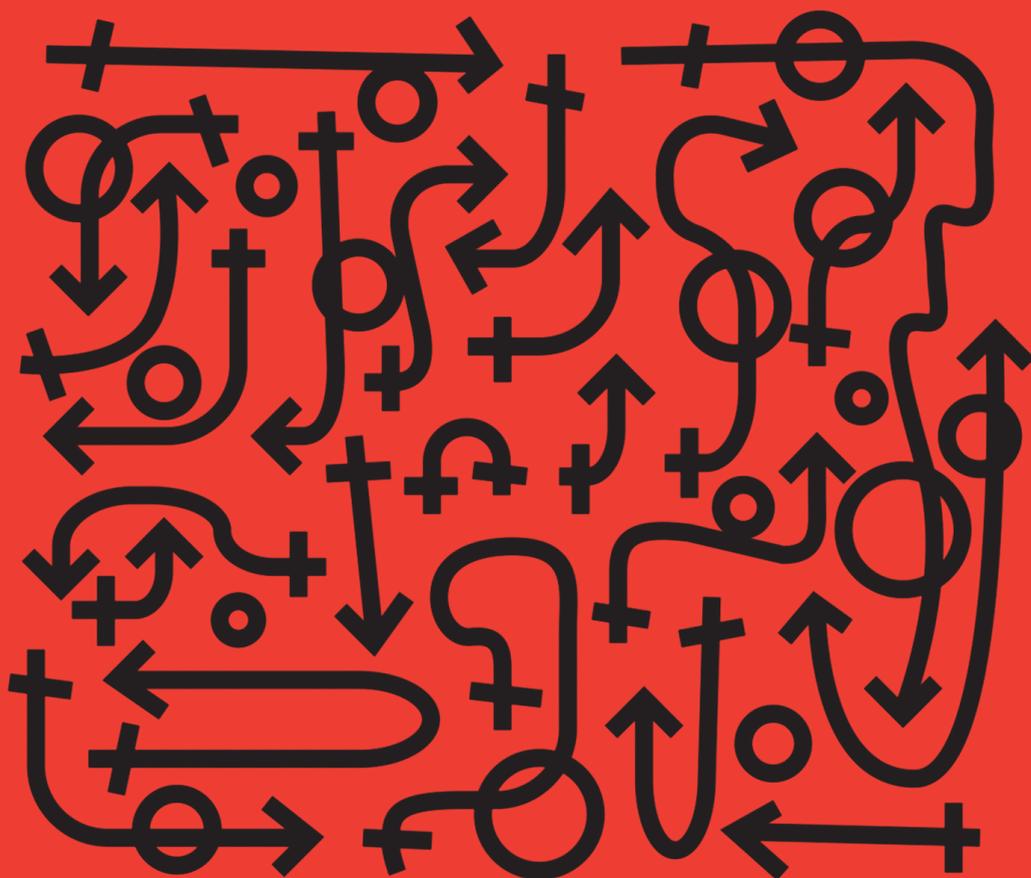


# GLOBAL INFORMATION SOCIETY WATCH 2015

*Sexual rights and the internet*



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

## Global Information Society Watch 2015

Sexual rights and the internet

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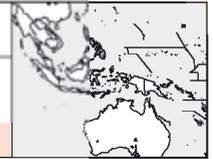


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## Introduction

The expression of one's sexuality is a key component of human development, and the discussion of sexual rights in society is important in a healthy democracy. This report will look at how these have played out in the Philippines – especially as they intersect with information and communications technologies (ICTs) and the internet – through three recent cases where online and offline sexual rights collided and surfaced old contradictions within new technological contexts.

The Philippines is home to more than 100 million people, with almost 53% of them 24 years old or younger.<sup>1</sup> It is still a developing economy with about 26% of the population living below the poverty line.<sup>2</sup> It is the only predominantly Christian nation in Asia, with more than 80% of Filipinos identifying as Roman Catholics.<sup>3</sup> It is also the only country in the world where legal divorce is still not recognised. A generally conservative Catholic hierarchy remains influential. Though socially progressive on some issues (e.g. environment, anti-corruption and social equality), it has been conservative on others (contraception, divorce and sexual rights).

