

GLOBAL INFORMATION SOCIETY WATCH 2015

Sexual rights and the internet



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
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Global Information Society Watch 2015

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ECUADOR

LGBTI ACTIVISM AND SOCIAL NETWORKS IN ECUADOR



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www.matrimoniociviligualitario.ec

Introduction

Lesbian, gay, bisexual, transgender and intersex (LGBTI) activism has become increasingly visible in Ecuador in the last years. This is due to a stronger organisation of the groups that fight to defend the human rights of persons with different sexual orientations, and a more persistent presence of these organisations in the public arena. This might not have been possible before 1997, the year when homosexuality was finally decriminalised in the country. Before then, anyone who exhibited what could be considered homosexual conduct in public ran the risk of being incarcerated. How can you fight for equal rights when your identity is not only the source of discrimination but is also considered a crime?

In 2008, the new constitution furthered the rights of LGBTI people. The constitution required the protection of the family in all its forms and established “sexual orientation” and “gender identity” as “suspect categories” – which means that any legislative measure that makes distinctions based on these categories will be subject to scrutiny. In addition, the constitution recognised the right of common-law union for same-sex couples, which was, arguably, the most important victory in the constitutional debates.

Despite this progressive legislation, we face problems in achieving substantive equality for LGBTI persons. Discrimination is persistent. If the legal norms indicated above have no effective application, they are only a consolation prize, and worse, when it comes to same-sex union, a disguised attempt to evade the demands for marriage equality.

This report discusses a campaign called “Same Sex Marriage in Ecuador: The Same Rights with the Same Names” (*Matrimonio Civil Igualitario: Los Mismos Derechos con los Mismos Nombres*).¹ In

particular, it focuses on the possibilities that the use of social networks create both for outreach and visibility. I will also point out some limitations in using social networks for campaigns like this in a developing country, which need to be considered for the fight for equality to be more effective.

The current legal situation

The ultra-conservative groups that opposed the recognition of legal effects to same-sex unions in 2008 are the same groups that now oppose equal marriage rights. Back then, these groups argued that Ecuadorian society was not prepared to legally recognise same-sex unions. They anticipated that such recognition would mean the end of the institution of the family in Ecuador. Seven years later, common-law unions between same-sex partners are meant to produce legal effects and generate the same rights held by families constituted upon marriage, at least in theory. However, common-law union and marriage are not the same institution (note that we are not even talking about civil unions here).²

Those who oppose equal marriage are fighting a losing battle from the trenches: one that is symbolic and semantic. They know perfectly well that the term “marriage”, the institution, holds a symbolic meaning and a social recognition that even the “civil union” lacks; more so the *de facto* institution of “common-law union”. The right to marry and to call the ensuing contract “a marriage” will be an important victory in the struggle for equality.

¹ www.matrimoniociviligualitario.ec

² In Ecuadorian law, common-law unions are *de facto* conjugal unions while marriage is a legal contract. Same-sex couples can only aspire to have legal recognition under common-law union status, provided that they meet the legal requirements. Also, as opposed to different-sex couples, they are expressly not allowed to adopt children jointly. A temporal requirement for recognition of the legal effects to common-law unions demands a period of conjugal cohabitation (two years, in Ecuador). A civil union is a third category, not known in Ecuador, but in other jurisdictions (like the province of British Columbia in Canada), used by couples who reject marriage as a traditional institution but who want to sign a joint contract.

The same-sex marriage campaign

In 2013, a group of organisations and human rights activists for the LGBTI community – including ours – started the campaign for Marriage Equality in Ecuador.³ From the beginning we knew that our task would be a difficult one. We had to fight a legal battle that needed to change not only one law and reform the civil code, but the country's constitution too, which in its article 67 defined marriage as a union between a man and a woman. The situation was reminiscent of the Defense of Marriage Act in the United States (US), a law enacted by President Bill Clinton in 1996, which defined marriage on a federal level as the legal union between one man and one woman. This law was declared unconstitutional in the US in June of 2013, and we needed something similar to happen in our country.

But beyond the legal strategy, it was clear to us that the campaign had an even more crucial objective: getting issues faced by the LGBTI community in our country out of the closet and onto the public agenda. This entailed making ourselves visible and letting people know who we are, how we live, and what we are talking about when we raise the issue of sexual diversity. This was important, because one of the arguments of those who oppose us having the same rights in Ecuador is the theory that our society is not yet ready to tolerate homosexual “conduct” in public. Of course, that is not a plausible justification to violate our human rights. However, it is true that, in a profoundly chauvinistic and homophobic society such as ours, ignorance on the subject is a determining factor in the perpetuation of discrimination. So we were convinced that, as our first task, we needed to make sexual diversity more visible and, above all, create a culture of dialogue and information about what it means to be LGBTI.

