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The right to be connected: digital gender mainstreaming in South Asia according to a non binary perspective

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Second Part – Cases from the Indian Subcontinent: building on civic efforts to foster digital rights

Abstract

The development of the new technologies and the rising importance of digitality in everyday life is having a huge impact on the gender divide: if the Internet is providing new possibilities to create virtual tribes, share knowledge and enhance the emancipation of sexual minorities, on the other hand it is facilitating new forms of discrimination and exclusion.

The gender digital gap is an issue that includes a large number of potential and effective users, such as heterosexual women and members of the LGBT+ community.

In particular, the Internet is giving the possibility to sexual minorities of the most traditionalist and unequal countries to find a voice, organize grassroots manifestations, to build network amongst the equal rights activists; nevertheless, the violence and the bias that sexual minorities often experience offline are migrating on the digital space too.

This dissertation aims to understand the role of Internet in the sexual rights movements, paying attention to the right to be connected and to properly take advantage of these new tools.

The focus on the Indian subcontinent area is helpful because it provides a clear proof of the importance of being connected in order to dismantle the patriarchy system, which is very rooted in those countries, fighting the female illiteracy, spread gender equality messages avoiding, or at least reducing, the risk of being harassed and arrested.

The thesis adopts the UNESCO ROAM-X framework.

Introduction

Since the birth date of World Wide Web and throughout its evolution, this innovative communication tool has shown both bright sides and dark ones, in particular concerning freedom of expression, safety when interacting online and the threads a user can receive for the content he decided to share.

The online environment is a virtual place where human interactions and relationships follow a common pattern with offline behaviors: even if the users don't share the same physical space, they are connected through a digital platform that permits them to communicate and exchange information and contents.

The evolution of Web 2.0 has given the chance to realize grassroots multimedia products and making them going viral, without the support of third parties.

In the last years, the number of users that upload personal information, share news and contents, express their creativity and talk about themselves freely has increased fast, pointing out the fact that in the virtual environment people constitute and organize themselves in virtual tribes or clusters of individuals: users that has common views, needs and belief systems can find a new way for socializing.

This phenomenon, which resemble the process of socialization offline, has brought potentialities as much as risks for users' safety: if it is true that a person who lacks of social support offline can find it online, searching for groups, chats, forums, it is possible that he may encounter controversies by being spotted and criticized by unfriendly users.

Cyber bullying, for example, is becoming a severe issue that influences the users experience in the online context.

In fact, there are particular clusters of individuals whose online experience is often characterized by violation of their rights, discrimination, ostracism, censorship and illegal practices as revenge porn (the non-consensual divulgation of intimate and pornographic materials of the victim).

This potential danger can cause psychological problems to the users involved, who can't perceive the web as a safe space where keep in touch with friends, get news and find useful sources.

Moreover, the online threads can move to the offline context, whenever the real identity of the user is revealed.

This meaningful part of the population consists of women and members of LGBT+ communities, in particular those who identify as lesbians, bisexual women and trans-sexual women.

Throughout the years, many guidelines have been proposed in order to enhance the protection policies for specific group of users.

Nevertheless, the existent Internet policies constantly face a controversy between freedom of expression and protection of digital rights: the current policies and the set of proposals to implement online protection often conflict with existent privacy law, as well as the right to use the Internet without being supervised by third parties.

According to the EU LGBT survey[1] of 2014 conducted by the European Union Agency for Fundamental Rights, one out of three transgender women applying for a job online and

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[1] https://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results_tk3113640enc_1.pdf

signing as "non-binary" or belonging to the "third gender" were rejected for that role, experiencing this form of discrimination twice with respect to the male homosexual counterparts.

The authors' hypothesis is that males can keep their sexual orientation secret, whereas transgender women can't.

Moreover, trans-women both struggles typical women problematic (as not being properly considered for particular job roles)[2] and social discrimination due to belonging to LGBT+ community.

For example, according to Buchanan (Buchanan et al., 2001),[3] lesbian women face different forms of discrimination and social pressure: they are considered inappropriate caregivers and are judged if they decide to foster children or build a family with their partner; the pressure increases when they are particularly religious and feel like they are infringing the norms of the spiritual communities.

This is the reason why the LGBT+ civil rights movements that is still currently fighting for equality treatments and protection policy can't be conceived and analyzed as a unique block.

In particular, in countries where the patriarchal system is still strong and influences legislative decisions, homosexual men find less difficulties to find their voice heard respect to heterosexual, homosexual and transgender women; women are still considered a sexual minority, regardless of their personal approach to gender roles as well the fact they are actually the fifty percent of the whole world population.

This research aims to explore connections between the feminist movements and the LGBT+ movements, focusing on the potentiality and constraints that the digital platforms bring with them and on their digital and dialogical rights.