Since the introduction of the internet in the Philippines in 1994, its use has steadily grown. Internet penetration among the population in the country is now estimated to be more than 40%.<sup>4</sup> Those between the ages of 15 and 24 years old are the

most active users,<sup>5</sup> spending about six hours per week online, some logging in as much as 35 hours of internet use.<sup>6</sup> Social media drives much of the country's exploding internet use. The Philippines is recognised as one of the most social media-savvy countries in the world.<sup>7</sup> Social networks are the new place to meet, access knowledge, transact, and discuss myriad topics, including once taboo issues such as sexuality.

## Policy and political background

### Gender

The Philippines ranks highly in many global gender indices. In 2014, it ranked 9th in the Global Gender Gap Index, the only Asian country in the top 10.<sup>8</sup>

Several laws protect women against gender-based sexual abuse and violence, including laws on sexual harassment, rape, trafficking in persons, and violence against women and children (VAWC). It also has laws addressing HIV/AIDS and promoting reproductive health. The country is a signatory to many international human rights instruments,<sup>9</sup> including those that relate to women and gender.<sup>10</sup> In 2009, the Magna Carta of Women or RA 9710 was passed. This is the country's localised version of the Convention on the Elimination of All Forms of Dis-

1 Index Mundi. (2014). *Philippines age structure*. www.indexmundi.com/philippines/age\_structure.html

2 Philippine Statistics Authority. (2014). *Poverty Statistics*. www.nscb.gov.ph/poverty/

3 "As of the last census of the National Statistics Office (NSO) in 2010, there are 74,211,896 followers of the Roman Catholic Church, or 80.6% of the Philippine population." Cited from Bueza, M. (2015). MAP: Catholicism in the Philippines. *Rappler*. www.rappler.com/newsbreak/iq/81162-map-catholicism-philippines

4 Internetlivestats.com estimates that internet penetration in the Philippines is 39.43% while DOST-ICTO in the document *Free wi-fi internet access in public places* claims that the Philippines has an internet penetration rate of 52%. See icto.dost.gov.ph/wp-content/uploads/2015/03/Free-Wi-Fi-Project-TOR.pdf

5 comScore, Inc. (2013). *Southeast Asia Digital Future in Focus*. www.comscore.com/Insights/Presentations-and-Whitepapers/2013/2013-Southeast-Asia-Digital-Future-in-Focus

6 Demographic Research and Development Foundation (DRDF) & University of the Philippines Population Institute (UPPI). (2014). *2013 Young Adult Fertility and Sexuality Study*. Quezon City: DRDF & UPPI. www.drdf.org.ph/yafs4/key\_findings; press release: DRDF. (2014, 6 February). *Internet, social media are important part of young Filipinos' life – survey shows*. drdf.org.ph/yafs4/pressrelease/02-06-2014/05

7 Hansen, M. B. (2015, 30 July). The Philippines – From text messaging capital to most "social nation". *Opera Business Blog*. www.operasoftware.com/blog/smw/the-philippines-from-text-messaging-capital-to-most-social-nation

8 World Economic Forum. (2014). *The Global Gender Gap Report 2014*. reports.weforum.org/global-gender-gap-report-2014/rankings

9 Including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

10 These include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child, the International Conference on Population and Development Programme of Action, and the Beijing World Conference on Women Platform for Action, among others.

crimination against Women (CEDAW).<sup>11</sup> In spite of the generally positive legal framework for women, gaps remain, as myriad implementation issues abound, and legal remedies are elusive.<sup>12</sup>

### ICT policy

Policies and laws on ICTs are continuing to emerge, both as a legacy of traditional telecommunications regulation, as well as newer modes of internet governance. In the recent past, ICT policy has concentrated more on e-commerce and ICTs in education.

In 2009, the Anti-Photo and Video Voyeurism Act (RA 9995)<sup>13</sup> was passed as a result of the high profile case of an intimate video circulated on the internet. In 2012, a contested Cybercrime Prevention Act was passed, and deemed constitutional after a protracted legal battle.<sup>14</sup>

### Three cases: “Ruby”, Jennifer and the Valkyrie dress code

#### The “Ruby” videos<sup>15</sup>

“Ruby” was a famous actress who in 2009 was dragged into one of the many internet scandals the country was notorious for, when intimate videos of her and her equally prominent partner were circulated online without her consent. She subsequently filed a high-profile legal VAWC case which immediately became a converging point for many powder keg social issues: violence against women, internet privacy, cyber crime, online regulation, gender and sexuality. The above-cited RA 9995 was a direct result of this case.

