

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

Located in the heart of the Balkans, Macedonia is a post-communist country whose transition to democracy has faced many challenges and taken far too long. Since 2006 the conservative right wing has been in power, constantly violating human rights and oppressing marginalised communities. At the end of 2012 a concerted homophobic campaign was launched, involving right-wing media, representatives of state institutions, and religious communities, which resulted in violence.¹ Freedom of expression, which should liberate marginalised communities, has constantly been under threat in recent years as a result of the actions of the current party in power. In 2014 Macedonia was ranked 124th out of 180 countries by Reporters Without Borders.² This year, with an interception of communications scandal that mirrored similar revelations in other countries,³ Macedonia is facing one of its biggest crises as an independent country.⁴

Over recent years, issues such as tensions with Greece over the use of the name Macedonia,⁵ ethnic conflict, and conflict with the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community have been used by the government to take attention away from corruption and its illegal interception activities.

This report will discuss the results of a survey we conducted with sexual minorities and the influence of the internet on their lives and work.

Policy and political background

An anti-discrimination law in Macedonia offers the legal basis to recognise and protect the rights of sexual minorities.⁶ However, despite many attempts to have it amended to specifically include sexual orientation and gender identity (SOGI) as a category protected against discrimination, it has remained unchanged. A reference to SOGI was deleted in 2010 during its revision.⁷ This decision, together with a lack of investigation in cases related to hate speech and physical violence directed at sexual minorities, and homophobic campaigns on social media, have created a climate unconducive to sexual rights that has remained unchanged over the past years. It all points to the lack of experience, knowledge and professionalism of the relevant institutions to deal with cases that are concerned with sexual minority issues.

Furthermore, as suggested, Macedonia is facing its deepest and most dangerous crisis of democracy. This was after the opposition party leader leaked evidence that more than 20,000 phones have been eavesdropped on.⁸ The illegally intercepted communications showed that the right to privacy is non-existent and the national security agency (UBK) has been “operating outside its legal mandate on behalf of the government, to control top officials in the public administration, prosecutors, judges and political opponents with consequent interference in the independence of the judiciary and other relevant institutions.”⁹

1 ILGA-Europe. (2015). Review of the Human Rights Situation of LGBTI people in FYR Macedonia – Contribution to the 2015 EC Progress Report. www.ilga-europe.org/sites/default/files/ilga-europes_submission_to_ec_2015_progress_report-fyrmacedonia.pdf and LGBTI Support Centre. (2013). Quarterly report on the situation of human rights of the LGBTI population in Republic of Macedonia. lgbti.mk/uploads/20312a3a-7fb2-49dd-b1ce-bff3fd7ec159.pdf

2 Reporters Without Borders World Press Freedom Index. index.rsf.org/#!/index-details/MKD

3 META. (2015, 10 June). German laboratory confirmed the authenticity of wiretapped conversations. *META*. meta.mk/en/germanska-laboratorija-ja-potvrdi-avtenticnost-na-prislushuvanite-razgovori/

4 JEF Macedonia. (2015, 9 June). Macedonia: democracy in crisis or “democracy in bloom”? *The New Federalist*. www.thenewfederalist.eu/jef-macedonia-20150608

5 See: www.historyofmacedonia.org/MacedonianGreekConflict/conflict.html, https://en.wikipedia.org/wiki/Macedonia_naming_dispute

6 Dittrich, B. O. (2013, 10 July). Letter to Prime Minister of Macedonia. *Human Rights Watch*. www.hrw.org/node/117037; Amnesty International. (2013, 23 April). Macedonia must prevent homophobic attacks. www.fightdiscrimination.eu/discrimination-in-europe/publications/macedonia-must-prevent-homophobic-attacks; Council of Europe Parliamentary Assembly. (2015, 28 January). Failure of the Macedonian authorities to respond to repeated attacks on the LGBTI Support Centre in Skopje. assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.aspx?FileID=21536&lang=en

7 Balkan Insight. (2010, 12 April). Macedonia Anti-Discrimination Law Criticised. *Balkan Insight*. www.balkaninsight.com/en/article/macedonia-anti-discrimination-law-criticised

8 Lyman, R. (2015, 14 May). Tiny Macedonia Confronts a Supersize Scandal. *The New York Times*. www.nytimes.com/2015/05/15/world/europe/tiny-macedonia-confronts-a-supersize-scandal.html?_r=0