Nowadays, the digital context poses several obstacles and challenges to the sexual minorities, which are clusters of individuals with different needs, perspectives and way of behaving.

Many feminist theories shows commonalities with the Queer Theory,[4] in particular regarding the adoption of a constructivist approach, that permits to analyze the gender digital divide according to a non-binary perspective (Rubin, 1984).[5]

The theoretical assumption of both feminist studies and queer studies is that gender roles don't have biological fundaments but are socially constructed (De Lauretis, 1990).[6]

There is actually a gap between heterosexual males and sexual minorities, also defined as sexual communities,[7] since the second group of individuals may experience different forms of violence, invasion of privacy and limitation of their freedom of expression.

Furthermore, the study aims at understanding the concept of gender in the digital context and the belief system that most societies have regarding gender roles, taking it from the binary perspective to a more open and inclusive perspective.

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[2] https://phys.org/news/2019-03-women-percent-hiring-men.html
[3] https://www.tandfonline.com/doi/abs/10.1080/01926180127629?journalCode=uaft20
[4] https://en.wikipedia.org/wiki/Queer_theory
[5] A. Jagose. " Feminism's Queer Theory", Feminism and Psychology. SAGE publications, 2009. Pp. 164-166
[6] Ibidem, pp. 162-165
[7] Term coined by John D'Emilio in "Sexual Politics, Sexual Communities" (1983).

The main purpose of this dissertation is to understand which difficulties and problematic are encountered by sexual minorities when accessing digital spaces and trying to take advantage of the potentiality that these new mass media offer.

There are the main questions I want to answer through this work:

- What does right to "*digitality*" mean and why is it becoming an inalienable right?
- Are digital rights properly and actually guaranteed to all users, despite their sexual orientation and personal ways to approach to the gender they identify with?
- How do violation of privacy, revenge porn and other infringements of digital rights influence someone's life and experience with the Internet?
- Is it possible to elaborate apposite policy to protect sexual minorities rights online and on which bases these norms must be develop? Why?

These questions may be very helpful in order to understand how women and LGBT+ community approach to the Web, pointing out the raising importance of it in their daily life, for their self-improvement and to become active citizenships without hiding their sexuality, needs or giving up to part of their freedom of expression.

After an introduction that will present the main topics regarding LGBT+ and the use of the Internet, the work is divided in two main parts: the first is a general overview of the implementation of digital rights, protection of privacy and access for all sexual minorities, recognition of the importance of "digitality"[8] nowadays and in particular for those who need more support when diving deep into the awareness of their identity; for example teenagers and young adults that prefer to search for information about sexuality and gender on the Internet, LGBT+ forums and social media to read about inspiring and similar stories.

The second part offers a critical analysis of specific cases from the Indian Subcontinent (India, Nepal, Sri Lanka), building from the project "EROTICS" conducted by Association for Progressive Communication (APC): a project aimed at strengthening the participation of an already participating country (India, partnering with active member of the network Point of View),[9] and bring in new actors from two new countries to this advocacy arena (Sri Lanka[10] and Nepal).[11]

The initiative wants to enable sexual rights activists in India, Nepal and Sri Lanka to engage politically with the Internet as a public space and counter technology-related violence against women and LGBTs.

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[8]According to Negroponte's book "Being Digital" (1995), the term refers to the new condition of living in a digital culture, accessing internet and technological devices to keep in touch, work, study, get informed; digitality is a neologism which include the new possibilities of growth and education that the new media give.

[9]http://pointofview.org/

[10]https://womenandmedia.org/

[11]https://taannepal.wordpress.com/

Methodology

I chose to mix qualitative and quantitative approaches, analyzing the current policies about gender media equality, with specific focus on the gender gap that sexual minorities users experience when accessing the Internet and exercising their fundamental rights.

I collected international indexes, national and international policies, laws and grassroots publications realized by non-governmental associations.

I adopted a critical frame analysis (CFA) approach, in order to highlight both the virtues and problematic points that emerge from the current normative discourse about digital rights and users protection.

The tool that I used for this critical analysis is the ROAM-X UNESCO index.

The Internet Universality Indicators in ROAM – X have been used to analyze the data and understand how the main issues concerning digital rights gender gap, as privacy and online harassment.

The analysis will be based on the main questions that ROAM-X proposes in order to understand how a specific policy or normative problematizes the above mentioned issues.

The ROAM-X have been used to analyze the grassroots practices and indexes too, in order to understand in which terms they can influence the realization and implementation of digital rights policy protection for sexual minorities by national and international legislations.

