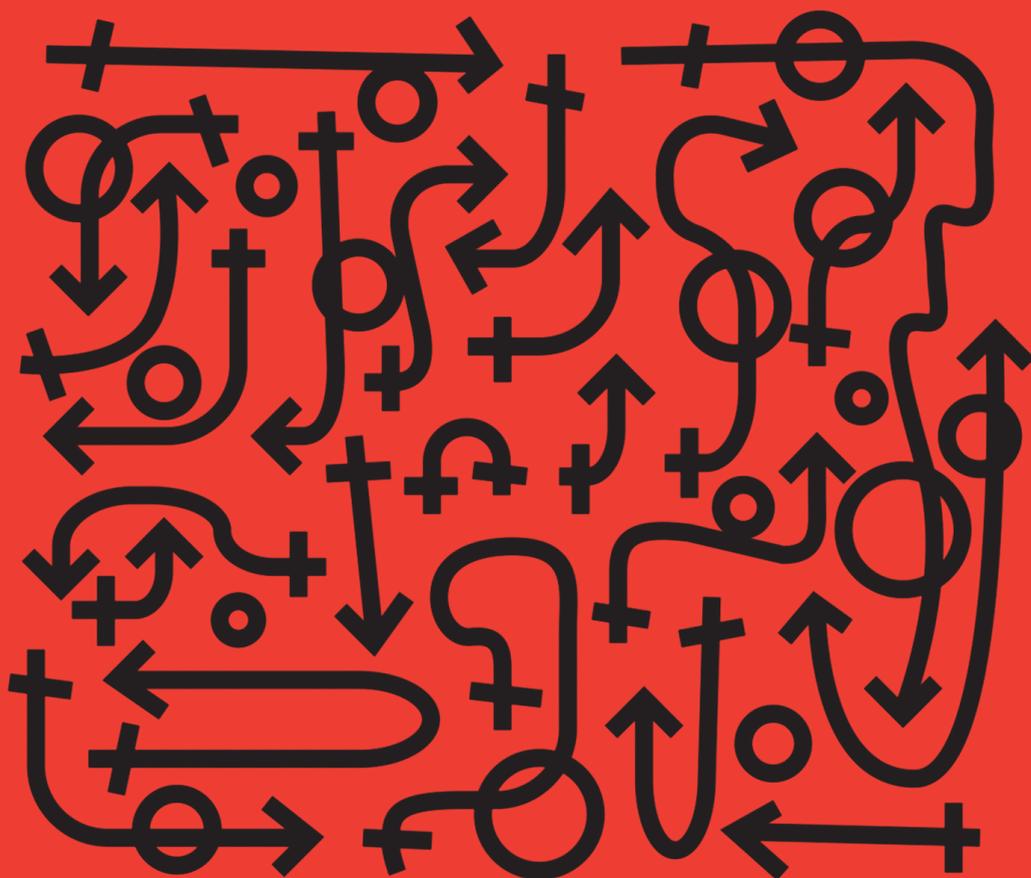


GLOBAL INFORMATION SOCIETY WATCH 2015

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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Financial support provided by

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APC and Hivos would like to thank the Swedish International Development Cooperation Agency (Sida) for its support for Global Information Society Watch 2015.



Published by APC and Hivos
2015

Printed in USA

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ISBN 978-92-95102-41-5
APC-201510-CIPP-R-EN-P-232



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Introduction

The rapid proliferation of information and communication technologies (ICTs) has changed the way people relate to each other and to the world. But these changes have not been equal for men and women. To believe that ICTs are neutral when it comes to gender inequalities that persist in our society helps to perpetuate those disparities in the virtual world.

For a long time only the benefits that ICTs brought to different fields and activities were emphasised, which led to them being considered a fundamental tool for social and political development. However, positive indicators on access to technologies enjoyed by men and women have pointed to a more complex phenomenon that amplifies and builds new, invisible inequalities.

When it comes to sexual rights, ICTs have allowed people to access more information, and to take action. Progressive policies on sexual rights online have also been developed, and ICTs have been used as tools to help both men and women improve their lives.

Uruguayan feminist organisations have been very active in promoting access to information and offering support through ICTs. In this regard, the work of organisations like *Mujeres en el Horno*,¹ *Mujer y Salud en Uruguay*² and *Cotidiano Mujer*³ stand out.

