What is the value of the internet in the exercise of rights?

The rapid development and growth of internet access and services in the last two decades indicate its central role in current social, political, economic and cultural life. The internet has been a key space to facilitate the exercise of fundamental rights and freedoms, especially to access critical information, build knowledge, express thoughts and beliefs, form networks and communities and mobilise for change. For people who have little access to other kinds of publics due to the multiple forms of discrimination that they face - including their gender, age, class or sexuality - the internet can be a particularly important space to negotiate and claim for the realisation of their rights.

However, the internet is increasingly being regulated by governments, private entities and other actors. Often, efforts to regulate the free flow of information, expression and practices online are argued from the need to regulate and preserve gender and sexual norms. This is also supported by conservative forces that often act from a moralist standpoint. The most familiar forms of restricted content and high-risk activities online centre around pornography, and increasingly, the protection of children from sexual harm. However, policy debates and developments rarely take into account the perspectives of these intended beneficiaries.

The EROTICS research aims to bridge the gap between policy and legislative measures that regulate content and practice on the internet, and the actual lived practices, experiences and concerns of internet users in the exercise of their sexual rights. It aims to promote evidence-based policy making by engaging in on-the-ground research with a range of internet users - especially those most affected by internet regulation measures, including young women and people of diverse sexualities - to inform and guide policy making for a more accountable process of decision-making.
The project is by the Association for Progressive Communications and was conducted in five countries - Brazil, India, Lebanon, South Africa and the United States - from 2008 to 2010 to answer the question:

How may emerging debates and the growing practice of regulation of online content either impede or facilitate different ways women use the internet and the impact on their sexual expression, sexualities and sexual health practices, and assertion of their sexual rights?

Or expressed differently:

- How does the internet facilitate the exercise of sexual rights and the expression of sexualities, particularly of women living in different socio-political, economic and cultural contexts?
- How does emerging regulation online affect this ability?

This brief outlines the research scope and findings by each of the partnering country research teams. Each country research documented and studied particular communities and issues that were found to resonate most strongly with the main research questions. As such, a rich body of knowledge has been produced that forefronts the voices, concerns, perspectives and experiences of a diverse range of internet users who are invested in the use of the internet in the exercise and expression of their sexuality and sexual rights, which are analysed against the policy and legislative landscape and current trends in internet regulation in the country.

Some of the highlights that have emerged from the research include:

- The unexpected and deeply engaged ways that young women in Mumbai negotiate risks online as they strategically use the medium to explore, define and challenge boundaries of gender and sexual norms. How does emerging regulation online affect this ability?
- The contradiction between constitutional protections and legislative measures that have the impact of censorship, and how this can constrain the internet’s democratising and empowering potential for lesbians and transgender people in South Africa who use it to construct and perform their identities.
- The parallel development of the internet and the queer movement in Lebanon, how this has supported the critically valued self-representation of its politics and identity, and how the openness of the internet is currently under threat with the introduction of new punitive legislation.
- The arbitrary and unaccountable nature of mandated internet filtering in publicly-funded libraries in the United States, and how this may not only fail to meet its intended objective of protecting young people from potentially harmful content, but may place them under further risk by denying them access to critical information.
- The disjunct between the centrality of sexuality in the dynamic and complex policy shifts on internet regulation in Brazil, and the relatively muted awareness and participation by women’s rights, feminists and sexual rights movements in the debate offline, in contrast to the vibrant activism, investment and engagement in the topic demonstrated by a diverse range of individual users online.

The executive summaries that follow provide an overview of the research endeavours, and surfaces the key areas of concern, interest and interrogation in the findings. They give a compelling glimpse into the richness of the research universe, and the complexity of the subject. The full country reports together with a cross-country analysis will be published in a special edition on www.genderIT.org in May 2011.

For more information on the project, including articles on the initial findings, go to http://erotics.apc.org
A Brazilian constitutional reform in 1988 delivered a bill of rights solidly grounded in human rights and democratic principles of non-discrimination, freedom, equality and equity, the right to privacy, gender and racial equality and due judicial process. The constitutional text also gives priority to the protection of children’s rights, and after ratifying the UN Convention on the Rights of the Child (CRC, 1989), the Child and Adolescent Statute was adopted (1990). The current state institutional framework also privileges citizens’ participation in government affairs through public consultations and a sizeable development of civil society organisations.

Despite its institutional development and political stability, challenges to gender and sexual justice persist. Abortion remains illegal (except in the case of rape and life risk), levels of violence against LGBT (lesbian, gay, bisexual, transsexual and transgender) persons are high and conservative religious leaders who have accumulated political power in recent years systematically oppose and attack the sexual rights agenda. While a broad and diverse constituency supports the protection of children’s and adolescents’ rights, calls for gender equality and LGBT rights face strong cultural resistance.

In 2009, 67.5 million people in Brazil had internet access, with a recent increase among women, teenagers and children. Participation in social networking platforms such as Orkut is particularly significant. In 2008, roughly 50 percent of Orkut worldwide membership was Brazilian (around 23 million people). The web has multiplied and amplified people’s capacity to get information, engage in exchanges and mobilise politically, bringing novel notions of interactivity to the logics of public sphere dynamics. Web exchanges and performances have the virtue of forming and re-shaping subjectivities, gender and sexual hierarchies. Sexual expression and communication, and the performance, empowerment, and contestation of sexual identities are characteristic of online social networking activity. The development of sexuality in this environment promises pleasure and represents danger, as appropriated by actors with different moral engagements. In other words, the internet is a space propitious to non-(hetero)normative expressions, and is subject to a regulating discipline.

This research examines internet practices, regulation initiatives, public debates, legal instruments and public policies, as related to the performance of sexuality, online
citizenship and freedom of expression in Brazil.

The study is comprised of two components. One examines the Brazilian internet regulation debates in search for connections, disjuncts and blind spots at the intersection between legislative and law-enforcement investments, sexuality and human rights, within the conceptual framework of democratic deliberation. Discourses and policy addressing paedophilia and child pornography and their effects on the regulatory debate were investigated, as well as the engagement (or absence) of key actors from the field of sexual rights. Additionally, the process leading to the proposal of a Civil Framework for Internet Regulation was monitored as part of the public debate on internet regulation and its effects on the exercise of sexuality online.

