

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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Alan Finlay

Assistant editor, publication production

Lori Nordstrom (APC)

Proofreading

Valerie Dee

Stephanie Wildes

Graphic design

Monocromo

info@monocromo.com.uy

Phone: +598 2400 1685

Cover illustration

Matias Bervejillo

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Humanist Institute for Cooperation with Developing Countries (Hivos)

Hivos

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Levi Kabwato
Kabwato@gmail.com

Introduction

Malawi is one of the world's poorest countries. With an estimated population of 17 million people, most of them living in rural areas, poverty levels are extremely high.¹ Women, who form most of the population, are not only disadvantaged and disenfranchised by debilitating poverty, but also have to confront a patriarchal system in which their voices are rarely heard, their choices are seldom respected, and their systematic advancement is not promoted in society's institutions.

This is exacerbated by cultural conservatism, moral policing and religiosity, all of which carry the discursive power to name and accept certain principles, values and practices as "Malawian" or as "unMalawian". It is within this sphere that the feminist and lesbian, gay, bisexual, transgender and intersex (LGBTI) communities in Malawi have faced their greatest resistance, often being dismissed as attempting to corrupt "national values". Fewer than one million Malawians accessed the internet in 2013.² This can be attributed to various factors, chief among them a lack of infrastructure and the high cost of internet-related services.³ For women, in particular, prevailing economic disenfranchisement means restricted access to resources that can further enable internet access.

The consequence, therefore, is that conversations and discourses affecting these movements occur without their active involvement and participation, or when they do participate it is under severe limitations and restrictions.

Policy and political background

LGBTI issues substantively entered mainstream discourse in Malawi after the arrest and jailing of same-sex couple Steve Mwonjeza and Tiwonge

Chimbalanga.⁴ Subsequent turns of events would see a presidential pardon for the two (2010), a moratorium on the arrest of same-sex couples (2012), a constitutional review of the legality of sodomy laws (2013) and, finally, criminalisation of same-sex relationships (2015).

Although the Constitution of Malawi (Section 20) guarantees "equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status," sexual orientation and preference is still contested terrain.

A proposed Electronic Transactions Bill (e-Bill) in Malawi threatens to bear negative consequences for privacy, digital security and communications surveillance.⁵ If adopted, this bill will become part of a communications infrastructure that does not currently favour inclusivity and the participation of many voices, especially those marginalised and alienated on the basis of gender and sexual preference.

Despite this, narratives and conversations about LGBTI and feminist communities in Malawi still take place online, usually as derogatory, disapproving and disparaging interventions rather than empowering, productive or ideologically redemptive conversations and narratives.

The online absence of alternative affirming discourses and spaces online about LGBTI and feminist ideals in Malawi reveals a knowledge gap that feeds prejudice and breeds negative perceptions and attitudes for sexual rights, with seeming impunity.

"Misconceiving gender equality"

If the assumption is that online platforms in Malawi offer a free and safer space to organise and exercise discursive power on LGBTI and/or feminist ideals, then the opposite is true. Already marginalised and derided communities offline still face the same challenges online.

1 data.worldbank.org/country/malawi

2 www.internetworldstats.com/africa.htm#mw

3 Igunza, E. (2015, 20 February). Malawi's expensive mobile phone habit. *BBC*. www.bbc.com/news/world-africa-31533397

4 Mapondera, G., & Smith, D., (2010, 8 June). Love fails to conquer all as Malawi gay couple separate. *The Guardian*. www.theguardian.com/world/2010/jun/08/malawi-steven-monjeza-tiwonge-chimbalanga

5 Media Institute of Southern Africa. (n/d). MISA protests against draft E-Bill. www.misa.org/news-feeds/item/615-misa-protests-against-draft-e-bill

News stories highlighting LGBTI and feminist issues often attract considerable attention, including abuse from readers, which often equals the level of constructive response. To put this into perspective, a 2013 public intervention by prominent feminist Seodi White is instructive. This came in the form of an open letter to then-president Joyce Banda and in response to the president's remarks on marriage, which seemed to be biased towards patriarchy.

Addressing a mass rally in Malawi, Banda was quoted by media as advising married women in Malawi not to listen to female activists who are divorced and unmarried as a result of their gender activism and feminism.