9 European Council Senior Experts Group. (2015, 8 June). The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015. ec.europa.eu/enlargement/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf

By law, “each of the national telecommunications providers is enabling the UBK to intercept communications directly [and] autonomously”,¹⁰ which means that the UBK does not need a court order to intercept communication. The court has also not rejected any demands for interception, which raises the question of its efficacy, capability and professionalism.¹¹

This issue led to the biggest public demonstration ever and widespread social unrest in June, and a 15-month boycott of party politics led by the main opposition party, as well as the intervention of the European Union to mediate and negotiate an early election and a transition plan.¹²

Analysing the survey results

This very complex and explosive context is the background of our survey. The goal of the survey was to investigate the influence of the internet on sexual minorities and sexual rights movements, the online platforms used by sexual minorities, and the issue of anonymity and its effect on sexual expression and exploration.

The survey was conducted using two questionnaires, one intended for NGOs, groups and activists working in the field of sexual minority rights, and one intended for individuals identifying themselves as a part of a sexual minority community. The questionnaires were answered by five organisations or groups working across the country and 77 individuals, mostly identifying as LGBTIQ, also from different parts of the country.

Of the individuals who answered the questionnaire, 3.9% are under 18 years old, 36.4% are between 18 and 24, 44.2% are between 25 and 35, 13% are between 36 and 45 and 2.6% are above 45 years old.

Meanwhile, 11.9% identify themselves as lesbians, 26.7% as gay men, 5% as transgender, 25.7% as bisexual, 7.9% as pansexual, 7.9% as queer, 2% as intersexual, 6.9% did not identify their sexual preference and 4% identify as “something else”. Of these, 2% have also stated that they are sexual workers.

Because of the small survey sample, the results discussed below should not be taken as indicative of the population as a whole, or of the impact of the internet on sexual rights movements and activists generally. Rather they are relative to the survey group.

10 Article 175 and 176 of the Law on Electronic Communications.

11 Bogdanovski, A., & Lembovska, M. (2015). *Communications Interception Oversight in Macedonia: “Making the Impossible Possible”*. Skopje: Analytica. www.analyticamk.org/images/Files/impossible_en_final_9af93.pdf

12 Brsakoska Bazerkoska, J. (2015). The EU and Macedonia’s political crisis – another date with history? EPIN Commentary No. 23. www.academia.edu/13659626/The_EU_and_Macedonia_s_political_crisis_another_date_with_history

The role of sexual rights movements using the internet for raising awareness and community building

The survey has shown that the internet is a key element to the work of activists in the field of sexual rights in our sample group. It has also shown that it has great success in raising awareness and community building. The organisations have all stated that it is an irreplaceable tool for their work.¹³

Concrete ways the activists used the internet for raising awareness on sexual rights were creating online encyclopedias of terms, concepts and resources in the local language, leveraging online media by writing columns and educational articles, publishing research online, using social networks such as Facebook or Twitter, and creating local websites.¹⁴ These all represented a way to spread information and reach more people. They say that it is easier to provoke debates online, especially when the national media is reluctant to publish on issues concerning marginalised communities. The internet is used as a way to create a public voice and to share individual experiences that often show great results in challenging prejudices.

Respondents also state that in the field of community building, social networks have been useful, including in reaching out to victims of violations, as many of the victims have contacted them using the internet.

As for the activists who answered the questionnaire, 80% (activists from four of the five organisations that answered)¹⁵ have faced online harassment, hate speech and threats because of their work in the field of sexual rights.

In this context, the oppressive policies of the current government, fuelled by traditional Christian propaganda, are increasing hatred of and expressions of violence towards human rights defenders working with communities outside of the heteronormative matrix. Some examples are the attacks on an LGBTI Support Centre,¹⁶ still under investigation after more than two years.¹⁷ The public prosecutor has not shown efficiency in dealing with cases connected to LGBTIQ

13 Specific campaigns mentioned by the activists that had great success online: “Say No to homophobia”, #CityofSkopjeHates, “It is easy to hate, courageous to love”, “Access All Areas”, “Not in my name”, “Investigation is pending, until when?”, “women archive 2.o.”, #memestanuafeme.