The other component of the study addressed online practices by internet users by means of an ethnographic approach, which meant accessing virtual spaces for direct observation of virtual sociability. This was based on the assumption that web exchanges and performances have the virtue of forming and re-shaping not only subjectivities, but also public opinion. Two online social domains were examined. The first involved online expressions of anti-lesbian prejudice and the struggle of lesbians and sympathisers who respond to them as they exercised their creativity to contest mockery and verbal harassment. The second was a virtual community of individuals engaged in an effort to legitimise lust and romantic relationships between adults and adolescents, while contesting them being labelled as a “paedophile” movement.

The shifting legal and policy landscape on internet regulation

The Internet Steering Committee (CGI.br), created in 1995, acts as the main internet regulatory body in the country. Its members include representatives from government, the private sector and civil society. Brazilian legislators moved in the same direction as countries and regions which adopted a criminal approach to internet regulation, such as the Digital Millennium Copyright Act (US) and the Budapest Convention (EU). Since 1999, draft bills aimed at the use of criminal law to regulate internet traffic have been debated at the Congress level. In the same period, web-based child sexual exploitation gained visibility, and in the 2000s a series of law enforcement operations and legislative initiatives addressed web-based child pornography, as well as cyber fraud, data appropriation and racism. The approval of the “Azeredo Bill” by the Senate is a highlight in this process. A crosscurrent of interests played behind it: the bank system, phonographic companies, law enforcement agencies, actors concerned with national security and child protection groups.

A lawsuit against Google for not providing access to data on users suspected of taking part in child pornography networks gained global visibility and forced the company to sign an agreement to allow the monitoring of web based crimes and rapid access to data requested by the judiciary. In early 2008 a Parliamentary Inquiry Commission (CPI) on Web-based Paedophilia was established at Congress level, presided by a senator/evangelical minister, known for his stand against abortion and homosexuality. Calls for the criminalisation of web-based child pornography and paedophilia, which had spiralled around the “Azeredo Bill”, had a catalysing effect on the dynamics leading to its approval. As a response, Brazilian cyber and communications activists mobilised in opposition to the bill. Petitions calling for a presidential veto triggered a series of public events in 2009 which became known as the “Mega NO” campaign.

In early 2009 CGI.br issued a Decalogue of Principles grounded on human rights premises, bringing a different approach to internet regulation. In response to this convergence of interests the President’s Office requested that a juridical alternative to the “Azeredo Bill” be explored. In October 2009 an online public consultation was launched to build the foundations for a Civil Framework on Internet Regulation. From there, a draft was posted for open consultation in April 2010 and by June, was submitted to the House.

These recent debates have been a noteworthy experience of democratic deliberation. For the first time in Brazil, a piece of legislation was drafted based on a public e-consultation. The Civil Framework introduced a shift from the appeal of a criminal justice approach to a human rights and civil law perspective, critical in relation to
internet rules and regulation. This e-consultation created a new field for democratic deliberation which allowed equal access to all actors interested, regardless of their economic and political power. The same rules applied to state institutions (such as law enforcement agencies), private companies, users and activists. However, some actors expressed caution and challenges to the development of this process were identified. For instance, in contrast to the mobilising effect of the proposed “Azeredo Bill,” the e-consultation did not catalyse substantive dialogue, interaction or joint actions between child protection advocates, feminists, LGBT rights advocates and cyber activists. This absence of conversation among relevant civil society actors apparently led to their failure to compete with the discourse on protection, abuse and sexual morality deployed by conservative religious voices.

The partial approval of the “Azeredo Bill” has not led to the immediate adoption of strict censorship of the internet. However, alarm about online child abuse and control initiatives often based on distorted descriptions of the problem have been disseminated in society, fostering a sense of moral anxiety. Such a climate might propel resistance to sexual rights broadly speaking, and restrict the space for and terms of debate around sexuality issues. For instance, no consistent public discussion has developed in relation to legal inconsistencies, the unanticipated effects of criminalising the possession of child pornography or the calls to raise the age of sexual consent from 14 to 18 - to ensure harmonisation with US and European legislation - fuelled by the struggle against web-based child pornography.

**Sexuality on the internet**

In Brazil, online social networks such as Orkut, Twitter and Facebook have become a privileged means of communication for the LGBT public, particularly among youths who make novel, meaningful appropriations of these spaces. These platforms have also allowed people whose sexual orientations, experiences or identities are marginalised to meet online and interact, creating new forms of sociability and organisation or re-creating old ones.

Leskut (a contraction of “Lesbian and Orkut”) is a member-only community on the Ning social networking platform for lesbian and bisexual women, where male participation and explicit sexual content are prohibited. Rules are enforced by an active moderation team who exercise their power to protect community members from unwanted intrusions. This moderation style illustrates a particular view on the role of self-regulation as a means of identity affirmation and community building.

There is another form of pro-lesbian mobilisation that takes place in Orkut. In response to online anti-lesbian bullies, some members (including self-identified lesbians as well as female and male sympathizers) post comments as a protest against lesbophobia. Most of these exchanges are jocular. While not regarded as “activism” in terms of established conventions of offline politics, such engagement is a meaningful form of sexual affirmation, struggle against prejudice and hate speech and in the search for online safety.

A third form of identity affirmation and community building found in Orkut is the “Against Inter-Age Prejudice” community, whose forum addresses love and lust between adults and adolescents. While disclaiming public assessments of their orientation as either a psychiatric diagnosis or a crime, community members debate law-making and law-enforcement investments against paedophilia, as well as restrictive age of consent regulation. This presents an interesting, if uncomfortable counter-discourse to the overall climate of moral anxiety around paedophilia.

**The complex terrain of political change, sexual movements and agency**

While reports and proposals in relation to child protection have had an impact on Brazilian debates about web regulation, this episode should not be read in isolation, but as one piece of a broader puzzle, namely, the meanings and direction of the Brazilian democratic experience. Agendas are clearly fragmented, as constituencies engaged in sexual rights, child protection and cyberpolitics debates have not met the challenge of openly addressing controversial issues such as (i) the need to distinguish between paedophilia (a psychiatric...
term), child pornography (a criminal law term) and sexual abuse and exploitation of children and adolescents (a human rights language); (ii) the implications of resorting to criminal law as a means of social regulation and social pedagogy; or (iii) the implications of raising the age of sexual content. Engaging those issues collectively would mean expanding the boundaries and contents of democratic deliberation significantly.