We took action on two fronts: on one, we introduced lawsuits in order to push for same-sex marriage to be recognised; and on the other, we organised debates, picketed events and gave interviews in the media, in order to force the campaign onto the public agenda. We also trained spokespersons so they could be well-informed and talk about the issues assertively. The idea was to transform LGBTI rights into a human-interest issue that evoked empathy and solidarity. Little by little, we began educating our society on the fact that sexuality is diverse and everyone has the right – the human right – to exercise it without being subjected to discrimination or violence.

Social media has been one of our biggest allies in promoting the visibility of LGBTI issues. These new communication platforms are online tools that allow us to reach a broader and younger audience. That is exactly what we wanted: to reach those who can change society's tendencies and perceptions. And so we created accounts on Twitter, Facebook and Instagram (the three most popular social media platforms in Ecuador) and we developed an attractive website with details about our campaign activities. Social media has been one of the pillars of our campaign. Our experience in working with these tools has been excellent, since we were able to reach people – especially the young population – who wanted information about LGBTI rights and sexual diversity in an inexpensive, easy and quick way. We used social media to publish interviews with LGBTI people that captured different experiences from countries in our region and the world. News of how equality laws were advancing around the world began pouring in, and we shared this with our target audience.

On 14 February, Valentine's Day, an amazing incident happened. We wanted to organise something special on that date – which is dedicated to love and friendship – in order to celebrate same-sex marriage as a right for the LGBTI community. The previous year we had saved enough money to print fliers, buy balloons and organise a public gathering in a popular park in Guayaquil to hand out information and fliers to passersby.

But this year we did not have enough funds, so we decided to organise a contest to select the picture of the cutest same-sex couple using social media. It was a risky decision, because social media platforms have become tremendously popular and carry the risk of over-exposing people who participate. Facebook is considered the most used social media platform in the country – not only by young people, but Ecuadorians of all ages.

Our goal was to send the message that love does not necessarily begin and end with heterosexual couples. The pictures would be published on our Facebook page, and our fans would vote for their favourite. According to our predictions we expected five or, at the most, 10 same-sex couples to participate in the contest by sending their pictures. We thought we were being optimistic. We also thought that we would receive many anonymous photographs or some in which people did not show their faces or give out their names. Remember, this is Ecuador, a small country where people live in relatively tight-knit communities, where they know each other, and most of them use Facebook.

³ <https://www.facebook.com/matrimoniociviligualitarioecuador?fref=ts>

When the images started pouring in, we were surprised to see couples looking directly into the camera, smiling happily, being romantic with each other, giving us (and basically the entire country) their names. Voting was enthusiastic to say the least. People could not stop voting and commenting positively about the couples. There was a sort of euphoria happening with the contest.

In the end, when we got to the deadline, we had received 72 pictures from all over the country. The images showed loving couples; they were filled with romance and affection. The couples were not ashamed or shy about their feelings, and freely showed that they were in relationships. Aside from this, the couples told us how long they had been together and some of them shared their stories about how they had met, and the problems they had overcome because of discrimination.

But the comments and supportive words from our fans were the biggest surprise. Our page was overflowing with them; so we decided to share the pictures on Instagram and Twitter as well. In the end, our contest was so successful that we gave out three prizes instead of just one. That gave us another opportunity to measure the change of attitude towards LGBTI couples in our society. The three prizes were a romantic dinner for two in a restaurant in Ecuador's three main cities, Quito, Guayaquil and Cuenca. I was assigned to arrange the dinner in Guayaquil, so I had to go talk to the restaurant managers. I must confess that I was a bit scared that they would not agree to host the dinner, due to the rampant homophobia in our society, but once again, I was happily surprised. Not only did the restaurant's management welcome the event; they gave the couple the best table and flowers and took a photograph of the couple to commemorate the joyful occasion. Some of the waiters even told us they had seen the contest on Facebook!

Conclusions and suggestions

In general our campaigns on social networks have been pretty successful. They have been processes of trial and error from which we have tried to learn. Early on – and as an overall strategy – we decided to always use empathetic and simple language to convey our messages. This has been fruitful in unexpected ways: not only have we received a positive response from persons from all walks of life who have changed their minds – and, most importantly, their hearts – about an otherwise obscure issue, but we have also empowered LGBTI individuals. In the midst of the photo contest, we

received messages from a lot of young people who found the courage to come out to their families inspired by all those happy and assertive faces on our Facebook wall. For everyone involved, we have provided virtual spaces allowing support and encouragement, as well as dialogue and discussion (peaceful and otherwise).

