personas TLGB en el Perú 2014-2015. www.promsex.org/documentacion/publicaciones/item/2678-informe-anual-sobre-ddhh-de-personas-tlgb-en-el-peru-2014-2015/2678-informe-anual-sobre-ddhh-de-personas-tlgb-en-el-peru-2014-2015
- 3 Defensoría del Pueblo, Adjuntía para los Derechos Humanos y las Personas con Discapacidad. (2014). Opinión respecto del Proyecto de Ley N° 2647/2013-CR, que establece la unión civil no matrimonial para personas del mismo sexo. Situación de los derechos fundamentales de la población LGBTI en el país. Informe de adjuntía N° 003-2014-DP/ADHPD. www.justiciaviva.org.pe/webpanel/doc_int/doc27032014-134929.pdf

4 Ministerio de Justicia. Plan Nacional de Derechos Humanos. www.minjus.gob.pe/wp-content/uploads/2014/07/DS-005-2014-JUS-Aprobacion_PNDH.pdf

5 Ministerio de Justicia. Plan Nacional de educación en deberes y derechos fundamentales al 2021. www.ohchr.org/Documents/Issues/Education/Training/actions-plans/Peru_National_Plan_Education.pdf

6 See also the letters submitted by MHOL – the oldest and most well-known LGBT organisation in Peru – to the justice minister: www.scribd.com/doc/235577816/MHOL-al-MINJUS-sobre-exclusion-de-LTGBI-del-Plan-Nacional-de-Derechos-Humanos and to the Inter-American Commission on Human Rights: www.scribd.com/doc/259023468/MHOL-a-CIDH-sobre-Plan-Nacional-de-Educacion-en-Derechos-y-Deberes-Fundamentales-al-2021#scribd

7 www.outfestperu.com

8 Deambiente.com (it is now offline).

9 www.gaytimes.co.uk

10 www.advocate.com

LGBT activism in Peru reportedly began in the 1970s. *Movimiento Homosexual de Lima* (MHOL),¹¹ the “Homosexual Movement of Lima”, was founded in 1982 and it is believed that the first public demonstration that raised LGBT issues as political issues was in Miraflores in July 1995, according to the LGBT and HIV/AIDS Human Rights Observatory.¹² Now there are dozens of organisations that, while they may have differences in opinion on political issues, and on how to advocate for change, nevertheless recognise themselves as belonging to one movement, according to Ho Amat y León, a member of the Peruvian LGBT Network.¹³

A draft civil union law, presented by member of parliament Carlos Bruce in 2013, aimed to allow limited same sex unions – it was not called “marriage”, and the right of gay couples to adopt children was not included in the draft.¹⁴ It was presented without any consultation or coordination with the Peruvian LGBT movement; however, while it met with opposition from some parts of the LGBT movement, it has been embraced by most of the movement, by other human rights organisations and an increasing proportion of the population. The discussion of this proposal at the Justice Commission in Congress in March 2015 became the most important issue on the political and media agenda. The proposal was shelved without passing through to the Congress plenary,¹⁵ but it received the attention of the media and the public, who showed strong support for the law.

A few days after the draft law was presented, a small group of LGBT youth activists together with members of MHOL set up a Facebook page called “Unión Civil Ya” (UCY – “Civil Union Now!”).¹⁶ The page received 2,000 likes in a few hours. Considering this unexpected success, they decided to organise themselves into a collective¹⁷ and develop a communication campaign.

According to Liliana Huaraca, one of the founding members and public spokespersons of the UCY collective, the campaign has had four stages. It started out as informative, looking to create public visibility of the draft proposal, as well as LGBT issues in general. Then it looked for support from media and TV personalities, some of whom helped produce videos for the cause. The third stage involved seeking the support of Congress members and the media, which led to a debate in the Constitutional Commission in Congress. When the proposal was shelved, the campaign turned to a public show of indignation for a short period of time. Afterwards, it stated that the fight had reached a new beginning, and it turned its focus to campaigning for equal marriage.