The case study on national level debates suggests that Brazilian web regulation could benefit from a balancing of rights perspective, aimed at striking a consensus on the parameters to guide on the one hand, the adoption of normative measures with respect to child protection from sexual abuse and on the other, curtail potential restrictions on the discourses and proposals concerning sexual rights. To form a solid enough balance requires systematic deliberation across different constituencies and perspectives, which has not happened so far.

A cross-dialogue between child protection advocates, feminists, LGBT rights activists and the cyberpolitics communities is not an easy task. Within the human rights conceptual framework it is neither simple nor easy to disentangle the structural tension between agency and consent on the one hand, and coercion, domination and violence on the other.

This is further complicated by the kinds of “political activism” that takes place by the diverse range of users and interests as shown through the online ethnographic study. Although it revealed a wide proliferation of discourses on sex and expressions of sexuality, the liberal idea of internet users as autonomous subjects - equally endowed with free will and fully accountable for their acts - as ideal citizens of the digital era should be questioned. This needs to take into account sources of inequality expressed not only by differentials in access and digital literacy, but also by broad forms of symbolic domination, processes of class formation and the operation of numerous markers of distinction. The way internet regulation discussions are framed politically simplifies and naturalizes a monolithic conception of an internet “user” as a self-consistent subject, without taking into account the ways these subjects are construed on the internet.

Orkut community activity challenges the assumption of consistency between subjects and their “politics”. “Political action” is an analytical concept, whereas individuals act according to multiple contexts, networks connections and forms of reflexivity. The use of ICTs is intersected by social hierarchies. Regulation initiatives, as well as the acts of violence and expressiveness observed, show and reaffirm those hierarchies. Online communities - as public/private hybrids - greatly facilitates identity affirmation and the expression of sexuality, which speaks to the internet’s potential regarding sexuality and freedom of expression. This field is political in unconventional ways, as interactions that take place there could hardly take place elsewhere.

The mobilisation of women and men on behalf of lesbians in response to attacks on their right to freely exercise their sexuality challenges conventional understandings of what should be considered activism. In the same manner, the creation of an online community to openly address the controversial issues of inter-age sexual relationships -where the CPI on Paedophilia is openly criticised - reveals an awareness of connections between current internet regulation debates and sexuality, which are nowhere else to be found.

These experiences contrast in many ways with established forms of state and media centred offline activism. The dynamics at play in these online spaces are not trivial in light of a social, political and policymaking environment where, on the one hand, the spectre of child pornography is mobilised to justify law enforcement’s unrestricted access to logs; and on the other hand, the national LGBT movement has made the criminalisation of homophobic speech their legal reform flagship. Moral panics do not (only) produce censorship, but specific forms of knowledge about the behaviours and subjects under moral attack, and those portrayed as victims.

The interaction between online aggressors and their targets, unique due to the interactivity and anonymity facilitated by internet technology can produce changes in perceptions and practices, and serves as a counterpoint to the observation that internet users - including Brazilian feminist and LGBT activists and organisations - have neither invested on internet regulation debate nor on the controversies around child pornography that “contaminate” that debate. In contrast with the
apparently low level of engagement by more formal sexual rights activists with these debates, the everyday investments of individuals in the two online spaces studied seem relevant. Initiatives to regulate the internet more restrictively might also restrict the voices of those who respond to bullying, since they might enable aggressors to mobilise censorship tools against the speech of those who respond to attacks.

While possibly disturbing to some, the case of the community “against Inter-Age prejudice” (arguably a euphemistic name for paedophilia, broadly defined) might also serve as provocation, a test to the complexities and disruptions potentially introduced in discussions about free speech or to expected alignments in the struggle for sexual rights, on the one hand, and freedom of expression and rights to information on the other.
Current directions and recent actions in information and communications technology (ICT) law and policy reflect anxieties around cyberterrorism, resulting in greater regulation of cybercafes, a preoccupation with censoring “obscene” content and protection of children from online harm and sexual content. There are two problems with this: one, that these concerns are not derived from an evidence base and two, that the realities of women users and young people are notably absent. The EROTICS research in India aims to fill these gaps by documenting the experiences of internet use by middle-class women in urban India, and bring to the table their voices and concerns. In doing so, it contributes to build an evidence base that reflects the realities and concerns of users that can guide internet law and policy in India.

This study records how women and young people in particular - given their increasing use of the internet - access and use the internet in the following areas:

- In their everyday lives, particularly in terms of social networking sites, blogging and online activism.
- Sexual content, experiences and relationships.
- How they negotiate its dangers and protect themselves.
- What they think about content regulation.
- Their strategies to keep children safe online.
- And how the gendered politics of internet access impact on their lives.

A feminist approach guided the design and execution of the research.

The study comprised:

- A detailed mapping of internet use and regulation in India.
- A quantitative survey of 150 young people (120 women and a small control sample of 30 men, aged 18 to 25, mostly students) to assess broad trends and their access to and use of the internet.
- And a qualitative study of the internet experiences of women users through in-depth interviews with
31 respondents. Those interviewed were 27 women and a small control sample of 4 men, aged 18 to 54, all regular internet users including young people, students, housewives, professional/working women, bloggers, queer women, older women.

An effort was made to include disabled women but it was not possible to access disabled women internet users within the limitations of the research. In-depth interviews typically took 90 minutes and were conducted in public locations like coffee shops and cafes. In a few cases interviews were conducted in the homes of respondents if that was more convenient and secure. Given the limitations of time, scope and resources the study was conducted only in Mumbai, the city with the highest number of internet users in the country. The research was conducted from November to December 2009.

Pleasures and dangers

The survey results indicate that young people typically perceive the internet as essential to succeed in modern India due to its global reach and access to diverse forms of information. Respondents alluded to the two-sided nature of the internet, referring to both its pleasures and dangers. Internet addictions rated very highly as a cause for concern in this group, as well as not being able to trust strangers online and a concern for the safety of personal information online. Those surveyed did not face many restrictions in internet access, although young women do report infrastructural issues like poor connections and power failure, as well as feeling uncomfortable in cybercafes. Parental or spousal objections were also cited as a significant barrier in free and complete access to the internet. Women reported that access to sexual content online was “immoral” and “unhealthy”. Strikingly, survey respondents were cautious about responding to questions around sex and sexuality and very few reported they accessed the internet for anything related to sexuality. This is in direct contradiction with the results of the qualitative survey, and indicates that an inquiry into sexuality on the internet is likely to yield richer data when qualitative methods are used.