14 www.lgbti.mk, www.coalition.org.mk, www.okno.mk, www.novatv.mk, www.reactor.org.mk, www.bilten.org, www.amateuress.blogspot.com, www.upworthy.com, www.voxfeminae.net, www.libela.org, www.hera.org.mk

15 The organisations participating in the survey represented the views of some 20 to 25 activists in total.

16 LGBTI Support Centre www.lgbti.mk and oneworldsee.org/content/new-lgbti-support-centre-in-skopje-attacked

17 Ananievska, J. (2014). *Analysis of the homophobic campaign in Republic of Macedonia*. Skopje: LGBTI Support Centre.

victims. The other troubling fact is how a “lesbian/feminist” identity is provoking the most online anger, proving that once again machoism and misogyny are desperately blocking every attempt for articulating lesbian/feminist voices. An example here is a lesbian picnic that was organised by the lesbian and feminist organisation LezFem,¹⁸ as part of the third Pride Week in Skopje. This event received the most attention from trolls, including threats, insults and hate speech on Facebook.¹⁹ Similarly, in the last year, two other events organised by LezFem that touched on feminist or lesbian subjects and were promoted on Facebook were inundated with threats and hate speech from trolls.

Analysis of online platforms and sites that have had a role in breaking taboos and amplifying the voices of sexual minorities

Respondents to the survey indicated that the key reasons for use of the internet were contact with people with similar views, breaking the loneliness, and meeting potential partners and role models, which they did by using local or international online platforms and sites.

The survey has shown that using online platforms and sites has helped a little over half of the participants to express themselves freely, something they were unable to do offline. More specifically, 28.6% (or 22 of the individual participants in the survey) are still using these platforms and sites for this reason, 15.6% have used them for this reason when they were closeted, but now continue using them for private reasons, 11.7% have used them only when they were closeted, 16.9% have never used any kind of platform for these reasons because they did not have the need to, and 27.2% have never used them because they were too scared of being exposed.

This indicates two things: while most of the participants are or were depending on the internet for their sexual expression, a noticeable percentage of people were too scared to freely express themselves on online platforms in the current socio-political context in this country.

The platforms mentioned that helped the participants express their sexual identity freely are:

- International platforms: Mostly Facebook, PlanetRomeo, Grindr, Tumblr, Everyday Feminism, Lizzy the Lezzy, After Ellen, Queerty and Wapa.²⁰
- Local platforms: The forums set up by the Macedonian Association for Free Sexual Orientation (MASSO) and the LGBTI Support Centre mentioned above,²¹ www.macedoniagay.com, and the websites of NGOs such as EGAL,²² the Coalition for Sexual and Health Rights of Marginalized Communities,²³ and HERA.²⁴

With regard to the websites of local organisations, 6.5% of the participants think that they have amplified the voices of sexual minorities, and 32.5% think that they have done this to some extent but that they could do more. However, 46.7% consider that these websites have not done much in raising the voices of the LGBTIQ community, and 14.3% consider that they have no influence at all.

Analysis of the right to anonymity and its effect on sexual expression and exploration

Most of the participants stated that the internet has helped them a lot regarding their sexual expression and identity. The main reasons mentioned are access to information, a validation of sexual identity, improving self-confidence and self-esteem, support, learning to accept themselves, and voice.

Around 68.8% of the participants feel that the internet is or was the place where they could express themselves freely because it is easier than expressing themselves offline; 40.3% have and still use pseudonyms online to freely express themselves and 31.2% have used pseudonyms when they were closeted. While 77.9% feel that the right to anonymity has given them the chance to express their sexual identity, only 45.5% feel that anonymity is vital to their sexual expression.

It should be noted that around 26% of the individual respondents are open about their sexual identity in public and in private, while 59.7% are open only in front of those closest to them (the remainder are not open at all). In addition, around 60% believe that the internet is not really a safe place even if you are anonymous. We concluded that the right to anonymity was not thought of as an important political right or in relation to the right to privacy by the participants, but that anonymity was nevertheless used as a tool by the participants to try to avoid stigma and violence.