The Internet Universality Indicators that will be used in the analysis and that are common in the two parts are:

- **Rights**: It refers to the assumption that the Internet is based on respecting human rights, assuring that online and offline rights are equal and must be guaranteed; in particular rights to free expression and privacy will be highlighted;

- **Openness**: The Internet space is multifaceted and ought to assure a plurality of information, avoiding censorship where the content is not based on racist and discriminating ideas;

- **Accessibility**: The actual possibility to freely access the contents and the space online;

- **Multi Stakeholders Participation**: The actual presence of different groups of citizens that can organize themselves and share contents, give support to each other and join the political debate;

- **Cross Cutting issues**: All the transversal elements, involving the social dynamics, the culture, the level of alphabetization, the belief system, etc.

The mentioned index provides an accurate schematization of the Internet principles that must be guaranteed to every citizen, despite economical, sexual, religious or social differences.

WHY ROAM – X – AN INNOVATIVE APPROACH

UNESCO in brief

With the acronym UNESCO we refer to the United Nations Educational, Scientific and Cultural Organization, a specialized agency of the United Nations (UN) based in Paris, France.[12]

Founded in 1945, UNESCO has 193 member states and eleven associate members.[13]

Its declared purpose is to contribute to promoting international collaboration in education, sciences, and culture in order to increase universal respect for justice, the rule of law, and human rights along with fundamental freedom proclaimed in the United Nations Charter.

UNESCO pursues its objectives through five major programs: education, natural sciences, social and human sciences, culture and ICTs.

Projects sponsored by UNESCO include literacy, technical, and teacher-training programs, international science programs, the promotion of independent media and freedom of the press, regional and cultural history projects, the promotion of cultural diversity, translations, international cooperation for the protection of the World Heritage Sites, preservation of human rights, policies and practices to reduce the worldwide digital divide.

The Internet Universality Indicators Framework

Considering the projects to implement the worldwide *right to digitality* and good usage of Information and Communication Technologies (ICT), UNESCO has promoted a sector specialized in fostering freedom of expression, media development, and access to information and knowledge in line with the 2030 Agenda for Sustainable Development goals, with specific attention to the social, political and economic mutations of the digital age.[14]

For this reason, the Communication and Information Sector has developed, since 2015, the Internet Universality Indicators: the ROAM-X framework is a useful tool to have a map of the digital environment, whether it be referring to a country, a social category or throughout a specific period.

The peculiarity of the ROAM-X index by UNESCO is to be adaptable to every social, economic and cultural context, to gain a holistic diagnosis of its Internet policies, digital environment and thereby the structural causes of digital inequalities.[15]

According to this powerful resource, nowadays the Internet should have developed around four main principles, that make it equal and effective, regardless the characteristics of the user or group of users.

These principles, which constitutes the acronym ROAM,[16] are:

- Rights
- Openness
- Accessibility

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[12] https://en.unesco.org/about-us/introducing-unesco

[13] https://en.unesco.org/countries

[14] https://en.unesco.org/themes/communication-and-information

[15] https://en.unesco.org/internet-universality-indicators

[16] https://en.unesco.org/internet-universality-indicators/roamx-indicators

- Multi-stakeholder participation

I decided to use this framework because it provides a useful structure to monitor the current state of digital rights exercised by a specific group of individuals: the sexual minorities, which include women as well as those individuals who refuse the binary perspective.
Applying the ROAM-X framework elaborated by UNESCO is what makes the present work innovative.
By monitoring the presence (or the lack) of these four main principles, complemented with the Cross-cutting indicator (which refers to the contextual, social and cultural characteristics of the object of research) we can have a deeper understanding of the national Internet environment and policies, the evolution of ICTs and the possible inequalities in its usage.
It is suitable even if we are taking into consideration the whole population or any specific social category, like women, poor people, children, users with disabilities.

Why ROAM-X

Nowadays, the Internet is a fundamental tool for societies and citizens, in particular concerning education, cultural development, economic growth, free speech and self-expression.
The Internet Universality indicators aim to provide a trustworthy and accurate diagnosis of national Internet environments, adopting a perspective that focuses around the concept of rights, openness, accessibility and multi-stakeholder participation.
Contextual and cross-cutting indicators, that address gender equality, needs of children and young people, economic dimensions, trust and security, legal and ethical aspects of the Internet, are considered in the framework.
Starting from the diagnosis obtained by the ROAM-X policy analysis, recommendations for action can be developed and applied.[17]
I decided to use this framework because it provides a useful structure to monitor the current state of digital rights exercised by a specific group of individuals: the sexual minorities, which include women as well as those individuals who refuse the binary perspective.
This heterogenic community, constituted by women and LGBT+ members, share common obstacles and problematic regarding the access and usage of the Internet; the disparity of digital rights is the main reason behind the gender digital divide.
The gender digital divide, or technology gap, is defined as the disparities between heterosexual men and sexual minorities in terms of access to information and communications technologies.[18]
The gender digital divide doesn't regard exclusively to the chances of properly accessing the Internet: even if the national and international normative may guarantee ICTs access to all the individuals, sexual minorities encounter forms of discrimination online that may lead them to practice self-censorship or to use anonymity to avoid harassment.
In a world which is constantly evolving and changing, it is impossible to deny half of the global population to exercise fundamental rights as right to get informed, right to get