The qualitative research through in-depth interviews with regular internet users resulted in rich and interesting data on the internet use by women. The sample of interviewees was primarily middle class, with most respondents (with the exception of students under 25) working outside the home. The sample had almost unrestricted access to the internet and faced few limitations. Social networking sites and online chatting are the most popular and regularly accessed online spaces, particularly by younger respondents. This sample does not routinely access cybercafes because they have personal internet access either at home or on their mobile phones. Women in this sample felt cybercafes are unpleasant spaces to be in, citing them as overcrowded, noisy, not private, populated by men surfing pornography and working class people. Women bloggers have a sustained relationship with the internet which offers them numerous opportunities for self expression, and allows them to challenge received ideas about what is appropriate for women to speak of. Queer identified respondents felt that the internet provides immeasurable freedoms - particularly under conditions of criminalisation and being closeted - to find partners, social networks and for activism.

Young women were vocal about the excitement in making friends with strangers online through chatting; and social networking sites allow them a certain freedom to mingle with the opposite sex and display themselves wearing “sexy” clothes – all of which are strictly regulated in their offline worlds. This gives them a sense of agency and thrill. However, this group of women is highly aware of having their online behaviour controlled by family members and other known people and report being cautious about how their online personas may have repercussions on their offline freedoms, particularly the freedom to access the internet. Family honour is at stake for women if knowledge of their online behaviour came to light.

However, women interviewed were fairly conservative on what they did online: flirting, romance, viewing “hot pictures” or “sexy videos”. Older women also access the internet through social networking sites, although more to re-establish contact with old friends rather than to make new ones. Access to dates and potential life partners were significant in the lives of some women who are using the internet. Access to pornography was not considered taboo in this sample. Respondents spoke about it casually, and it is seen as something that is for pleasure and to
enhance an intimate relationship. Children’s access to sexual content on the internet however, was a cause for concern across the sample.

**Negotiating risks**

Regulation of online content was not perceived as being a viable or effective option because of the convergence of various media, and importantly, because adults recognized their right to access sexual content for their own pleasure. According to respondents, the sexual content accessed online is not restricted to a category called “pornography”. Moreover, respondents themselves produce sexualized imagery and speech to share online. Online dating and matrimonial sites were also very popular with young men and women. However, chatting through dedicated chat sites and on social networking sites was the most preferred option to find casual partners for online or offline romance.

Women say that online harassment they face occurs mainly in chat forums when strangers pester them to talk or say inappropriate (sexual) things. Sometimes, strangers they meet online and have either casual, flirtatious or intimate friendships with threaten to blackmail them if they do not take these relationships further. Other forms of online harm women experience is when their email or social networking profiles are hacked into, phished and manipulated. Women are also extremely concerned about how their personal images on social networking sites can be used and manipulated. Often, male friends and acquaintances are responsible for this - when women post pictures that are “too sexy” online, their friends want to rein them in “for their own good”. In terms of strategies to be safe, women say they do not share personal or location data with strangers, and change their passwords regularly. When young women post sexy pictures of themselves they also internalize socially imposed limits to what is “appropriate” and devise methods for self-regulation to ensure that they do not get unwanted attention. In online chats, women also use aliases and fictitious names to protect their identities. Women who are confident of staying safe on the internet report that it is more important to be confident and to know how to take care of oneself online. The most frequently cited harmful content online were child pornography, anti-national and hate speech, and viruses.

Access by children and teenagers to the internet is a cause for concern because sexual content is so freely available. A less frequently mentioned but significant concern is that children could befriend adult strangers on social networking sites. Mothers in the sample tend to monitor their children’s internet use in a variety of ways such as using filtering software, password-protecting and monitoring internet access and browsing histories. Some are uncomfortable with their children visiting cybercafes. Some respondents also monitor younger brothers, sisters, cousins and so on. Most respondents believed that it was more important to talk to and educate children about the risks present online. However, with few resources and little guidance on how exactly to talk about sexual content and potential dangers on the internet, parents interviewed felt somewhat uncomfortable and limited in their approaches to keeping children safe online.

The people interviewed in the quantitative and qualitative studies were generally unaware of the laws and policies relating to the internet. There was little awareness of the IT act and the governmental role in regulation. Few favoured governmental control of the internet and the qualitative sample was generally against the idea of content filtering online. The internet undoubtedly allows women to find voice, agency and self expression through the internet, securing their sexuality rights and communication rights, but not without having to negotiate the offline controls and limitations that exist.
WHO’S AFRAID OF THE BIG BAD INTERNET?
INTERNET REGULATION AND THE QUEER MOVEMENT IN LEBANON

Nadine Moawad and Tamara Qiblawi

CONTEXT

The EROTICS research in Lebanon investigated the relationship between the internet in Lebanon and the queer women’s movement since the late 1990s till the present day. It aimed to examine the history and strategies of internet usage by queer women in order to better understand the enabling environment of a free and open internet in Lebanon, which is in contrast to highly censored internet in neighbouring Arab countries. The research also looked at the usage of information and communication technologies (ICT) to express sexual identities, negotiate anonymity and privacy online, organise and vocalise queer issues within the Arab blogosphere. In 2010, the intersection of a communications rights movement and the queer women’s movement became tangible with the sudden proposal of an ICT law to censor and regulate Lebanese internet. This movement to control the internet, influenced by regional and global politics, thus became a significant part of the research.

The arrival of the internet in the late 1990s provided a much-needed platform of anonymity and secrecy for gay and lesbian individuals to search for each other using international gay websites. Soon after, Lebanese websites, chat rooms, mailing lists and other online technologies were created by LGBT (lesbian, gay, bisexual, transsexual and transgender) individuals to provide community services, which mostly revolved around dating and chatting. As internet technologies became more sophisticated, in parallel, the LGBT community grew in numbers and political will. The community became more organised and more strategic in its use of the internet to achieve its goals. The women in particular, who started out as a lesbian community project in the mid-2000s and morphed into a queer feminist movement over the years, have had a mutually influential relationship with the Lebanese internet landscape.

The research in Lebanon is a first of its kind. The research team was composed mostly of queer activists, who have been first hand witnesses and agents of the movement in various capacities. The team included 6 interviewers / transcribers and two writers. The research started in August 2009 and ended in August 2010. The process took place on two planes of activity that we try to show to be highly inter-related: the Lebanese queer women’s movement and the ICT environment in Lebanon.
First we studied the ICT environment as an independent sphere and aimed to flesh out its dynamics with issues of regulation, monitoring, and censorship as central components. A number of stakeholders were interviewed including policy experts, bloggers, digital activists and hackers. We also looked at literature that explained regulation methods, political agreements and legal charges related to the internet.