"If someone comes here to tell you that you have to be rude to your husband because that is what gender equality entails, ask them if they are still in marriage... Many of them will not give you answers because they don't have husbands. They have wrecked their marriages three or four times for misconceiving gender equality," Banda was quoted as saying.⁶

Critics like White read this as a free pass for patriarchy, endorsed by Malawi's first-ever female president and someone in whom much faith and hope for the emancipation of Malawian women had been placed. Those who supported Banda's point of view argued that it was more important to stay married than to undermine the authority and sanctity of the institution of marriage by advancing feminist ideals that challenge male dominance and power.⁷ For a woman to do the latter, as popular thought has it in Malawi, is to go against both cultural and mainstream religious values.

In subsequent responses, White insisted that the criticism she had received proved her point and added that "the patriarchal agenda [in Malawi] thrives through institutions and one of the most patriarchal institutions where patriarchy reigns and thrives is the institution of marriage. (...) It is an institution that has the danger of oppressing women."⁸

Other analysts and commentators weighed in the debate, and one observed, "The debate Malawian women are having about gender and the political space is painful to watch, but it raises one question.

Can this debate prove to be a turning point in the way Malawians discuss gender and politics?"⁹

Indications are that the debate was not a "turning point". If anything, the debate reinforced experiences and structural designs which disenfranchise women from actively and freely participating in key discourses. Indeed, White herself expressed concern at the amount of abuse she and some of her family had to deal with in the aftermath of the expression of her views.

"The misogynistic insults," she wrote, "were highly personal and most unfortunate and mainly posted on Facebook and [the] *Nyasa Times* as well as over 20 links on the internet. Editors of the online newspapers have since told me that the letter has generated over 8000 hits since then. Meaning over 8000 people all over the world have since availed themselves to these verbal tirades."¹⁰

While gendered statistics on internet access in Malawi are not readily available, the prevailing social and economic trends suggest, as highlighted above, that men are more economically empowered and therefore able to gain access to the internet more frequently than women, who although they are in the majority, are not economically empowered. The dominant voices, opinions and comments seen online therefore become those of men, with women being pushed to the margins, or being silenced.

It is a point White is well aware of when, drawing from her own experience, she says "the cyber gender violence I experienced is a true manifestation of patriarchy and an androcratic social order that I now know more than ever before must be challenged over and over or it remains a deep [rooted] cancer in our society. Its result is and will continue to be that women will continue to cringe in private spaces for fear of participation in public spaces and in cyber dialogues on their own terms due to the tirades that I have received and other women have received."¹¹

In doing so, she echoes previous discussions on why Malawian women shun online debates, which observed, "Apart from issues of content (...) women cannot actively participate as Internet access is the domain of men only. [This] reality 'may be a reflection of the gender tilt in Malawi's education. It is biased towards men and this is reflected in mailing list membership.'"¹²

6 Nyasa Times. (2013, 22 July). JB advises Malawi women: Don't wreck families because of gender. *Nyasa Times*. www.nyasatimes.com/2013/07/22/jb-advises-malawi-women-dont-wreck-families-because-of-gender/comment-page-2

7 Nyasa Times. (2013, 2 August). The White shame in Seodi: In defence of Malawi Pres. Banda. *Nyasa Times*. www.nyasatimes.com/2013/08/02/the-white-shame-in-seodi-in-defence-of-malawi-pres-banda

8 White, S. (2013, 26 August). Seodi: Collusion with patriarchy and cyber gender based violence. *Nyasa Times*. www.nyasatimes.com/2013/08/26/seodi-collusion-with-patriarchy-and-cyber-gender-based-violence/

9 Sharra, S. (2013, 18 September). In support of Malawian feminism. *afrika aphukira*. mlauzi.blogspot.com/2013/09/in-support-of-malawian-feminism.html

10 White, S. (2013, 26 August). Op. cit.

11 Ibid.

12 Kaonga, V. (2008, 11 April). Malawi women shun internet discussions. *Ndagma*. ndagma.blogspot.com/2008/04/malawi-women-shun-internet-discussions.html

The absence of popular and protected spaces for advancing LGBTI and feminist discourse also contributes to the marginalisation of these voices. Sex and sexuality remain taboo topics deemed not worthy of open public discussion. In these circumstances, therefore, how can national discussions and debates in Malawi be structured in a way that promotes inclusivity of voice, tolerance of opinion and empowerment of marginalised LGBTI and feminist communities?

Several communication tools are being used to drive conversations within these communities. In common use are WhatsApp, Facebook, Blackberry Messenger (BBM) and Twitter. Extending these conversations into public offline spaces remains difficult given the criminalised environment within which LGBTIs can express themselves.