Interestingly, although social media were not then as ubiquitous as they are now, many of the online discussions at the time in blogs and discussion boards were surprisingly critical of “Ruby”, portraying her as a “loose woman”, an indication of what the dominant discourse was on women’s sexuality then. Nevertheless, the incident sparked many

important debates and increased the discussion of gender rights on the internet.

#### The Jennifer Laude murder

The more recent transgender killing of Jennifer Laude in October 2014 was also significant. Laude’s body was discovered inside a hotel room in Olongapo, after she had checked in the previous night with a companion, reportedly a visiting US national.<sup>16</sup> The killing had been characterised as gender-based violence on the basis of sexual orientation and gender identity expression (SOGIE). The police report further stated it was a crime of hatred, and it was “the discovery [by the perpetrator] that his sex partner was gay that prompted him to kill the victim.”<sup>17</sup>

The case of Laude was not the first case of a brutal killing of a transgender woman, and may not be the last. Many similar cases remain unsolved. But in this era where social media have surpassed even traditional news channels in reach and as a platform for debate, the death of Laude was unique in how it exploded on the internet – riding the wave of an increase in the use of social media since “Ruby”. The case garnered local and international attention, especially in cyberspace.<sup>18</sup> It brought together different groups and social movements calling for justice, but also surfaced anti-lesbian, gay, bisexual and transgender (LGBT) sentiments; in this way social media became a battleground for those on opposing sides.

Even as many called for justice, and used Facebook, Twitter and Instagram to broadcast their views, Laude herself even in death was not spared the vitriol of those opposed to her sexual identity and lifestyle; she was described as a flirt who deceived the suspect and a con artist who “got what (s)he deserved.”<sup>19</sup>

Facebook pages of Laude supporters themselves were bombarded with negative comments

11 RA 9710 states: “The State condemns discrimination against women in all its forms and pursues by all appropriate means and without delay the policy of eliminating discrimination against women.”

12 An anti-discrimination bill, which aims to promote gender equality and recognise LGBT rights, among others, has not passed for the past five Congresses.

13 For the complete text of the law, see: [www.lawphil.net/statutes/repacts/ra2010/ra\\_9995\\_2010.html](http://www.lawphil.net/statutes/repacts/ra2010/ra_9995_2010.html)

14 There were 15 petitions lodged before the Supreme Court questioning the constitutionality of RA 10175. See [sc.judiciary.gov.ph/microsite/cybercrime](http://sc.judiciary.gov.ph/microsite/cybercrime) for a list of petitions challenging RA 10175.

15 For a more comprehensive exploration of the case of “Ruby”, see Garcia, L., & Manikan, F. (2014). *Gender Violence on the Internet: The Philippine Experience*. Manila: FMA/APC. [www.genderit.org/sites/default/upload/monograph\\_finalz.pdf](http://www.genderit.org/sites/default/upload/monograph_finalz.pdf)

16 The case of Laude was complicated by the fact that the alleged killer was a US serviceman stationed in the country under a contentious Visiting Forces Agreement (VFA) between the US and the Philippines. This is not the first case of gender-based violence that implicates the VFA. In 2005, a US serviceman was implicated in the rape of a Filipino woman; the issue of custody of the accused is contentious as the US refuses to give custody of their nationals to the Philippines.

17 Francisco, K. (2014). Killing of Jennifer Laude a ‘hate crime’ – police report. *Rappler*. [www.rappler.com/nation/72224-killing-jennifer-laude-police-report](http://www.rappler.com/nation/72224-killing-jennifer-laude-police-report)

18 A murder case filed against the alleged perpetrator (the US serviceman) was still being tried at the time of writing.

19 While the transgender community were asking people to respect Laude’s choice of being a woman and to call her “she”, there were many (including some media outlets) who denied her even that. Laude’s physical attribute (i.e. her having a penis) is still what defined her as a person, and the internet became a space where deep-seated social contradictions were played out.

expressing transphobic and misogynistic views.<sup>20</sup> Slurs against transgender people, and the LGBT community as a whole, were numerous.