In parallel we studied the queer women’s movement in Lebanon by looking in particular at its ICT usage, strategies and reflections. We interviewed 12 women activists who identified as queer, aged between 20 and 35. The questions were divided into two sections: first, their personal relationship with the internet; and second, their activist strategies, detailing how each different ICT came into use and/or faded out of usage. We also interviewed 4 gay men activists to examine the gender component of ICT usage within the mainstream, male-dominated LGBT movement. The in-depth interviews served as the basis of the research analysis, along with literature reviews of studies and press articles, and writings of the queer women’s community in the form of articles, blog posts and a book.

Who is watching the internet?

At first glance, Lebanese internet looked like a free and open medium but further research quickly revealed the vulnerability of online freedoms and the rising influence of movements to control internet usage in three main ways:

- First: Legal restrictions were extended to the internet realm arbitrarily and involved lawsuits or arrests based on things like Facebook comments, registering domain names and blog posts. This is despite that there is no clear law that governs the internet.

- Second: In the midst of strongly censored neighbours like Egypt, Jordan and Syria, Lebanon enjoys an online freedom that is hampered strongly by a very slow and very expensive internet connection. Lebanon is currently ranked among the lowest in the world in terms of download (rank: 165 / 178) and upload (rank: 175 / 178) speeds. Online activists have speculated that the slow internet is in itself a form of censorship.

- Third: Monitoring rates are very high. Internet Service Providers (ISPs) in Lebanon are legally required to monitor and maintain logs of all sites visited by their users for two years. Research also revealed that the United States was granted access to the Lebanese communications network (TETRA) as part of a “donation deal” with the United States Agency for International Development (USAID). TETRA gives access to mobile and land communications and also provides the Geographic Information System - a system that contains all the geographical data such as streets, buildings, banks, embassies and main internal security quarters. This access to information can be considered a major breach of national security because of the US relations with Israel, an enemy state of Lebanon. In addition, the USAID funding agreement includes policy recommendations to limit internet access for child protection reasons, which could have censorship implications on all sexuality-related material.

In June 2010, a draft internet law was suddenly placed for vote in the Lebanese parliament. It suggested the establishment of an Electronic Signatures and Services Authority that would have legal powers to access information on citizens’ internet usage, their personal accounts, confiscate laptops and other equipment and monitor online content. Although the law was proposed arbitrarily (it was literally randomly pulled out of a four-year-old pile of draft laws), it demonstrated two important things:

- The vulnerability of the Lebanese internet freedoms. Activists speculated that improvements to the infrastructure would lead to a flourishing e-commerce industry, which would then lead to lobby for stricter online control and legal surveillance.

- The effective presence of the queer lobby within the movement for communications rights. Queer activists were quick to raise concerns about censorship of issues related to sexuality and ramifications for the LGBT movement.

Thanks to the lobby work of the alliance of digital activists and organisations, the law did not pass the parliamentary
vote and was adjourned for further discussion.

Online by force, online by choice: “We must write”

We noticed a major shift in strategy in the historical relationship of the queer movement with the internet over the past twelve years. LGBT activists began their work online in chat rooms, websites and mailing lists by force because of their limited access to public spheres dominated by homophobia that could lead to social stigma and/or imprisonment. They had few other choices. In 2003 to 2007, there was a strong offline emergence of LGBT visibility: clubs, restaurants, organisations, events, media appearances and other such public activities. The attitude towards online queer spaces switched to disdain. Gay chat rooms and profile websites were seen as “trashy” and as serving the sole purpose of meeting for sex.

In 2008, we saw a strong return (led by women) to the internet as the primary site of organising, less by force now and more by a strategic choice of the internet as a valuable and important medium. Queer women used a large variety of available internet communication technologies to express their sexualities, tell their stories, raise awareness, demand equality and reach out to other women to join the community. With the rise in the power of user-generated online content, the blogosphere and citizen journalism, queer women chose to create their own e-media channels rather than rely on traditional journalism to address queer issues.

Also noticeable from the interviews with queer women activists was their unified - almost obsessive - strategy of self-representation as one of the most important parts of their work. “We must write” was seen as a powerful mantra and was the driving force behind the creation of a weekly online magazine, Bekhsoos.com. It also overrode other more mainstream and traditional LGBT strategies such as coming out, pride parades and seeking public visibility. The production of written, graphic and multimedia content of everything from personal lesbian narratives to political queer analysis became the key strategy of the queer women’s movement. This was possible because of the community members’ advanced abilities to use online software and social networks while maintaining privacy and safety of their members online. The drive to self-represent was also the result of geopolitical struggles and as an important response to the perceived strong imperialist movement to speak on behalf of Arab women and queers.

Queer women activists became active in techie - or technically-skilled and centred - collectives and online forums, often presenting themselves under the umbrella of sexual rights movements, aligning themselves with anti-censorship Arab movements in Tunisia, Egypt, Syria and the Gulf. They were thus able to promote censorship circumvention techniques to users who wanted to access gay and lesbian websites in high-censorship cities. Most ISPs in the Arab world automatically block gay and lesbian material by keyword. For example, Bekhsoos.com articles are consequently blocked by most connections. However, the site has its own Facebook page and twitter account that promote alternative methods of accessing its content through RSS subscriptions. Most activists interviewed - from both the techie and queer pool - agreed that internet censorship is useless because users will always find methods to bypass the censorship.

Opportunities for influencing policy and/or practice

Because of the strong homophobic environment of other countries in the region, the argument that an open internet has facilitated a strong LGBT movement in Lebanon would actually play in favour of censorship policies in other Arab countries, rather than influence decision-makers to abandon censorship. The research presents strong findings, however, to argue for an open internet in places where decision-makers actually value LGBT rights as human rights. It also makes a strong case against keyword or URL filtering based on sexually explicit material and attempts to show how queers and feminists in Lebanon are defining “harmful content” and the work they are doing to promote sex-positive attitudes in their region.