Many people from the LGBTI community have resorted to using social media tools, because in criminalised environments such as Malawi, there are no openly gay social venues where LGBTI persons can find sexual partners, explained Gift Trapence, director of the Centre for the Development of People (CEDEP).¹³

Yet, this is not done without consequence. The stigma attached to LGBTI communities in Malawi means that in the absence of vigilant privacy and security measures online, huge vulnerabilities exist.

“Most of the LGBTI persons have been ‘outed’ through social media. We have had so many cases in Malawi. There are cases of people with ill intentions joining social groups in these spaces with the aim of spying and outing people or blackmailing individuals.”¹⁴ Trapence added.

The proposed e-Bill adds to growing concerns of digital insecurities in Malawi. Against the backdrop of a moralistic outlook which relies on culture and religion to silence sexual minorities, this law – at the disposal of a rogue state – has the potential to further criminalise and undermine any progress towards the emancipation of LGBTI and feminist movements.

The existence of these risks means that a culture of censorship prevents fruitful self-expression for marginalised communities in Malawi. But silence is not an option. In this regard these communities will have to formulate both offline and online strategies that counter the continuous repression that their narratives, experiences and aspirations suffer.

Conclusions

High costs for accessing the internet remain a barrier in Malawi. Given the economic imbalances between men and women, this means that male voices, thoughts and actions continue to dominate spaces that should ordinarily be shared and distributed equally.

Policy ambiguities and inconsistencies have also meant that the plight of sexual minorities is not prioritised. These are best encapsulated by the way policy actors, chiefly the government, have behaved in Malawi in the past five years. These actions, from the arrest of a same-sex couple in 2010, a moratorium on the arrest of same-sex couples in 2012, then Constitutional review of the legality of sodomy laws in 2013 and finally, the criminalisation of same-sex relationships in 2015, all indicate the complexities of dealing with sex and sexuality in Malawi.

Tellingly, opportunities for progressive dialogue and discussion have not been utilised to seek understanding and inclusion of critical stakeholders in designing frameworks that support sexual minorities in Malawi. Therefore the absence of online counter-narratives on sex and sexuality has created gaps in the representation of LGBTI and feminist voices and aspirations.

This means that existing prejudices against these communities are continuously left unchecked and are reinforced in a seamless flow between both offline and online spaces. Such conditions are creating fertile ground for gender-based violence online, an import from offline spaces. Against this backdrop, a legal framework that criminalises same-sex relationships, such as the one in Malawi, reinforces oppressive practice and fails to offer adequate support to marginalised communities, which include women and sexual minorities.

However, the use of new communication technologies to organise and advance alternative narratives on empowerment, sex and sexuality signifies massive potential to upset the existing order and introduce new shifts towards more open and inclusive societies. Although there appears not to be much awareness on privacy and digital security concerns, these technologies are enabling conversations while at the same time offering private comfort to users.

More broadly, an insistence on culture and religion as being the custodians of “Malawian values” is misleading at best, and retrogressive at worst. Within the ambit of culture and religion in Malawi, sex and sexuality are policed in a manner that does not inspire honesty and openness at various levels – family, church and society. The result

¹³ Interview with Gift Trapence, director, Centre for the Development of People (CEDEP), 10 June 2015.

¹⁴ Ibid.

of this is denialism, which dismisses and purports alternative sexual behaviour and preference as “un-Malawian” by virtue of the power held by cultural and religious institutions, and prevents the evolution of critical discussions and dialogues about sex and sexuality.

Regardless, opportunities still exist for the introduction and evolution of a progressive sexual rights discourse in Malawi. Such opportunities will require innovative thinking, consolidated effort and courage if they are to be harnessed.

Action steps

The following action steps can be suggested for Malawi:

- Innovation in creating safe online and offline spaces for sincere and honest conversations about sex and sexuality at various layers of society (family, school, workplace, church, etc.).¹⁵
- The creation of sustainable structures and mechanisms of support for sexual minorities and other marginalised groups.
- The introduction of information platforms and services that can empower sexual minorities and other marginalised groups. These platforms can also be used to organise and lead public interventions which encourage openness about sex and sexuality.
- The inclusion of LGBTI issues in national sexual reproductive health programmes.
- Regular and robust engagement with religious and cultural institutions on matters of sex and sexuality in Malawi.
- The active involvement of LGBTI communities in policy formulation, implementation and review.
- Privacy and digital security training for LGBTI communities in Malawi to empower them to safely organise online without being surveilled.

¹⁵ An example of innovation would be using mobile practices to access information on LGBT issues.

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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