A spokesperson for Kapederasyon, an LGBT group, declared: “We are deeply disturbed with the negative comments online reeking with hate, homophobia, and transphobia. Many posts blame Jennifer for her own murder and even condone hate crimes.”<sup>21</sup>

### *The Valkyrie dress code*<sup>22</sup>

More recently, a less grave case emerged in June 2015, in which the Philippine cyberspace again buzzed with another instance of gender-based discrimination. The issue this time was how numerous transgender women were often barred entrance into Valkyrie, a famous high-end bar in Metro Manila, because they violated a formal “dress code” (i.e. that men should dress as men).<sup>23</sup> Those affected aired their complaints over social media and in a matter of minutes garnered overwhelming sympathy and support. Widespread criticism over the discriminatory policies of the bar eventually led to the owners issuing a public apology. As with the Laude case, this “minor” incident was also heavily discussed online.

This is actually just one of many similar cases in which the internet had a big role in exposing discrimination against, as well as facilitating some degree of justice for, women and sexual minorities.<sup>24</sup> After the extensive social media debate ignited by the Laude murder, the Valkyrie case, and similar cases that came after these, activists began to harness social media to draw attention to the transgender phenomenon in the country and the issues that LGBTs face. As Naomi Fontanos, executive director of GANDA Filipinas,<sup>25</sup> a transgender rights group,

declares: “The internet has played a huge role in giving visibility to the transgender community.”<sup>26</sup>

### **The internet, sexual identity and representation**

The internet has provided a space to many, including marginalised sexual/gender minorities, to be visible and to be able to express their self, assert rights and identities, and initiate and enhance their participation in political and social life. The internet has become a genuine arena for activism, including the assertion of sexualities and sexual rights. For instance, many LGBT organisations in the Philippines utilise social media to highlight their work, inform others of who they are, and provide support to members.

On an individual level, the internet has provided a space for the expression of sexuality. One transwoman interviewed said she finds the space “liberating”.<sup>27</sup> She has a Facebook account where she openly declares she is a transgender and posts all her photos. She reflects that it is easier to admit being transgender – and also to be recognised and accepted as one – online rather than offline. In fact, it was through social media that she met her partner. “Face to face, one has to hurdle the stares and scrutiny of people who ask, people who question your choices,” she said.

A nationwide survey conducted in 2013 found that among young adults, there is a heightened, bolder and wider range of sexual behaviour because of ICTs.<sup>28</sup> One in 10 has recorded him/herself having sexual activity; four in 100 have had sex with someone they met online or through text messages; six in 100 have engaged in phone sex; one in four has sent or received sex videos through mobile phone or internet.<sup>29</sup> The internet is really part of the fabric of Filipinos’ sexual lives.

But sex and sexuality can be a double-edged sword, especially when formal sex education is still not sufficiently or competently taught in many Philippine schools. “Sex” can readily be accessed online in the Philippines where the internet is generally unregulated. More than half of the country’s young people (57%) surveyed said they have watched pornographic movies and videos; about 16% said they had visited websites with sexually

20 See [www.facebook.com/pages/Justice-for-Jennifer-Laude/1479505508982667?ref=bookmarks](http://www.facebook.com/pages/Justice-for-Jennifer-Laude/1479505508982667?ref=bookmarks) as well as [www.facebook.com/JusticeforJenniferLaudeandtheFilipinoPeople?fref=nf](http://www.facebook.com/JusticeforJenniferLaudeandtheFilipinoPeople?fref=nf)

21 Cayabyab, M.J. (2014, 17 October). LGBT group decries ‘hate posts’ vs. Jennifer Laude. *Philippine Daily Inquirer*. [lifestyle.inquirer.net/174718/lgbt-group-decries-hate-posts-vs-jennifer-laude/](http://lifestyle.inquirer.net/174718/lgbt-group-decries-hate-posts-vs-jennifer-laude/)

22 For a more detailed account of the incident, see: ABS CBN News. (2015, 24 June). How Valkyrie incident happened. *ABS-CBNnews.com*. [www.abs-cbnnews.com/lifestyle/06/23/15/how-valkyrie-incident-happened](http://www.abs-cbnnews.com/lifestyle/06/23/15/how-valkyrie-incident-happened)

23 Rodriguez, F. (2015, 23 June). Valkyrie club apologizes to transgender fashion designer. *Rappler*. [www.rappler.com/move-ph/issues/gender-issues/97206-valkyrie-club-apology-transgender](http://www.rappler.com/move-ph/issues/gender-issues/97206-valkyrie-club-apology-transgender)

24 Other prominent incidents of gender/LGBT discrimination going viral in the Philippines include various denials of service to gays, a lesbian couple being denied a marriage licence by a local registry, a submissive portrayal of a woman in an underwear fashion show, and a controversial rape-related t-shirt pulled out of a prominent department store chain.

