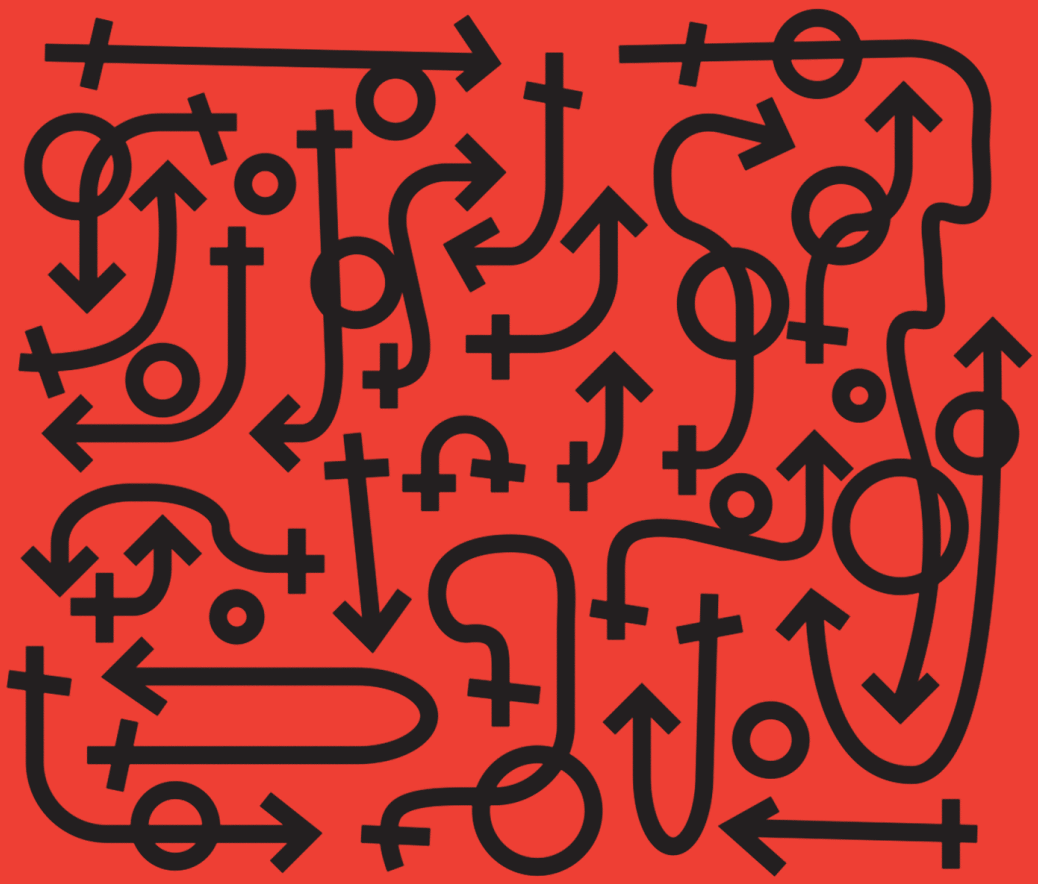
GLOBAL INFORMATION SOCIETY WATCH 2015

Sexual rights and the internet



Association for Progressive Communications (APC)
and Humanist Institute for Cooperation with Developing Countries (Hivos)

Global Information Society Watch 2015
Sexual rights and the internet

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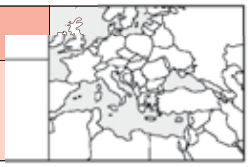
MONTENEGRO

THE PUSH FOR MAINSTREAM CONFORMITY



Queer Montenegro and One World Platform
Vanja Gagovic and valentina pellizzer
queermontenegro.org and oneworldplatform.net

Introduction

Montenegro is among the 10 smallest countries in Europe.[1] It spreads over 13,812 km², and includes rivers, mountains and half a lake. By population size, with 620,000 citizens, it occupies 43rd place in Europe.[2] At least 60% of Montenegro is covered by high mountains, so even though there are at least two dozen towns, the average density of the population is 36 people per square kilometre. As Montenegro shows, such a small "community" of citizens can either be cooperative and accepting of each other, or – in this case – hostile to those who are different.

By 2003 probably a third of the population (aged 10-40) was online using services and platforms such as mIRC, ICQ, MSN Messenger and Myspace. In 2004 "Forum Cafe Del Montenegro",[3] one of the first forums hosted by a local media website, was formed and is still active.