Finally, the findings of the Lebanon EROTICS research
are particularly useful to influence activist strategies around sexuality in the Middle East and North Africa (MENA) because it presents the history and practice of a successful model of organising for LGBT rights. The model presented did not depend on coming out (which could be deadly in many Arab societies) and focused strongly on personal privacy and safety, while still putting out useful information, facilitating safe meeting spaces, empowering individuals, providing services and becoming a powerful movement.
THE INTERNET AND
SEXUAL IDENTITIES
EXPLORING TRANSGENDER AND
LESBIAN USE OF THE INTERNET IN
SOUTH AFRICA

Jeanne Prinsloo, Relebohile Moletsane and Nicolene McLean

CONTEXT

The EROTICS research in South Africa focuses on the internet usage of South African transgender and lesbian people. This study is informed by the argument that internet regulation policy must be based on empirical evidence in terms of what people’s actual and not assumed internet usage is. It seeks to develop empirical knowledge and responds to the following three research questions:

1. What is the nature and form of regulatory policy and censorship currently in South Africa and how does this impact or potentially impact on the freedom of sexual expression?

2. What are the ways in which transgender and lesbian people use the internet to negotiate and perform their sexuality?

3. How do such subjects understand the spaces offered in this way?

The context of internet usage includes the recognition of a digital divide and the consequent uneven access and discrepancies manifest along the lines of demographic differences of sex, race, income levels and geography/location. In 2009 the number of Internet users in South Africa increased to more than 10% of the population for the first time. In addition what is termed the “experience curve” states that there is approximately a five year lag between using the internet and using advanced internet applications including social media. This suggests that many South Africans who do not use the internet presently will increasingly have access, and that those who do not use many of the social and retail aspects currently will do so increasingly.

The research is informed by theoretical understandings of the internet as public sphere/s and as enabling virtual communities. It also draws on gender theory which recognises the gender order which critiques patriarchy and identifies its heteronormative functioning. The heteronormative discourse of the dominant gender order assumes heterosexuality as the norm and is intolerant of any sense of gender fluidity. All forms of contesting gender identities whether lesbian, gay, bisexual, transgender or intersex (LGBTI) are constituted as ‘other’. An important

distinction is made between “sex” as referring to biological characteristics of male and female, and “gender” to social and cultural ways of performing one’s gender.

In South Africa, in spite of the liberal Constitution, homosexuality and other non-heteronormative positions are met with intolerance and violence in many instances. For black lesbians the challenges can be particularly dire as homosexuality is constructed as a Western import, and this belief is reinforced by the lack of visibility of women in same-sex relationships. The policing of lesbian women has taken the form of extreme physical abuse including “corrective rape” and murder.

**The policy terrain and the regulation of the internet in South Africa**

The first question in this study is concerned with the nature and form of regulatory policy and censorship currently in South Africa and how this impacts or potentially impacts on the freedom of sexual expression. On one hand, the country’s regulatory framework and the laws and policies regulating the internet and that pertain to sexuality are informed by the Constitution, internationally lauded for its progressive Bill of Rights, with sections that refer to freedom of expression, access to information, equality and lack of discrimination on lines of gender and sexual orientation, and privacy. Within this framework, the laws and policies have to be consistent with these rights and recourse to the law is possible to ensure them. On the other hand, our analysis suggests that the laws and policies that have been passed tend to be punitive and mostly censorial, albeit with the intention to protect the vulnerable in our society (mostly children from pornography). For example, the Film and Publications Amendment Act (No. 34 of 1999), which included in its definition of publication any messages and communications on distributed networks, including the internet, and compels citizens to report anyone involved in the production, distribution or possession of child pornography, with later amendments to the Act that increased the penalties for offences involving child pornography and others.

**Internet usage by transgender and lesbian people**

In seeking to answer questions 2 and 3 above about internet usage and attitudes to the internet, the focus is first directed to transgender and then lesbian usage. Multiple methods of analysis were used in order to obtain rich data. They included critical discourse analysis of postings in the case of a transgender site and of the South African lesbian “websphere”. In addition, face to face interviews were undertaken with transgender respondents who used Gender Dynamix (GDX), and electronic questionnaires employed for volunteers in relation to the lesbian leg of the research.

The postings on a transgender website (Gender Dynamix) were analysed by focusing on two forums, namely Boy Talk and Girl Talk, and through the gender lens described above. This is appropriate as while transgender people might reject their assigned sex, they do not necessarily question the gendered roles that patriarchy proposes. The analysis takes the form of critical discourse analysis and particular themes and patterns were identified.

With reference to Boy Talk, the series of milestones transmen achieve in the transitioning process was foregrounded. Because of the complexity of transitioning and the length of time it takes, these issues predominate and all the stages of transitioning were raised. Then, the achievements of milestones are greeted in a distinctly celebratory way. It was notable that few of the threads flagged the difficulties of transitioning or foregrounded being marginalised (on account of identifying as transsexual rather than their assigned gender) as a topic although it was alluded to. Rather, the tone was generally positive despite the harsh challenges facing transpeople. The postings also presented GDX as an apprenticeship. The argument has been made that internet sites can provide a space for people to try out identities and begin to inhabit or practice those identities. They used the GDX as a space to perform gender. One striking aspect of gender performance relates to gendered language and the transmen addressed each other frequently by using words that are synonymous with “man” to signal that the person being addressed is male and the forms of address are markers of being masculine. Another significant finding is

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that the actual postings on Boy Talk were generally short, generally factual and less emotional or personal than on Girl Talk. In other words they were consistent with what is considered masculine forms of communication.

While the postings on Girl Talk were different to those in Boy Talk in many ways, there was a crucial similarity, namely the focus on achieving milestones in transitioning. When offering support to members who had expressed anxieties about their processes, the posts advocated positive attitudes, yet were very mindful of challenges faced. A clear theme of difference in Girl Talk related to the frequent postings that demonstrate caring and empathy, a recognisable feminine role. Also notable was the use of feminine signifiers in the language used in Girl Talk, which contrasted markedly with the “dude” of Boy Talk and were consistent with the feminine codes of conduct naturalised under patriarchy.

The subsequent interviews with male to female (MTF) and female to male (FTM) respondents are structured in the research in terms of the disruption that being transgender brought to their lives and the subsequent stages that respond to addressing this disruption. Notably it was through the media mostly that the respondents became aware of the category of transgender. Within mainstream media transgender was treated as freakish. It was also through the media, specifically the internet, that they acquired other information, this time from other transgender people and sites that enabled them to understand their sexualities and act in terms of transitioning. The greatest values in terms of the internet were attributed to its information potential and in terms of a sense of community or solidarity that is possible. It is argued that the internet and Gender Dynamix serve to enable this transgender virtual community in terms of the three identified criteria that constitute a community, namely emotional investment, social interaction and open channels of communication.