But it is also through ICTs that sexual rights are violated – especially those of women. In this context, it is necessary to address situations of sexual harassment and abuse that occur on the internet, and which are increasing worldwide, in order to promote appropriate regulation and to ensure the respect and fulfillment of sexual rights online.

Policy and political background

Uruguay has been rocked recently by several cases that went public and which relate to the use of images that affect women's sexuality. According to

the National Directorate for Combating Organised Crime, allegations of cyber crimes involving the dissemination of private images on social networks in Uruguay quadrupled between 2013 and 2014. In 2014 there were 450 cases reported, compared to only 120 in 2013.⁴ Extensive analysis on the subject and changes to legislation seem not to have had much effect.

In our country, research into the impact that ICTs have had on gender inequalities in different areas is still in its infancy, and there have been no studies on sexual rights online.

This lack of information, both quantitative and qualitative, perpetuates the invisibility of the issue of sexual rights online and contributes to us seeing online sexual violations as sporadic events that arise mainly as a result of the “excesses” that youth face. For example, recent changes in Uruguay's legislation in the field of sexual and reproductive rights⁵ have not taken the internet into account. Similarly, the law on domestic violence does not address the internet as a field that reproduces violence.

Public policies have not fully addressed this problem either. For example, the Sexual Education Programme, which targets children in elementary school but also young students in secondary education, does not include technology as a new space in which children and adolescents can interact. On the other hand, specific programmes aimed at boosting ICTs in the field of education⁶ do not consider sexual rights online. While there may be certain initiatives from different institutions, these are very specific and they are not anchored to a policy.

This regulatory and policy vacuum means that when sexual violations happen on the internet, the justice system does not have the appropriate framework to prosecute offenders. What usually happens is that the legal system refers to criminal law as it stands, but which does not account for the kinds of violations that happen online. This continues to perpetuate the invisibility of the violations, which

1 mujeresenelhorno.org

2 www.mysu.org.uy

3 www.cotidianomujer.org.uy/sitio

4 www.minterior.gub.uy/index.php?option=com_content&view=article&id=2490

5 Law on Voluntary Interruption of Pregnancy (18.897) and Law on Sexual and Reproductive Health (18.426).

6 See, for example, Plan Ceibal, the Uruguayan One Laptop per Child initiative: www.ceibal.edu.uy

first and foremost impact on the sexual rights of women.

Currently the government is working on a draft reform of the criminal code. However, the challenge remains of how exactly to introduce online sexual rights violations as a punishable offence.

“It’s just a game...”

The following two stories reported in the media illustrate forms of sexual violence using technology:⁷

An underage teen decided to break up with her boyfriend. The young man refused and said, “That’s not going to happen.” He threatened to upload intimate pictures in order to make her change her mind.

Four young men were riding in a truck when they saw a couple having sex – a man and a teenaged girl. Three of them got out of the vehicle and began to film the couple. The man who was having sex with the teenager pulled up his pants and left. The video was filmed by one of the young men and went viral through WhatsApp. The teenager told him to stop filming several times. She looked at the man who was filming and said: “Can you stop filming the video, please?” Nevertheless, he continued. One of the young men said: “This is going to go straight to Instagram.” The young woman told them repeatedly, “Get out of here. Stop. Seriously, please.” Instead, the man filming said to her: “Look at the camera. Say ‘Hi’. This video is going on Instagram, then to Twitter and after that it’ll be posted on Facebook and then it’s going to go to WhatsApp. From WhatsApp it’s going to go to YouTube and then we’ll be super popular. One million views at least.” The girl interrupted repeatedly, raising her voice, saying: “No, seriously, please.”

These situations seem to be on the increase. What they have in common is that when these images leave the sphere of intimacy, they contribute to strengthening the structure of traditional gender inequalities. An affirmation of stereotyped “being-a-man” behaviour takes place which influences the behaviours that occur in certain cases of abuse against women. Also, the stereotype of what it is to “be a woman” emerges as an underlying attribute of these abuses.

Expressions like “it’s just a game among friends” or “she was the first to lose control of her actions” are common reactions to these abuses of power. To a lesser extent, some people reject these situations as wrong.