According to the Montenegro Statistical Office[4] more than half of Montenegrin households own or use a computer (53.7%). The latest available internet statistics show 369,220 internet users as of 31 December 2013, which means a 59.4% penetration,[5] and 306,260 Facebook users in December 2012 (49.2% penetration). From a study done in 2007 by the Centre for Monitoring and Research,[6] young computer and internet users were self-taught. It is important to note that Montenegro has high mobile phone usage, with 1,103,698 mobile phones (or a penetration rate of 178.01).[7] Even though other reports show a lower rate of 163, it remains substantially high. When we come to smartphone use, recent statistics talk of 35.8% of the population accessing the internet over their mobile devices.[8]

Hate speech and a culture of violence

The Law on Electronic Media[9] was promulgated in mid-2010 and, after a long debate,[10] mainly related to the governing model and the existence of two bodies which regulate electronic communications (the Broadcasting Agency and the Agency for Electronic Communications and Postal Affairs), was amended in 2011.[11] Both this law and the country's Media Law[12] state that it is forbidden to publish information and opinions which would encourage discrimination, hate or violence towards others, specifically vulnerable groups, or provide services that are a threat to national security and the constitutional order. The Electronic Media Law states that the author of the content and the broadcaster will not be prosecuted if he or she did not have the intention to insult or denigrate the vulnerable groups or if the denigrating content is part of a report which is published with the intention to critically point out discrimination suffered by a vulnerable group.[13] In

1 https://en.wikipedia.org/wiki/List_of_European_countries_by_area

2 https://en.wikipedia.org/wiki/List_of_European_countries_by_population

3 forum.cdm.me – the media portal hosting the forum can be found here: www.cdm.me

4 Montenegro Statistical Office. (2014). ICT Usage in Households in 2014. www.monstat.org/userfiles/file/ICT/2014/ICT%20USAGE%20IN%20HOUSEHOLDS%20IN%202014.pdf

5 www.internetworldstats.com/europa2.htm

6 www.cemi.org.me/index.php/en

7 https://en.wikipedia.org/wiki/List_of_countries_by_number_of_mobile_phones_in_use; see also wire.seenews.com/news/montenegros-end-dec-mobile-phone-penetration-up-to-163-43-460959

8 NTH Mobile. (2013, 9 April). Reach over 22 million Balkan mobile users with MT billing. www.nth-mobile.com/blog/payment-blog/reach-over-22-million-balkan-mobile-users-with-mt-billing

9 Law on Electronic Media: www.ardcg.org/index.php?option=com_docman&task=doc_download&gid=405&Itemid=26; see also: www.epra.org/articles/media-legislation#MONTENEGRO

10 Seferovic, D. (n/d). Montenegro: New Laws on Electronic Communications and Media Adopted. *IRIS Merlin*. merlin.obs.coe.int/iris/2010/9/article33.en.html

11 Media Law (Official Gazette of the Republic of Montenegro 51/02, 62/02 and the Official Gazette of Montenegro 46/10 and 40/11), the Electronic Media Law (Official Gazette of Montenegro 46/10, 40/11, 53/11 and 06/13) and the Rulebook on Programme Standards in the Electronic Media (Official Gazette of Montenegro 35/11 of 21 July 2011).

12 www.ardcg.org/index.php?option=com_docman&task=doc_download&gid=20&Itemid=26; see also the amendment: www.ardcg.org/index.php?option=com_docman&task=doc_download&gid=29&Itemid=26

13 For a complete reading of the articles from the different laws: The Media Law in Article 23 states: "It is forbidden to publicise information and opinions that instigate discrimination, hatred or violence against persons or a group of persons based on their belonging or not belonging to a certain race, religion, nation, ethnic group, sex or sexual orientation. The founder of the medium and the author shall not be held accountable if the information referred to in paragraph 1 of this Article is part of scientific or authorial work the subject of which is a public issue and is publicised:

listing the members of vulnerable groups, the laws mention individuals with different sexual preferences.[14] A draft electronic communications strategy was in place from 2006 until 2013, and in August 2013 the Law on Electronic Communication was published.[15]

A good description of the culture of violence that affects Montenegro can be found in research by the NGO Juventas[16] which has shown that "bullying affects 57.3% of high school students every day":

> 27.6% are exposed to threats and 16.7% stated that students of their school are physically assaulted by other students. Security/safety of an LGBT [lesbian, gay, bisexual and transgender] young person or a person perceived as LGBT in the school environment is very low. 63% of high school students stated that they had heard that a young person had been ridiculed for being gay/lesbian/bisexual/transgender; 53.3% heard that such a person had been exposed to insults, 22.7% physical assault and 29.8% (one third) had heard that such a person had been exposed to threats.[17]

Within this frame, children learn to adapt or to suffer in silence. It is considered rude to "talk back" to parents, even to ask legitimate questions. The rudeness is punished quite often with physical violence ranging from simple slaps to being beaten with a belt.