Investigating lesbian usage of the internet was more complex. It became apparent that the online lesbian network was more fragmented and complex than anticipated and this recognition then informed our research process. A lesbian websphere was developed and it became evident that there were different kinds of sites, including dating, lifestyle and political or activist sites, all addressing different interests.

The dating sites are confined to dating and relationships and so operate specifically in the private sphere. However, they are significant as a space to articulate sexual identity, to potentially come out, and create a personal lesbian social network. Being a virtual space renders a dating site physically safe particularly for those lesbians who find it necessary to hide their sexual orientation for self-protection. This sense of identity is also an essential precursor to any identity politics that might ensue.

Lifestyle sites differed in that they are the products of niche marketing and thus have a strong consumerist impulse. They are hybrid sites with strands of dating and politics, albeit in the form of soft news stories. Critical scholars have questioned whether such sites can empower their patrons as citizens since any political discourse is constrained by the selections and constructions of content producers. While these sites do not meet all of the criteria suggested fundamental to an online community, namely open channels of communication, they are significant for lesbian users’ sense of community.

Finally, the categorisation of sites as political was based on whether they contained postings relating to lesbian rights and struggles, although they might potentially serve both social and political purposes. Of those examined, there was little evidence of social engagement but they played a valuable authoritative and informative role. While they assume an emotional investment by the members of the site, the other criteria for a virtual community, social interaction and open channels of communication, were not met at the time of the research.

In answer to the question posed whether these sites constitute a lesbian community, the answers needed to be tentative. While there might be a strong South African lesbian community, there was no evidence of a strong virtual community. That there could be a more vibrant community online is clear. With the migration to Facebook and the consequent erosion of such spaces, it is possible that some new or different space or surface could emerge as a deliberative space for South African lesbians, both for the personal and the political.

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The next stage of the research focused on lesbians’ perceptions of the value and dangers of the internet using questionnaires administered online. They were structured to investigate internet details related to identity and sexuality; internet access and attitudes to internet; respondents’ use and perception of the relevance of the internet to gays and lesbians; online/offline interactions; and sex and the internet. Access to the internet in South Africa is linked to class, and consequently race as a result of its apartheid history and so in spite of various attempts to get more black respondents, the majority were white. That few black lesbians came forward can be attributed to several factors, including less access and the greater risks associated with being outed.

There was considerable agreement in terms of the value of the internet as providing information, particularly around issues of sexuality. Similarly, it was considered valuable for the interactivity and networking it enabled. Contrary to the sense of the internet as not fully serving as a community established in the critique of the lesbian websphere above, the internet was viewed positively in terms of social interaction and open channels of communication, and as a virtual community. Few of the respondents perceived the internet as particularly dangerous although they conceded danger for other more vulnerable people, particularly children. Associated with this, the majority opposed any censorship.

**Conclusions**

Our analysis suggests contradictions between the enabling and progressive Constitution on the one hand and the punitive and censorial policies and regulatory framework. It is within these contradictions that lesbian and transgender people, the subjects of the inquiry in this report, have to construct and perform their identities, including their sexualities. The censorial policies and regulatory framework constrain the potential of the internet’s democratic and empowering potential, specifically for those who are marginalised in any way.

It is argued that regardless of current internet usage, it is particularly at times of confrontation or when civil liberties are under threat (such as when society marginalises and violates the rights of sexual minority groups), that the internet is potentially a space for those struggles, a space where counter-publics can cohere and provide sufficient resistance to protect freedoms and human rights and to challenge the construction of the gender order. However, such a liberatory space is threatened by the introduction of censorial policies and laws such as those that exist and are being planned in South Africa.
UNEQUAL ACCESS TO INFORMATION:
YOUTH, SEX AND THE LAW - CONTENT REGULATION IN US PUBLICLY FUNDED LIBRARIES

Melissa Ditmore and Kevicha Echols

CONTEXT

The focus of the EROTICS research in the United States is the access and restriction to information about sexuality. We conducted a study in libraries across the US to try to answer our questions about the effects of mandated filters on access to information in the name of preventing young people from accessing “harmful content.” Our goal was to see what material was being filtered, which technologies were in use and what decision-making processes were at work.

While we are concerned about access to information using the internet, the issues of access to information, particularly sexual information, and how information is restricted pre-date the internet. Information about sexual matters has a history of restriction in the US, including Victorian-era censorship of information about birth control sent through the mail, 20th-century decisions about who could use the birth control pill, and now, discussions about sex education for school-age children and adolescents.

Internet use has become routine for Americans, but many people do not own computers and use them at schools and in public libraries. The Children’s Internet Protection Act (CIPA) mandates the implementation of strategies and techniques such as filtering software to restrict internet content at public internet access locations, which includes schools and libraries that receive government funding in the United States. CIPA is the product of a lengthy process to control “acceptable” content on the internet, ostensibly motivated by concern for the wellbeing of minors.

These restrictions are linked to the previous examples of restricted information about birth control because both have been promoted by social conservatives with a specific moral agenda. History appears to be repeating itself as information about sexuality and school-based sex education - which includes those received by adolescents - is limited to “abstinence-only” education. The same actors have advocated for these limits on internet-based information in federally funded institutions.

Research has shown that abstinence-only education has had no effect in delaying sexual activity among teenagers and may in fact contribute to sexually transmitted infections as students enrolled in such programs fail to use a condom at first sexual intercourse.4 Judith Levine points out that “protecting” adolescents and classifying

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information about sexuality as “harmful to minors” is detrimental since it promotes misinformation, politises phenomena that are inherent in human development and is associated with teenage pregnancy and infection. Earlier eras demonstrated that efforts to “protect” women restricted their movement, deprived them of critical information and led to the arrest and incarceration of women for things that are now linked to normal dating and sexuality, like travelling to visit intimate partners and learning about and using family planning methods.

American adolescents are currently subjected to similar risks both legal and physical, in the form of prosecution for and the use of new technologies in the exploration of their sexuality.

Of particular concern is the practice of “sexting”: sending and receiving mobile phone messages with partial or fully nude photos and/or other sexual content. Media research company, The Nielsen Group, reported that 77 percent of US teenagers own a mobile phone and that 83 percent of teenage mobile users use text messaging. Mobile phones provide a widely used medium of exchange, including sexual content whose distribution may have far-reaching consequences.