While the campaign originated online, it was always a combination of online messaging and debate, together with street activities. UCY is not a traditional movement “using” information and communications technologies (ICTs), nor just an online activist group; it is both and it is more. Its members are young people to whom the notion of online versus offline is a false dichotomy because their lives occur “online” and “offline” all the time. They debate, communicate and coordinate among themselves by using WhatsApp or Facebook chat, but meet face-to-face once a week. They act, debate, discuss, react, mobilise, support and get supported both online and offline all the time, and that is one of the things that makes them the kind of group that gets audience attention, and the participation of the public.

The communication strategy of UCY has always been non-confrontational, with the exception of the above-mentioned period of expressing public indignation when the draft law was put aside. UCY members respect other ways of doing things, including the more aggressive activism of organisations that sometimes criticise them. However, they believe that their approach allows them to gain greater commitment from LGBT people and more support from the general public for LGBT causes.

To implement their strategy they developed a visual identity, and a set of norms to answer critics online or to participate in debates. The members, who take care of communication issues such as managing their Facebook page or Twitter account, explained in an interview¹⁸ that they are also conscious of the fact that they are the face of the UCY campaign 24 hours a day. Because of this they need

11 www.facebook.com/mholperu

12 www.facebook.com/notes/observatorio-de-derechos-humanos-lgbt-y-vihisida/algunos-hitos-hist%C3%B3ricos-del-movimiento-lgbt-per-uano/726901677455570?fref=nf

13 Red Peruana TLGB: www.redperuanatlgb.net

14 Bruce, C. (2013). Proyecto de ley que establece las uniones civiles entre personas del mismo sexo. [www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoco2_2011_2.nsf/d99575da99ebfbc305256f2e006d1cfo/588055827c08debdo5257be4005f45ec/\\$FILE/PLo2647120913.pdf](http://www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoco2_2011_2.nsf/d99575da99ebfbc305256f2e006d1cfo/588055827c08debdo5257be4005f45ec/$FILE/PLo2647120913.pdf)

15 There were four votes in favour of the proposal, seven against and two abstentions.

16 www.facebook.com/unioncivilya

17 Most of the organisations that young people create now in Peru are called “collectives”, which basically refers to an organisation without bureaucracy, but which allows for the practical distribution of tasks and of leadership.

18 Interviews were conducted by the author with Liliana Huaraca, and a group interview with her, Gabriela Zavaleta and three other members of UCY.

to moderate their public or “visible” behaviour as representatives of the campaign, including sometimes their own personal online identities.

Peaks of support for the campaign occurred during the first year at the beginning of the campaign (October 2013), two months later and, importantly, in April 2014 when they organised the First Equality March (*Primera Marcha de la Igualdad*) which was one of the biggest demonstrations in recent years and perhaps the biggest LGBT demonstration ever in the country. At that time they received 13,000 “likes” for their posts on Facebook, which reached 130,000 friends.

In March 2015, when Bruce’s proposal was shelved, UCY was active on social networks, especially the day before and on the day of the debate (10 March). On Twitter they produced 577 tweets, received 1.7 million impressions, 51,500 profile visits, 5,187 mentions and 5,820 new followers. On Facebook they received 14,000 likes for their posts, and more new “likes” for their page than ever before (more than 1,000). As mentioned above, those were also the days where public indignation was expressed following the shelving of the bill, and there were calls for street protests, such as one in San Martin Square on the night of 10 March.

Those heady days of activism opened up a new juncture. The movement was now in the media spotlight. They decided to leverage this attention, to show publicly that they were on the right side of history. They called for a new demonstration on 11 April under the banner “*La lucha ya empezó*” (the fight has started).

The end of March and the first days of April were also days of high activity on the social networks. These are Twitter statistics for April: 577 tweets, 820,000 impressions, 24,200 profile visits, 2,140 mentions and 1,645 new followers. By the time of the April march they had reached 16,300 followers on Twitter.

During this period they reached their peak on Facebook with 20,000 likes for their posts and 120,000 friends. The most successful post of the month was one with a picture from San Martin Square, showing how online and offline activism are interwoven.