So the overarching accepted norms are: be obedient, be normal, do not stand out and do not provoke. Anyone who doesn't comply gets punished. Adults punishing adults, parents punishing children, children punishing other children.

"They'll get bored and go home..."

Despite being a non-conforming minority, the LGBT* community has learned not to stand out, to stay hidden, to be obedient and not to provoke anyone. Because of this, organising a Pride March was a very troublesome move. For a taboo-driven, patriarchal community, the simple idea of having half-naked men and women parading through the streets, kissing and doing *god-knows-what* and *in front of the children* (the most common descriptive picture and perception of the Pride March amongst Montenegrins) was simply unacceptable.

Montenegrin media reinforces this negative stereotype. Descriptions of the Pride March and any discussion of sexual orientation will use sensationalistic headlines such as "gay parade" or will indulge in inaccurate use of terminology relating to sexual preferences. Even though civil society organisations, such as Juventas, have organised training with media representatives on sexual orientation, gender identity and the use of correct terminology, it remains hard to change the attitudes of journalists who do not consider the proper terminology relevant.

In most cases – and the media is no exception – the acceptance of different "lifestyles" remains confined to fashion and the latest technological

– without the intention to instigate discrimination, hatred or violence, especially if that information is a part of an objective news report;
– with the intention to critically indicate the discrimination, hatred or violence or any phenomena which represent or might represent instigation to such behaviour."
The Electronic Media Law in Article 48 states:
"(1) Provision of AVM service threatening the constitutional order and national security shall be prohibited.
(2) An AVM service must not incite, enable incitement or spread hatred or discrimination on the grounds of race, ethnic background, skin colour, language, religion, political or other belief, national or social background, financial standing, trade union membership, education, social status, marital or family status, age, health status, disability, genetic heritage, gender identity or sexual orientation.
(3) The publication of information revealing the identity of a minor under 18 years of age involved in any case of violence, regardless of whether being a witness, a victim or an offender, or disclosing any particulars of the family relations and private life of a child shall be prohibited."
The Rulebook on Programme Standards in the Electronic Media in Article 17 states:
"(1) Programmes of the electronic media shall not be aimed at violating the guaranteed human freedoms and human and citizen rights or provoking national, racial and religious intolerance of hatred.
(2) The electronic media shall not broadcast the programmes promoting the belonging to an ethic group, sex or sexual orientation as a form of discrimination.
(3) The electronic media are obliged to avoid using offensive terms that might be associated with certain social group."
And in Article 8: "Broadcasting of the programmes referred to in Article 17 is allowed if they are a part of scientific, author's or documentary work, published:
a) with no intention to instigate discrimination, hatred or violence, or as a part of an objective report;
b) with the intention of critically pointing at the discrimination, hatred, violence or factors that instigate or could instigate such a behaviour."
Source: Agency for Electronic Media of Montenegro. (2014). LGBT Rights in the Programmes of National TV Broadcasters in Montenegro. www.ardcg.org/en/index.php?option=com_docman&task=doc_download&gid=91&Itemid=4

14 This implies that "gender identity" is "sexual preference" and "sexual preference" is supposed to be "sexual orientation". The dispute is always around the use of gender vs sex, where gender identity should not be a synonym for sexual preferences or orientation. It is a confusion very often present in reporting. Our language translates poorly in this case.

