

# EROTICS: Sexuality, freedom of expression and online censorship

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The internet has quickly become an important emerging public sphere where citizens, corporations, governments and non-state actors engage actively in discussions, debates and deliberations on a multitude of topics. For activists around the world, online spaces have also opened channels to amplify the voices of the marginalised, express dissent and channel counter-power. While women have been historically disadvantaged in terms of access and control of technology, feminist activists have taken advantage of the internet to organise, inform, mobilise and take action. In addition to obstacles to access and accessibility to information and communication technologies, feminist activists in Africa are increasingly facing a backlash in the presence of growing conservative forces often led by, or supported by, the religious and the traditional right. Sexual rights activists, like LGBTQI or reproductive health defence groups, are increasingly concerned by attempts by state and non-state actors to define and censor “harmful content” on the internet.

The EROTICS (Exploratory Research on Sexuality & ICTs) research project undertaken by the Association for Progressive Communications (APC), focused on marginalised sections of society who use the internet in the exercise of their sexual rights in Brazil, Lebanon, India, South Africa and the USA in its first phase from June 2008 to June 2011. The APC is currently engaging in the second phase of the project which, informed by the previous research, aims to build networks of internet and sexual rights activists involved in the exercise of sexual rights and citizenship on the internet and that can respond accordingly to attempts to regulate or censor internet content. Although on the African continent, with the exception of “Arab Spring” countries, there have been few attempts by state actors to implement censorship or regulation of sexual content on the internet, states in sub-Saharan Africa have been

proactive in restricting access to some websites or to mobile network services since the Egyptian and Tunisian uprisings. In addition, some religious right and children's rights lobby groups for example, have already tried to encourage legislation that would in effect ban access to all sexually related online content which they define as "obscene" or "pornographic" – irrespective of its "harmful or "pornographic" nature or conversely its educational or life-affirming content.

This paper looks at the first and the second phase of EROTICS through the specific lenses of access to information on sexuality, sexual health and sexual rights and the freedom of expression of marginalised sections of society, such as young women, transgender communities, lesbians, queer activists and feminist activists, more specifically in the African continent. This paper reflects on the research previously done in this project as well as our experience and discussions with sexual rights activists throughout our burgeoning network.

### **EROTICS in South Africa**

In the first phase of the EROTICS project, researchers in five countries, including South Africa, have been attempting to define how "emerging debates and the growing practice of regulation of online content either impede or facilitate different ways women use the internet and the impact this has on their sexual expression, sexualities and sexual health practices, and assertion of their sexual rights" (Kee, 2010: 2). The South African research, conducted by Jeanne Prinsloo, Relebohile Moletsane and Nicolene McLean focused particularly on lesbian and transgender people, their use and understanding of the internet to negotiate and perform their sexuality, as well as their understanding of the regulatory framework that could impact on the freedom of sexual expression (Kee, 2011). The research presents how transgender people converge at a popular transgender site to share their struggles in transitioning, including treatment options, unlearning dominant gender norms, celebrating achieved milestones and exchange experiences of discrimination faced.

Although South Africa enjoys a liberal constitution, non-heteronormative positions are often met with intolerance and violence. Prinsloo, Moletsane and McLean observed interactions in Gender Dynamix forums<sup>1</sup> which aside from providing a site for the exchange of information, is also a space where people can try out identities as well as perform and practice new gender identities.

Further interviews conducted with male-to-female and female-to-male respondents found that the internet is a crucial space for individuals to find more information and create a sense of community and solidarity in contrast with the “freakish” representation in mainstream media of transgender people. The researchers also looked at online lesbian communities (with mostly white respondents) to find that most online activity revolved around dating and lifestyle websites. As access to the internet in the country is closely linked to class and race as a result of apartheid, the researchers attributed the little participation of black lesbians to several factors, including less access to the internet and the greater risk of being outed in black communities. Overall, the South African EROTICS research shows contradictions between a progressive constitution which guarantees equal rights for the LGBTQI community and fosters freedom of expression, and punitive and censorial policies and regulations coupled with increasing violence towards sexual minorities.

### **Access, censorship and freedom of expression**

The research undertaken by Prinsloo, Moletsane and McLean, although restricted to South Africa, pinpoints important barriers for sexual rights activists in sub-Saharan Africa, starting with extremely unequal access to the internet and telecommunications in general. The continent still faces enormous challenges in terms of telecommunications infrastructure, which is concentrated in urban centres. Access to technology and more specifically internet access is limited by income, literacy and education but also gender (Gillwald *et al*, 2010). Mobile phones are increasingly pervasive on the continent (in general more than 40% of the population owns a mobile phone in Africa) and are considered a key entry point for internet access as owners of “feature phones” or smartphones are more numerous, with the use of social media platforms, such as Facebook often superseding or on the verge of replacing email (Stork *et al*, 2012). However, the lack of access for most of the continent to a broadband connection brings into question the type and the quality of content that sexual rights activists are able to access. Access to the internet primarily through mobile phones brings also important limitations, as websites are often not mobile friendly, and it might therefore be difficult to access content or to create content that goes beyond short messages. In addition, closed network infrastructure and “walled gardens” – when mobile service providers or governments either restrict access to the whole internet or

shape what content the user can see while using a specific provider – are on the rise. While limits to access curtail the freedom of expression of everyone, they impede more particularly the ability to access information related to sexual minorities or reproductive rights. In a continent where many countries have identified, for example, homosexuality and abortion as illegal, and where women are often subjected to patriarchal authority, the potential of the internet as an alternative public sphere where identities can be reinvented and taboos circumvented is out of reach for most grassroots sexual rights activists.