25 For more information about GANDA Filipinas, see: The Philippines: Gender and Development Advocates (GANDA). [www.apcom.org/philippines-gender-and-development-advocates-ganda](http://www.apcom.org/philippines-gender-and-development-advocates-ganda)

26 Nachawati Rego, L. (2015). APC at the Global Voices Summit – Sex and the internet: Expression, activism, regulation. *APC*. [www.apc.org/es/node/20118](http://www.apc.org/es/node/20118)

27 Interview with B. Corpuz on 25 June 2015.

28 Demographic Research and Development Foundation (DRDF) & University of the Philippines Population Institute (UPPI). (2014). *Op. cit.*

29 *Ibid.*

explicit content.<sup>30</sup> Filipinos rank 26th in daily global traffic when it comes to accessing pornography, and rank 15th globally in watching pornography using mobile devices.<sup>31</sup> This reality eventually has to be discussed with the whole range of gender advocates, some of whom view this type of online content and behaviour as exploitative.

### The shadow of the church: Contesting reproductive rights

Filipinos' concepts of sex, sexuality and sexual rights are naturally influenced by the country's dominant religion, Catholicism. Because of Church opposition, it took more than a decade before a reproductive health law was passed in 2012. The Catholic Bishops Conference of the Philippines (CBCP), a staunch opponent of the bill, had issued several statements rejecting it as "unjust, arbitrary and unreasonable legislation" which had no place in public governance.<sup>32</sup> They even equated reproductive health-supporting politicians with abortionists, threatening them with excommunication, in an effort to sway the vote. The Catholic Church said that what was a "moral issue" had been downgraded by proponents to merely a "health issue" by claiming that "unimpeded mastery over one's own body" was a human right.<sup>33</sup> These messages were widely spread online.

Meanwhile, supporters of the bill, including many lay Catholics, also took to cyberspace to have their voices heard. Many pages on Facebook in support of the bill emerged, and many internet "memes" poking fun at the bill's critics spread.<sup>34</sup>

After 13 long years, Congress finally passed the Responsible Parenthood and Reproductive Health Act of 2012 (RA 10354).<sup>35</sup> However, it was immediately challenged by opponents before the Supreme

Court, which deliberated on its constitutionality. Both supporters and opponents of the bill used social media heavily to provide real-time updates to the public and push their arguments. In the end, RA 10354 was ruled constitutional, though certain provisions and language opposed by the Church were struck down. Any reference to "sexual rights", for example, was dropped.

### Violence against women online

While the internet is an arena where sexualities can be expressed, it is also a site where risks and vulnerabilities abound, especially for women and sexual/gender minorities. The emergence of ICTs brought about an alarming proliferation of technology-related violence against women (VAW) that both stigmatises and targets them.<sup>36</sup> Studies by the Association for Progressive Communications (APC) show that technology-related VAW is increasing,<sup>37</sup> with its research partners in countries including the Philippines providing evidence pointing to the connections between ICTs and VAW. Many of these cases involve cyber stalking, the uploading of nude images and sex videos online without consent, cyber harassment, and violations of online privacy.

The internet has also become a space to propagate hate. In the Laude case, hateful messages were hurled not just against the victim, but targeted her family and the whole transgender community as well. Freedom of expression may be an ingredient of democracy, but it does have legitimate limitations, offline and online. This delicate balance of "rights vs. regulations online" played itself out in many national policy debates.

### Regulating cyberspace, regulating sexuality?

To address the emerging incidence of online abuse hurled against women and children, laws such as the Anti-Child Pornography Act<sup>38</sup> and the Anti-Photo and Video Voyeurism Act<sup>39</sup> were passed. The latter is seen as a deterrent to non-consensual online

30 Ibid.

31 Lozada, B. (2014, 24 January). Filipinos rank 15th in global porn watching. *Philippine Daily Inquirer*. [globalnation.inquirer.net/97567/filipinos-rank-15th-in-global-porn-watching](http://globalnation.inquirer.net/97567/filipinos-rank-15th-in-global-porn-watching)

32 Catholic Bishops' Conference of the Philippines. (2005, 18 February). "Hold on to your precious gift." A Pastoral Statement on Population Control Legislation and the "Ligtas Buntis" (Safe Pregnancy) Program. [cbcponline.net/v2/?p=505](http://cbcponline.net/v2/?p=505)