Public discourse is usually framed by the same cultural and moral perspectives used to control women’s bodies. So, in many instances, when intimate images of women are distributed without permission, the images themselves are considered a corruption of social and family norms, rather than the circulation of the images being seen as violations of the right to integrity and autonomy. Consequently, the morality of the person who is the subject of the abuse is called into question, and the situation is considered an embarrassment to her – the reason why the circulation of the images by the perpetrator happens in the first place.

The situation may get to the point that when women who are victims of these abuses decide to act – which exposes them even more than they already have been – it is as if they do not have the right to do so. The mere fact of them being involved (apparently) voluntarily in making intimate videos or videos of them participating in group sex, or allowing themselves to be photographed consuming alcohol or taking drugs, is seen as reprehensible from a “moral” standpoint.

This allows us to see the different dimensions that violence against women can have online. At the very least it impacts on their right to privacy and protection of personal and sensitive information, their right to humane treatment, to bodily autonomy and their right to the opportunity to defend themselves, among others.⁸

From within the feminist movement, voices have called for debate on the necessary action that must be taken to regulate content published on the internet – content that affects women’s personal freedom and autonomy. Feminists point out the powerlessness of women in these kinds of situations, focusing the discussion on the violation of rights, rather than the usual approach that targets their sexual behaviour. These cases also show the lack of information that women, especially teenagers, have about their sexual rights and how vulnerable they are. Some organisations – such as the Uruguayan Network against Domestic and Sexual Violence⁹ and Women and Health in Uruguay – promote the adoption of a

7 These fragments were published online. See: www.elpais.com.uy/informacion/video-procesan-tres-jovenes.html; www.montevideo.com.uy/auc.aspx?224935; elpais.com/elpais/2014/07/28/planeta_futuro/1406558912_158366.html; www.elpais.com.uy/informacion/ong-reclaman-tipificar-abuso-sexual.html; www.lanacion.com.ar/1762548-uruguay-buscan-a-jovenes-que-divulgaron-un-video-de-un-supuesto-abuso-sexual-en-una-playa

8 Fascendini, F., & Fialová, K. (2011). *Voices from Digital Spaces: Technology-related violence against women*. Association for Progressive Communications. www.apc.org/en/pubs/voices-digital-spaces-technology-related-violence-o

9 www.violenciadomestica.org.uy

new criminal code which recognises the violation of rights online.

Their advocacy has been supported by studies which highlight the need for a model that guarantees that violations of people's rights online will be properly investigated. Recommendations have included developing specialised investigative processes and strengthening the justice system on specific topics such as domestic violence and sexual offences.

This debate is new in our country, but it needs to continue and to deepen. As Rita Segato¹⁰ has said, these abuses are not social anomalies. They are not the actions of individual deviants who are mentally ill, but expressions of a deep symbolic structure that organises our actions and fantasies, where the offender and the community share the gendered imagery, speak the same language, and understand each other.

Final remarks

To problematise this issue in public discourse it is essential to start challenging some situations that would otherwise pass as harmless jokes between friends. It is necessary to question these dismissive responses. It is necessary to emphasise that violence against women online, as a form of violence against women, is not just a "personal" problem, but enacts structures of power and violence rooted in society, and which have been made invisible through the unconscious acceptance of gender hierarchies. To discuss this in public moves the debate out of the realm of the personal, and begins to address the cultural dimensions that these situations involve.

Action steps

The feminist movement has played a key role in driving this debate forward. But in order to continue to deepen the public dialogue and to achieve concrete actions to address these issues, some of the following steps could be taken:

- Encourage a debate between civil society organisations and other actors on the reform of the criminal code, taking into account the impact of the internet on sexual rights, and the need to adapt legislation to the online reality.
- Build public policies that support people affected by online violations, including monitoring mechanisms and support for victims of online violence.
- Develop a campaign on the responsible use of the internet. Internet service providers should ensure that women using their services understand what behaviours put their safety at risk and how to prevent and stop online violations. The government should be involved in this campaign, and should involve different sectors such as education, health and culture.
- Promote debate and discussion generally at different levels (in schools, in the community, in the media, among others) to build awareness and understanding of online rights.

¹⁰ Segato, R. (2004). *Territorio, soberanía y crímenes de segundo estado: la escritura en el cuerpo de las mujeres asesinadas en Ciudad Juárez*. www.forosalud.org.pe/territorio_soberania.pdf

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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