15 Law on Electronic Communications: www.ekip.me/download/Law%20on%20Electronic%20Communications%20%28updated%29%204.9.2013%20%281%29nova%20verzija.pdf; see also: www.ekip.me/eng/regulation/ecommunications.php

16 juventas.co.me/index.php/en/about-us

17 ILGA Europe. (2014). *Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Montenegro: Contribution to the 2014 EC Progress Report*. www.ilga-europe.org/sites/default/files/ilga-europe_review_of_montenegro_-contribution_to_ec_2014_progress_report.pdf

gadget. But underneath all of this is a push to conform to traditional social norms. This implicit and explicit culture of violence in Montenegro is very strong amongst generations exposed to and born during the Balkans wars of the 1990s, where patriarchy found expression in the hate of other nationalities and minorities. Now everything other than "normal" or "natural" is sneered at with a tone that verges on misogynistic, with a dash of chauvinism.

Before the first Pride Parade finally took place in Podgorica on 20 October 2013,[18] there were attempts to stage it for three years in a row. During these attempts, people's comments on online news sites showed their anger and high level of rejection of the idea, and kept administrators and moderators busy deleting comments that constituted incitement to hate or threats to persons. Despite this active moderation, the comments created the image of a giant, angry and frustrated anti-gay community – an image that feeds the paranoia of an average LGBT* person.

In a survey by several local researchers carried out in 2012, 71% of Montenegrins said they thought homosexuality was an illness and 80% said it should be kept private.

The most common comments can be grouped by type:

- "Why is the media giving them so much coverage? There's so much more important news such as sick children or government manipulation."
- "Just ignore them on that day. Don't leave the house; they'll get bored and go home."
- "This is just so the NGOs can get their hands on European and American money."
- "They are doing this so the others [anti-gay protesters] will vandalise the city – shame on them!"
- "I have nothing against them, if they keep it behind four walls or to themselves and don't parade around."

It is rare for LGBT* persons or their allies[19] to post comments on news websites. In fact, LGBT*s often do not even read the news. On the other hand, as a social phenomenon, many people feel compelled to share their loud disapproval of something that they claim "is none of their business".

The first Pride Parade in 2013 saw a small war on the street, with 2,000 police protecting around 200 participants. Anti-gay youth thought they would be able to reach the marchers; but when they could not they assaulted police officers who were securing the march or demolished public property.

In contrast, the 2014 Pride event experienced no unpleasantness whatsoever. Both the date and location of the march in Montenegro were kept private until the day itself.[20] Institutions, pressured by the international community and eager to start the European Union (EU) accession process, took a pubic stand, and ensured that the participants were protected from the youth that the previous year were demolishing the streets (a football match was organised as a way to distract them, and to let them vent their objections to the march elsewhere). The lack of aggression in the streets was compensated by complaining online, where people feel protected by their anonymity to say anything and get away with it.[21]

That same anonymity is used by people to point out and express their right to be different. The more stringent the requirement to provide your real name when signing up to a website, the lower the chances the person who comments will be an activist.

For the LGBT* population, anonymity is a safe way to find partners and communicate with other LGBT* people. And it is the possibility to be anonymous that determines the choice of social network or platform and the kind of public communication that is shared.

Facebook, for example, requires a valid name and a valid email. It has become a platform where people keep in contact with what seems like every person they have ever met in their life. They keep track of each other and interact even if miles apart.

18 Komnenic, P. (2013, 20 October). Montenegro's First Gay Pride Parade Takes Place Under Heavy Security. *Huffington Post*. www.huffingtonpost.com/2013/10/20/montenegro-gay-pride-parade_n_4131778.html; see also on the July 2013 march in Budva: Reuters/AP. (2013, 24 July). Violence Mars Montenegro's First Gay-Pride Parade. *Radio Free Europe*. www.rferl.org/content/montenegro-gay-pride-attacked/25055771.html

19 Someone who is not a part of the LGBT* community but is supportive. In order to avoid outing themselves, some LGBT* people will call themselves allies.

20 Day, A. (2014, 8 October). Montenegro: Second Pride event will be held in secret from violent anti-gay protesters. *Pink News*. www.pinknews.co.uk/2014/10/08/montenegro-second-pride-event-will-be-held-in-secret-from-violent-anti-gay-protestors; Milic, P. (2014, 2 November). Montenegro's Gay Pride Parade Draws About 200 Activists Despite Nation's Conservative Mindset. *Huffington Post*. www.huffingtonpost.com/2014/11/02/montenegro-gay-pride-parade-_n_6091060.html; and Associated Press. (2014, 2 November). Peaceful gay pride held amid police protection in conservative EU-hopeful Montenegro. *Fox News*. www.foxnews.com/world/2014/11/02/peaceful-gay-pride-held-amid-police-protection-in-conservative-eu-hopeful

21 The 2015 Pride event was scheduled and banned by the authorities twice due to security reasons, on 24 April and 8 May, and is now scheduled for 18 October. ILGA Europe. (2015, 9 May). Pride event banned in Montenegro. www.ilga-europe.org/resources/news/latest-news/pride-event-banned-montenegro

To be "out" on Facebook means one would have to be out in real life.