33 Catholic Bishops' Conference of the Philippines. (2003, 31 May). "We must reject House Bill 4110." A Pastoral Statement of the Catholic Bishops' Conference of the Philippines. [cbcponline.net/v2/?p=476](http://cbcponline.net/v2/?p=476); [www.cbcponline.net/documents/2000s/html/2003-housebill4110.html](http://www.cbcponline.net/documents/2000s/html/2003-housebill4110.html)

34 For example, to counter the excommunication "threat", reproductive health bill supporters announced through social media the holding of an "excommunication party" to "celebrate our freedom to choose what is good for our own bodies." See [www.facebook.com/ExcommunicateMe](http://www.facebook.com/ExcommunicateMe); also [filipinofreethinkers.org/excommunicateme](http://filipinofreethinkers.org/excommunicateme)

35 Congress of the Philippines. (2012). Republic Act No. 10354. The Responsible Parenthood and Reproductive Health Act of 2012. [www.gov.ph/2012/12/21/republic-act-no-10354/](http://www.gov.ph/2012/12/21/republic-act-no-10354/)

36 Women's Legal and Human Rights Bureau. (2011). *Study on ICT, VAW and Sexuality: A Policy Advocacy*. Manila: WLB. [womenslegalbureau.wordpress.com/publications](http://womenslegalbureau.wordpress.com/publications)

37 Fascendini, F., & Fialova, K. (2011). *Voices from digital spaces: Technology related violence against women*. Johannesburg: APC WNSP. [www.apc.org/en/node/14235/](http://www.apc.org/en/node/14235/); [www.genderit.org/node/3539](http://www.genderit.org/node/3539)

38 RA 9775 punishes those responsible for the production, advertising and promotion, sale and distribution, purchase and access (even for personal use) of pornographic materials that involve children (Section 3).

39 RA 9995 penalises the taking of photos or video of a person/s performing sexual acts or similar activities or capturing the image of the private area of the person/s without consent; and also the selling, copying, reproduction, broadcasting, sharing, showing or exhibition of such coverage or recording.

sex-related images – a big problem in the country. The former, however, though similarly well intentioned, included provisions which may erode internet rights.<sup>40</sup> Herein lies the dilemma of content regulation of the internet.

The controversial Cybercrime Prevention Act provides the latest example of the debates on regulating cyberspace. RA 10175 was passed in 2012 to address crimes committed against and by means of computer systems, amidst broad debates as to its scope and effect on human rights.<sup>41</sup> Broad opposition and a legal challenge by human rights advocates brought forth one of the most significant online protests in the country in 2013. A watered-down version has since been declared constitutional by the Supreme Court in 2014, which simultaneously struck down several problematic provisions, but opposition remains.

One particular provision problematic for women and gender advocates was retained. This refers to the criminalisation of “cybersex”, defined as “the wilful engagement, maintenance, control or operation, directly or indirectly, of any lascivious exhibition of sexual organs or sexual activity, with the aid of a computer system, for favour or consideration.”<sup>42</sup>

Gender rights groups were almost unanimous in criticising the provision for its vagueness and overly broad scope. In a statement, they declared that “the law fails to consider the transnational nature of sexual violence in cyberspace where site owners or operators and buyers are beyond the jurisdiction of the Philippines” and as such, because of its vagueness, it may pose “more harm to women who are usual victims of sexual violence in cyberspace.”<sup>43</sup> Further, the law “focuses solely on criminalisation, unmindful of its possible effects and without clear understanding of the inherent nature and characteristics of ICTs relating to violence committed against women.”<sup>44</sup> Rather than recognise a person’s agency to express sexuality online, sexual behaviour would be effectively criminalised.

They argued that the cybersex provision failed to address the underlying causes of VAW and compromised the potential of ICTs to promote women’s

empowerment. One dissenting Supreme Court justice wrote that with the inclusion of the cybersex provision “it seems that we, as a society, are being thrown back to the dark ages.”<sup>45</sup>

Violations of online privacy have also markedly increased, especially in relation to social media, and a recent landmark Supreme Court ruling on Facebook privacy highlighted this. The case involved five female students in Cebu City, who had posted photos of themselves in bikinis while smoking/drinking to (only) their Facebook friends, and were banned by their Catholic school – which was able to access the photos – from marching in their high school graduation parade. Ruling in favour of the school, the high court essentially declared that nothing is ever private on Facebook, putting the full burden of safeguarding one’s privacy online on users. The doctrine of “reasonable expectation of privacy” on Facebook now seems to be eroded.<sup>46</sup>

## Conclusions

This report provides an initial landscape of sexual rights as they are represented, asserted and contested on the Philippine internet. Three offline/online cases and their subsequent discourses in cyberspace became a starting point for examining current realities which portray how sexual rights are played out in cyberspace.