At the same time, we have become aware of our limitations. Social networks are easy, relatively inexpensive ways for reaching a mass audience, but in developing societies like Ecuador, internet connectivity is not a given. The use of the internet is also not necessarily tantamount to the proactive use of social networks beyond communicating with friends and for entertainment. In addition, there is also an age gap in internet use that should not be overlooked. We are certainly reaching out to a growing audience: the current and future voters in a significantly young population; but we are not sure about our visibility among and capacity to persuade older audiences through our Twitter, Facebook and Instagram accounts.

We do not know the real extent of these limitations yet. However, even if it becomes evident that by concentrating our efforts on social media we are failing to reach out to persons who would be willing to change their minds if they only had more information and testimonies, we will not lessen our use of social networks. We will just find the ways – and resources – to reach those people using other forms of media and ways of engaging.

Our experience with the Facebook contest showed for the first time how social media can help us spread a message that defends and promotes LGBTI human rights in an evolving society, where young people have become such prominent actors for change. The fact that so many diverse couples made themselves visible on Facebook, Twitter and Instagram not only helped us reach a broad audience that was mainly supportive, but motivated a great number of other couples to come out of the closet. We received so many messages from people telling us how, thanks to the bravery of the participants in our social media contest, they had gathered the courage to speak to their parents and friends about their sexual orientation or gender identity. On the other hand, social media is a space for debate, dialogue and discussion amongst people who are eager to understand what is happening to them; people who no longer want to feel lonely and who are searching for support. Today, they can find all that using social media.

Acceptance of sexual diversity and LGBTI human rights is growing every day in Ecuador. We still

have a long road ahead, which definitely needs to take us through a change in legislation that gives us true equality: official and equal rights to marriage on paper. But we have achieved a lot in the fight towards making LGBTI issues more visible in the media and in public debate. We are getting closer to the level of acceptance found in other parts of the world. Even if progress towards equal rights is made in countries far away, this is close to our hearts and minds, and fuels the visibility of sexual diversity in Ecuador. Landmark events like the referendum in Ireland, where equal marriage was approved by popular vote,⁴ were widely covered by all media, including online media in this country.⁵

We can optimistically say that social media provides a strong ally to our struggle, and we have to use it as much as we can to help us in our battle and promote our message of equality.

Action steps

The following advocacy steps are suggested for Ecuador:

- Organise campaigns that call for the open participation of LGBT people on social media platforms, as a way to raise LGBT rights publicly, and in an entertaining way.
- Use social media platforms to call for creative and fun actions in the streets: kiss-a-thons, for example, or rainbow hugs.
- Promote straight-LGBTI alliances led by public figures dear to the general public.
- Raise LGBTI rights in public debates on more general political issues. Point out that LGBT rights are a matter of equality, freedom and multiculturalism. This is about politics, not just identities!

4 Johnston, C. (2015, 23 May). Ireland becomes first country to legalise same-sex marriage by popular vote - as it happened. *The Guardian*. www.theguardian.com/global/live/2015/may/23/counting-underway-for-irelands-referendum-on-marriage-equality

5 www.eluniverso.com/noticias/2015/05/23/nota/4901546/irlanda-vota-si-favor-legalizar-matrimonio-homosexual

Sexual rights and the internet

The theme for this edition of Global Information Society Watch (GISWatch) is sexual rights and the online world. The eight thematic reports introduce the theme from different perspectives, including the global policy landscape for sexual rights and the internet, the privatisation of spaces for free expression and engagement, the need to create a feminist internet, how to think about children and their vulnerabilities online, and consent and pornography online.

These thematic reports frame the 57 country reports that follow. The topics of the country reports are diverse, ranging from the challenges and possibilities that the internet offers lesbian, gay, bisexual, transgender and queer (LGBTQ) communities, to the active role of religious, cultural and patriarchal establishments in suppressing sexual rights, such as same-sex marriage and the right to legal abortion, to the rights of sex workers, violence against women online, and sex education in schools. Each country report includes a list of action steps for future advocacy.

The timing of this publication is critical: many across the globe are denied their sexual rights, some facing direct persecution for their sexuality (in several countries, homosexuality is a crime). While these reports seem to indicate that the internet does help in the expression and defence of sexual rights, they also show that in some contexts this potential is under threat – whether through the active use of the internet by conservative and reactionary groups, or through threats of harassment and violence.

The reports suggest that a radical revisiting of policy, legislation and practice is needed in many contexts to protect and promote the possibilities of the internet for ensuring that sexual rights are realised all over the world.

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2015 Report

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