Because of the risk this would imply, closed Facebook groups are used as online spaces where LGBT* people gather, meet each other and interact. Even if there are not many people in the group, they are perceived as safe. There is no fear of being judged or outed publicly. However, this also generates a parallel world where due to the fear of being outed or hurt, people keep in touch exclusively over Facebook and pretend they don't know each other in the streets.

There is a growing trend amongst LGBT*s to make profiles with fake names in order to find other LGBT* people, mostly for sex. Trans* people tend to make a profile with their preferred gender and name, and add friends that are supportive. Some of them even keep the cis[22] profile because of families and friends who do not know they are trans, including school friends.

Twitter does not require more than a valid email, but it offers the possibility of connecting to Facebook. Some LGBT*s use Twitter, some do not – and if someone plans on being "out" online, they *really* do not use Twitter. Rather, if someone is displaying publicly as LGBT* on Twitter, they use an alias and try to make sure none of their "followers" know their real identity. Being out on Twitter, given the social context in Montenegro, they cannot make a lot of friends, or exchange opinions.

LGBT* people who connect Twitter to Facebook know some of their followers personally, and more often than not have a "private" profile.

Tumblr is another blog-like platform often used among young LGBT* people. LGBT* people thrive on Tumblr, but because of the anonymity it provides, they are actually hard to locate. Their blogs are known only by a chosen few, if they even choose to reveal the fact that they have a blog. Tumblr does not require a person's real name, just a blog name. The blog has an "about me" section where people sometimes write their name, age and country/city, and it is a very interesting that LGBT* people sometimes even include their MBTI assessment,[23] sexual orientation and preferred pronouns.

When one becomes part of the Tumblr community one feels no judgement, no disrespect, no shaming in any way. It is like a whole country of people who are there for each other, care for each other, share funny gifs and good advice.

Planet Romeo is the most used dating site among the men-who-have-sex-with-men (MSM) population. It is mostly used to find sex partners, but also to initiate friendships. Unlike Facebook or Twitter, Planet Romeo is known to be an MSM dating site, so if someone were to have their name or face there, it would make them vulnerable to outing, or any other potential unpleasantness in real life. The profile pictures/user-names vary from *Athletic29Top* with a picture of the man's muscles to *Gladiator_27* with a profile picture that is a screen shot from the movie Gladiator.

Conclusions

The LGBT* community in Montenegro is still mostly closeted. LGBT* people take care of themselves online the same way as they do offline, by appearing "normal", not standing out, by being cautious about the way they act with their partners in public, and by not talking about sexual orientation unless explicitly asked, and sometimes not even then. If surrounded by people they do not perceive as a threat or if they are in a group of seemingly supportive strangers they will never see again, then the possibility of coming out is higher.

This is also the case when anonymity is completely guaranteed: on forums, in chat rooms and other similar social media platforms. Anonymity allows freedom of expression without negative consequences and without intimidation. Unless the chosen online group is discovered or infiltrated by homophobic trolls or just plain haters[24] – but then the LGBT* community will not react adequately, if they react at all.

Action steps

In order to provide a safe environment for LGBT* people to be themselves online, we first need to provide that same safety offline.

- There is a need for information and education about what sexual orientation is. It is important for people to realise that we can be "just gay" in the same way that we can be "just straight".
- Guidelines on how to act if faced with discrimination or hate speech online are necessary, because those who reply to hateful comments mostly start a fight. Others simply do not respond out of fear of intimidation.
- Support LGBT* people to stand up for their rights. There is the need for a stronger network and more solid ground to stand on.

22 https://en.wikipedia.org/wiki/Cisgender

23 The Myers–Briggs Type Indicator (MBTI) assessment is a psychometric questionnaire designed to measure psychological preferences on how people perceive the world and make decisions.

24 These are mostly people who will hate anything and everything; not necessarily homophobic, but not friendly either.

GLOBAL INFORMATION SOCIETY WATCH 2015

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 (LBGTQ) 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
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