Although more research and analysis are needed to fully understand how the internet is impacting on sexual rights, the following initial conclusions emerge:

1. *The internet has provided a space for many, including marginalised sexual/gender minorities, to be visible and to express themselves, assert rights and identities, and enhance their participation in political and social life.*

Women and LGBTs online have greater access to information and knowledge, a platform for women’s agency, organisation and empowerment, and an emancipatory space to express their sexuality. Cyberspace has also provided new tools to challenge gender inequality and violence.

2. *At the same time, the internet and social media are still very much a contested space.*

Cyberspace inherently contains risk and harm: human rights violations, security and privacy breaches, and hateful speech – part and parcel

40 Many internet rights advocates, including ISOC PH chapter member Winthrop Yu, bewail the heavy-handed provisions that compromise free expression and privacy rights.

41 The passage of the law met with opposition from different groups. Fifteen petitions were filed before the Supreme Court to declare this law unconstitutional.

42 Section 4(1)(c) of Republic Act No. 10175.

43 Delete, Undo, Retrieve: Statement on the Cybercrime Prevention Act of 2012, which was signed by several women’s rights groups and advocates. [www.genderit.org/es/node/3661](http://www.genderit.org/es/node/3661)

44 Ibid.

45 Dissenting and concurring opinion of SC Justice Mario Victor Leonen on GR No. 203335, p. 69.

46 Supreme Court decision: *Vivares and Suzara vs. St. Theresa’s College*, GR No. 202666. The merits cannot be discussed extensively here. A case study on this is being drafted by FMA.

of an internet not always oriented towards the public good.

Further, from a sexual rights perspective, cyberspace is also a venue where traditional forces opposed to the full expression of gender rights can influence the public discourse. Though this could be considered a feature of democracy, unequal power relations within what is still essentially a patriarchal society are reproduced online. Many social institutions – schools, the legal system, churches – either abet this, or are still not oriented towards meaningful reform.

**3. *Regulating cyberspace is a complex balancing act, which requires careful consideration of competing rights and responsibilities.***

The Philippine experience has shown that because of inherent power differentials in policy making and governance, especially for women and sexual/gender minorities, many laws and policies end up compromising human rights rather than enhancing them.

The struggle for sexual rights in the Philippines still has a long way to go. Continued advocacy and activism, both online and offline, are important to create changes in attitude, behaviour and social structures. The internet – especially social media – and its democratic governance are an arena of struggle in this regard.

### **Action steps**

The following advocacy steps are recommended for the Philippines:

- Review existing legislation according to its responsiveness to the rights of women and sexual/gender minorities and alignment and compliance

with international treaties and instruments. Address existing civil laws that codify discrimination and gender inequality, and support the legislation of an anti-discrimination bill.

- Review existing ICT policies and ensure that sexual rights – as a part of internet/human rights in general – are considered.
- Engage Congress, the executive, the Philippine Commission on Women, the Human Rights Commission, and the Information and Communications Office of the Department of Science and Technology (ICTO-DOST).<sup>47</sup>
- Ensure meaningful participation of women, as well as LGBTs and other marginalised sectors, in all stages of policy development and implementation.
- Focus on localisation. Promote gender-fair, human rights-based and ICT-enabling policies and programmes within local government units through local ordinances, frameworks and plans.
- Broaden awareness of ICT policy and internet governance. Address digital literacy in appropriate ICT skills, digital privacy and security, and online safety.
- Continue advocacy and activism both online and offline, and conduct public information and popular education campaigns on the issues of sexual rights and the internet.
- Ensure the inclusion of gender and ICT provisions in the envisioned Philippine Declaration on Internet Rights and Principles.<sup>48</sup>

<sup>47</sup> ICTO-DOST is the primary policy, planning, coordinating, implementing, regulating and administrative entity of the executive branch of government that will promote, develop and regulate integrated and strategic information and communications technology (ICT) systems and reliable and cost-efficient communication facilities and services.

<sup>48</sup> At the time of writing, the declaration has not yet been finalised and FMA is still conducting consultations.

# 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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