18 “Social media was also flooded with homophobic hate speech before the 2nd workshop on feminism on 14th April 2015 organised by LezFem, a lesbian and feminist group from Skopje. A dozen boys aged between 11 and 19 occupied the Facebook event wall of the workshop displaying quite upsetting homophobic and misogynistic attitudes.” ILGA-Europe. (2015). Op. cit. See also <https://www.facebook.com/events/1643842769189772> and <https://www.facebook.com/%D0%9B%D0%B5%D0%B7%D0%A4%D0%B5%D0%BC-563098877047782/timeline>

19 Radio MOF. (2015, 25 June). Lesbian picnic increased the homophobia on Facebook. *MOF*. www.radiomof.mk/lezbejski-piknik-ja-razgore-homofobijata-na-fejsbuk

20 Wapa Lesbian Dating - Android Apps. <https://play.google.com/store/apps/details?id=com.wapoapp.wapa>

21 www.lgbti.mk

22 egal.org.mk/en/za_nas.htm

23 www.coalition.org.mk

24 www.hera.org.mk

Conclusion

There is a constant battle in Macedonia for articulating the voices of marginalised communities. The national media are under the control of the government – but what is even more alarming is that private media are also bought, influenced or scared to report independently. With few exceptions, the information flow is controlled, and the only media that are left for channelling voices that are unheard are online media. However, there are online websites publishing governmental propaganda that are constantly popping up and creating online noise that interferes with freedom of expression. This, together with the activities of trolls, has a chilling effect on free expression online. In this context, privacy is key in surviving and spreading the voices of sexual minorities.

Having in mind all the points that the survey has touched upon, we can presume that the right to privacy is probably one of the most important and relevant rights that the sexual minorities lack in the “real” world. Reading the answers from the survey we sensed that many feel there is no hope for the protection of the right to privacy. Going back to the context of Macedonian society, it can be understood why sexual minorities do not believe in the effectiveness of the relevant institutions in protecting their rights.

The opposition leader has also revealed that activists working in the field of human rights and the rights of marginalised communities have been spied on.²⁵ At the same time the public prosecutor, as mentioned above, has not taken action against perpetrators of physical violence against LGBTQIs. Nor has reporting hate speech and online harassment resulted in the prevention of violence. The general feeling of hopelessness is therefore very much based on the cruel reality of Macedonian society.

The survey shows that most participants have reported experiences of hate speech and online harassment, but it also revealed that they have been victims of so-called “revenge porn”, blackmail and the hacking of their online profiles. In this way many have already experienced violations of their privacy. Despite this, 42.9% of the participants have never considered their online security. More worrying is that around 36.4% of them are not at all interested in improving their digital security. Unfortunately, and with few exceptions,²⁶ social movements do not seem very interested in deeper work in the field of online security.

On a more positive note, 63.6% of individual respondents (49) are interested in improving their online security, which will give them the possibility of exercising their right to privacy.

It is nevertheless contradictory that in the context of the revelation of surveillance illegally conducted by the government, affecting everyone and especially human rights defenders, this question has not become a priority on the agenda of social movements. However, we can argue that, given that we are in the middle of a crisis, where all the focus and efforts are on pushing for the change of the current government, it is understandable that many issues, among which are the right to privacy and digital security, have been put on hold.

Action steps

The first thing that should be changed in this country is the government. It has been exposed for violating rights – covering up politically motivated murders and surveillance, amongst other violations. Until this government is pushed from power, confidence will never be restored, which means that citizens will live in fear.

To overcome the current crisis there are many steps that have to be taken. However, some of the few for improving the protection of the right to privacy of sexual minorities are:

- Changing the law on electronic communications²⁷ and removing the unlimited and uncontrolled access that the UBK, Macedonia’s secret police, has over the use of technical equipment for communications surveillance.
- Including SOGI in the law on protection from and prevention of discrimination.
- Capacity building amongst institutions and civil society on the right to privacy and online protection.
- Raising awareness on LGBTIQ issues among professionals who work in public institutions.

We need to focus on reinventing our system. Even with a change in government, the roots of this current dictatorship will stay and we need to expose them and remove them. It is a complicated process where nothing will shift if we do not start from the core.

25 META. (2015, 10 June). Op. cit. and JEF Macedonia. (2015, 9 June). Op. cit.

26 Metamorphosis, Bori se zenSKI, Hacklub KIKA and some individual activists.

27 Law on Electronic Communications: www.mioa.gov.mk/files/pdf/dokumenti/zakoni/Zakon_za_elektronskite_komunikacii-konsolidiran_tekst.doc and www.opm.org.mk/izdanija/MK/Zakoni/novo/Zakon%20za%20elektronski%20komunikacii.pdf; commentary: <https://edri.org/edrigramnumber8-10macedonia-new-law-electronic-communications-and-globalvoicesonline.org/2010/06/17/macedonia-law-on-electronic-communications-invades-citizens-privacy>

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.

GLOBAL INFORMATION SOCIETY WATCH

2015 Report

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