The most obvious dangers are that sexual content such as images with personally identifying information attached can attract unwelcome attention, cause embarrassment or harm reputations. More seriously, possession or distribution of such images may cause young people to violate child pornography laws. For example, one young man in the state of Florida received nude pictures of his girlfriend when he was 17 years old, and after breaking up with her, he sent her pictures to his list of contacts. Just days after his 18th birthday, he was arrested and charged with nearly 75 counts of child pornography. The particular status of child pornography in US law exposes senders and recipients to draconian punishments and to lasting consequences, such as being required to register as a sex offender. Laws designed to protect young people from adult predators can and are being used to punish young people for acts that may in fact, be better addressed through better privacy protections.

**The problem with restrictions**

We created an online 10-item survey to be completed using a library computer in order to learn what sexually-related terms might be blocked and what kinds of websites were easy and difficult to access. We also interviewed library staff at their workplaces and through telephone and email about the ways these issues were addressed.

We found that restrictions implemented to prevent minors having access to sexual information are implemented in varying ways across the United States, rendering them almost random in effect. Methods used include blocking particular websites, blocking particular words in internet searches, using commercially marketed content filters and requiring users to agree to terms of services that included not seeking inappropriate material. Terms and sites blocked seemed unpredictable and included instances of overblocking, or denying access to information that is clearly not “harmful to minors” including websites of service organizations and websites designed for teenagers. In many instances, access to information was restricted for all users and not merely for people under 17 or 18 years of age. Depending on the library, a user may not be able to find information about anal cancer or contact for lawyers at the Sex Workers Project.

Many words or phrases do not unambiguously identify concepts, posing a severe problem for keyword-based filters. An interview with Harriett Selverstone, a former president of the American School Library Association, offered some unexpected examples that block access to scientific information. “We had kids studying space information. There was a website dealing with Mars exploration. Now if you can write out the word Mars and the word exploration next to it, you have the little three letter word ‘sex’: marsexploration. A filter would pick that up and read it as ‘sex’ instead of marsexploration.”

A library that buys filtering software to block pornography may not be aware that the software developers have included personal or political biases in their hers/his decision to include “controversial” topics such as abortion or homosexuality under the heading of offensive content. “The National Organization for Women, which is called

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NOW, was blocked because they had gay and lesbian rights pages on their website […]”, commented Harriet Selverstone. People from the American Way have been blocked. It’s a non-profit group and it was blocked by another filter called Netshepherd. GLAAD, the Gay and Lesbian Alliance Against Defamation, was blocked. The funny one was, at one point the National Rifle Association, which is a very conservative group, had its own gun rights pages blocked because it was considered an adult site. Planned Parenthood same sex information had been blocked. There was an AIDS authority, AIDS awareness site that was blocked by Cyberpatrol…If you think about how important that information is to get out to a community, then people would not have access to these sites."

A further problem with filters is that they may often be bypassed. Young people - the main target of restrictive filtering - may in fact be the most technically adept at doing this. Technology such as proxy servers may offer a means to bypass content filters. Minors who are unable to access restricted content at school, at the library or at home may instead, access the internet through their cell phone, an unfiltered platform. The heaviest impact of filters designed to protect minors may in fact, fall on adult users.

In some cases, individuals could request that a particular site to be blocked. This introduces a new decision-maker into the process. Requests of this kind may reflect personal concerns, but individuals may also act as agents of an interest group, submitting requests that reflect the group's agenda.

The question that arises is one of transparency and accountability. When just about anyone can determine what can and cannot be seen, the whole system becomes worryingly arbitrary. Determining why a particular site or page was blocked and undoing malicious or unhelpful choices can be an extremely difficult process.

Deepening the information divide

In the period of the EROTICS research, the US and global economies have contracted. Greater numbers of people are now dependent on shared access to the internet through public libraries. These “new library internet users” may be people whose familiarity with information technology is limited for reasons related to age, level of education, economic status or other factors. It is more difficult for them than for younger users to avoid the roadblocks placed in their way in the form of electronic filters and other access restrictions.

The potential for creating a “digital divide” is considerable. On the one hand there are people who control their own internet access and enjoy essentially unrestricted access to information. On the other there are those who are dependent on others and whose access is limited by technical solutions set in place due to CIPA. The risk for these electronically disenfranchised users is that reduced access to information will deepen their marginalization and make it harder for them to keep pace with people fortunate enough to enjoy unhindered access.

Our study has revealed that access to information in these instances is arbitrary and confusing. It is difficult to say with certainty what information will or will not be available at any given location. The factors that influence access are obscure, and those responsible for making decisions are hard to identify and often unaccountable for the choices they make.

Access to information is not necessarily in the hands of the individual regardless of the individual’s age. Instead, third parties - library committees, software developers, interest groups and others - may determine it. These are, or should be, issues of concern for everyone. The benefits that the internet can bring are considerable, but issues of uncertainty, arbitrary decision-making, over-blocking and unequal access can outweigh those benefits.
The EROTICS network is comprised of researchers, academics, writers and activists in the field of sexuality, sexual rights,

EROTICS BRAZIL AUTHORS

Sexuality Policy Watch (SPW) is a global forum of researchers and activists. The Latin American Center on Sexuality and Human Rights (CLAM) is a sexuality research regional resource centre. Sonia Corrêa is the Co-Chair of SPW and Associate Researcher of the Brazilian Interdisciplinary AIDS Association (ABIA). Jandira Queiroz is a journalist, LGBT and feminist activist, and Project Assistant at the Brazilian secretariat of SPW. Marina Maria is a journalist and Project Assistant at the Brazilian secretariat of SPW. She is currently doing her master degree in Communication, Information and Health. Bruno Zilli is a doctoral candidate in Social Sciences and CLAM researcher. Horacio Sívori PhD is an anthropologist. He is currently regional coordinator at CLAM and post-doctoral fellow at State University of Rio de Janeiro’s Institute of Social Medicine.

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The full country reports together with a cross-country analysis will be published in a special edition on http://www.genderIT.org in May 2011. For more information on the project, including articles on the initial findings, go to http://erotics.apc.org
APC is an international network of civil society organisations founded in 1990 dedicated to empowering and supporting people working for peace, human rights, development and protection of the environment, through the strategic use of information and communication technology (ICTs).

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