While most African countries do not have a history of internet censorship, the continent has experienced media censorship and restriction to freedom of expression despite constitutions guaranteeing these rights. In recent years, often on the pretext of national security, governments have shut down telecommunications networks to thwart dissent and protest actions. For example: in September 2010, unable to stop mass protests against rises in the cost of living, organised through SMS, the Mozambican government requested that mobile phone operators shut down SMS services (Gaster, 2011). In Cameroon, fearing protests that are organised yearly since 2008 when violent protests shook the regime of Paul Biya, the government asked one of the main mobile phone operators in the country to suspend its SMS-to-Twitter service for 10 days in February 2011 (Siyam *et al*, 2011). Increased control of the internet and mobile phone networks have also been observed in Ethiopia, Uganda, Burundi, Ivory Coast, Zambia, (York, 2011; Heacock, 2009). Although these examples of state repression of activism do not relate to sexual rights, the potential effect of state control over freedom of expression, and the surveillance of activists through online platforms or mobile communications is worrying. The previous examples also show that it is increasingly easy for governments to shut down mobile networks which points out the precariousness and limitations of relying solely on mobiles as a key entry point for internet access in the continent.

### **Threats, pornography and obscenity: Upholding morals?**

As the use of social media platforms in activism has blurred the conceptual distinctions between the public and the private spheres, the politics of the personal have scaled the ramparts of tradition online. This online public sphere has also become a reflection of society where sexual rights activists can face harassment and intimidation. In the ongoing second phase of the

EROTICS project, where we are working to foster networks of advocates on internet regulation and sexual rights, learning how to curb cyber-harassment and communicate online securely has been one of the main concerns expressed by the participating activists. A youth and sexual rights activist in India for one said:

Ever since we started advocating for sexual education stuff... on our website, I get death threats saying that we are spoiling Indian culture. I keep ignoring, but I wonder if there is a time one should turn around and say something. (EROTICS India workshop, February 2013)

As much as the Web has allowed for the expression of multiple identities and online anonymity, security is often crucial for sexual rights activists who face arrest, prosecution or persecution if their identities were to be exposed. The murder of David Kato in 2011, a prominent gay rights activist in Uganda, following the publication of his name in a tabloid under the headline “Kill the Gays,” is an illustration of the risks that sexual rights activists face in some countries of the continent. Although there is no clear report of internet censorship or surveillance in Uganda, the current proposed “anti-gay bill” that is before parliament seeks to further criminalise the LGBTQI community in the country. In this context, it is not irrational to fear that the ongoing harassment and criminalisation of sexual rights activists can be transposed to the online environment.

Furthermore, policies and regulations that aim to censor pornography, often brought by children’s safety advocacy groups or law enforcement groups on the basis of morality, often end up restricting content of a sexual nature. Defining what constitutes pornography and harmful sexual content can be extremely difficult and varies according to culture, values and traditions from one country to another. When discussing censorship of sexual content, it is more helpful to frame the debate based on a framework of rights where a balance between rights, interests and recognition and protection of the rights of the diverse groups that constitute our society and our world including the rights of the marginalised – as opposed to a protectionist framework which can act to further disempower those who are already marginalised. In the framework of the EROTICS research, Kee questions the assumptions of the harmful nature of pornography:

Is it the exploitative dimensions of the pornographic industry that is problematic, or is there something inherently harmful in the explicit depiction of sexualised bodies? How then do we draw the line between, for example, artistic expression (which has a long history of censorship), fantasy (the Children's Internet Protection Act in the US also prohibits illustrations and animation), and potential harmful representation? (Kee, 2011: 14)

In the context where culture and social norms surrounding sexuality are often regulated by states and non-state actors who act as protectors of public morals with the frequent support of the religious right or conservative groups, a feminist critique of the gender normative order must challenge these different stakeholders. Corporate actors such as internet service providers or social media platforms, who often take the side of internet freedom in public discourse, have often censored sexual speech for questionable reasons. Feminists are increasingly challenging Facebook's content policies (see for example Nickerson, 2013), where pictures of women breastfeeding or graphic educative illustrations of genitalia has been censored while pornographic pages or pages promoting violence against women are deemed acceptable. Censorship of internet sexual content, deemed as pornographic by conservative stakeholders can, as the case illustrated above, restrict access to sexual education and hampers women's rights of control over their bodies while supporting a misogynist discourse.

### **Towards an online sexual citizenship**

Despite the threats and obstacles discussed in this article, we strongly believe, supported by our research findings and by the ongoing discussions that we have with our partners in the EROTICS project, that the internet is a crucial space to advocate for the advancement of sexual rights, towards ending discrimination and violence against women and sexual minorities and to foster public participation in various democratic debates. Sexual rights and internet rights activists do not often cross paths in their areas of work, and we do see a need for a better understanding of the area of technology and sexuality to foster strong democratic debates combining the issues of internet governance and social justice that respects sexual diversity.

## Endnotes

1. Available at <<http://www.genderdynamix.org.za/>>.

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