They also used YouTube,¹⁹ but more as a support tool than a social network. They upload videos onto YouTube and share them through Facebook or Twitter, but they do not start debates on YouTube itself. The most watched video is one where a well-known entertainer (Ricardo Morán) calls for the public to participate in the April demonstration.

By July 2015 they had more than 52,000 likes on Facebook and more than 17,000 followers on Twitter.

As they explained, tweets or posts congratulating Morán for making his call or photos such as one of two older gay men getting married are the ones which get the most “likes”, reposts or retweets. However, more “political” posts and tweets on crucial debates have also received support, according to Gabriela Zavaleta, the networks manager at UCY.

While it is their current focus, they do not limit their activities to the civil union law but also support other LGBT activities or struggles. For example, they produced a manifesto during the most recent local government elections (October 2014) asking voters to avoid voting for homophobic candidates.²⁰ They also supported the last Pride Parade, which has been the biggest demonstration ever on LGBT issues in this country.

Public support for the civil union proposal has increased, according to market survey company Ipsos Peru,²¹ from 31% to 35% between October 2013 and February 2015, while 51% of the public were against the proposal being shelved in March, according to Datum International.²² The support for the initiative was mostly from young people and women; 60% of the people who “liked” the UCY Facebook page are women.

UCY members feel they have achieved a lot with their campaign: they helped to get the issue of the draft law into public debate, they helped a lot of people – including some of their members – to “come out” in public, they helped to empower some young people and groups, they increased support amongst heterosexual people for LGBT causes, they organised the biggest demonstration for LGBT rights at the time and, furthermore, they gave LGBT people a voice and made them visible.

As members of UCY pointed out, there are a number of online LGBT movements that have appeared over the past two years. One example would be *No Tengo Miedo* (“I’m Not Afraid”),²³ a group that started in 2014 with its members documenting their personal histories as LGBT people in a series of videos posted online. The point of this was to motivate LGBT people to come out and make themselves visible. Now they are developing a range of activities using video, theatre, education and research

20 www.scribd.com/doc/241375047/UNION-CIVIL-YA-PRONUNCIAMIENTO-SOBRE-ELECCIONES-MUNICIPALES-2014

21 www.ipsos-apoyo.com.pe

22 elcomercio.pe/politica/actualidad/union-civil-homosexual-51-esta-contra-y-45-favor-noticia-1802300?ref=flujo_tags_243322&ft=nota_6&e=imagen

23 www.notengomiedo.pe

19 www.youtube.com/channel/UCyqdbcSHvRG836O2HZuXRFA

as ways to “perform” activism. There are also a lot of university groups that have created Facebook groups that serve as a means of support, communication, reflection and public messaging, as well as a way to organise events on campus and to participate in public activities or demonstrations. Some of these have existed for a number of years, such as GPUC,²⁴ but a lot are new or not well known.

The case of the UCY collective using ICT tools to coordinate, communicate, develop public messages, and generate consensus shows clearly that ICTs were not just tools. ICTs are part of the lives of the collective and they shape ICTs to their own needs and purposes. The collective cannot be understood without looking at the way in which they appropriate ICTs; it would be true that there would not be a UCY without ICTs, but it is also true that UCY sheds new light on how we understand ICTs and social networks in Peru. The main conclusion of this report is that UCY expresses a new relationship between ICTs and political action. When it comes to this kind of group it is not useful to talk about the usage or the appropriation of ICTs; instead they can be called “networked organisations”.

At the same time, the UCY campaign suggests that while other more aggressive forms of activism are understandable, a purposeful communication campaign would garner more support from the public and the media.

Action steps

UCY and other LGBT organisations, especially those operating outside Lima, need to raise more support in Peru. We will have general elections in a few months time, and LGBT rights should be on the political agenda and kept in the public eye. The LGBT movement needs to fight for the attention of political campaigners (those already in office and those who are seeking power) as well as the media. They need to force the next Congress (it is in session until July 2016) to reopen the debate on same-sex marriage and the identity rights of LGBT people.

The internet – mostly Twitter, Facebook, blogs and the comments sections in online newspapers – will be a battlefield for this fight, but not the only one. UCY and the rest of the LGBT movement know this very well.

24 www.facebook.com/gpucguds

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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