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[17]Assessing Internet Development in Brazil, the United Nations Educational, Scientific and Cultural Organization, Brazilian Network Information Center, 2018.
[18] https://www.igi-global.com/dictionary/a-human-rights-based-approach-to-bridge-gender-digital-divide/11919

educated, right to express a personal opinion and right to protect their privacy, against any type of discrimination.

In order to gain deeper understanding about the existent policy about digital rights for sexual minorities, in particular regarding right to privacy and protection online, I collected several documents, at an international and national level.

The corpus includes: acts, laws, amendments and national normative; international policies enacted by World Institutions; good practices of implementation of the abovementioned policies.

The ROAM-X framework has been used to critically analyze the corpus, in order to detect positive aspects, limitations and weaknesses: by answering the thematic questions proposed by ROAM-X , it is possible to obtain a trustworthy depiction of the Internet environment experienced by sexual minorities.

I used the Internet Universality Indicators even for analyzing the corpus included in the grassroots initiatives publications, in order to understand how the network created by citizens tend to problematize the issues related to the gender digital divide and the Internet experience for sexual minorities.

It is necessary to distinguish the process of critical frame analysis operated in the two parts that constitute my thesis: the first part is a general overview of the digital gender divide, the problematic encountered by the sexual minorities users and the international policies that regulate the Internet environment.

Consequently, I have taken into consideration the publications that were elaborated by International institutions or following human rights conferences, such as the Universal Declaration of Human Rights[19] and the World Conference on Women.[20]

The second part focuses of three Asian countries, which constitute the Indian subcontinent area: India, Nepal, Sri Lanka.

I have taken into consideration this area, because in the last three years it has been characterized by a progressive and constant improvement of the Internet environment for women and LGBT+ , in particular those who live in the rural regions.

For this part, I have collected and analyzed national constitutions, laws, amendments of the Supreme Court and International laws, since the three countries are members of the United Nations and UNESCO.

The main purpose was both to gain understanding of the actual level of Internet development, access and protection of digital rights for sexual minorities, and to establish how the grassroots initiatives (promoted by APC) has impacted on the last gender equality achievements.

The application of the four indicators (plus the fifth cross-cutting indicator) is fundamental to analyze the current state of Internet, highlighting the latest progresses and the critical elements, such as economic digital divide, cultural digital divide and gender digital divide.

The ROAM-X index is the fundamental tool to understand how the national and international Internet Governance policies work, because it provides a series of questions, divided into categories and themes, that guide the researcher and help him to identify useful documents and then critically analyze them, according to the thematic requested.

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[19] https://www.jus.uio.no/lm/en/pdf/un.universal.declaration.of.human.rights.1948.portrait.letter.pdf
[20] https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf

It is also possible to identify which are the weaknesses and the points of strength in a given corpus of laws and documents and which groups of citizens are limited (or totally excluded) in the exercise of the right to *digitality*.

The present work takes into consideration a large, heterogenic, group of individuals: the sexual minorities, which includes heterosexual women, trans-women and trans-men, homosexual and bisexual people, and *queers*.

The term queer is a generic appellative that refers to the cluster of individuals that reject the binary approach to gender, defining themselves as unconventional, agender or bigender; it includes subjects who live their relationship with their sexuality in a fluid way, deciding to adopt freely any way of behaving that can be related both to the male and female roles, or to none of them (in this case, they define themselves "asexual" or "gender bender").

Major findings

The Internet is an important tool in sexual minorities lives, in particular for young people who use it to investigate and get informed about sexuality, regardless of their sexual orientation.

The development of the international Internet environment has increased dramatically in the last years, even if it is not homogeneous: the digital divide is a phenomenon that touches both western and southern societies, exacerbating the existent inequalities between people who have access to education and information, and people who can't exercise their rights.

Sexual minorities, in particular the LGBT+, whether they are part of rich, poor or developing countries and social categories , are still experiencing the digital divide.

The gap between heterosexual men and sexual minorities in the access and usage of the Internet may lead to severe issues, that range from psychological problems to less opportunity of social mobilization and self-expression.

Although the civil rights movement for bridging the gap between men and women, and successively heterosexual men and sexual minorities, has lead to significant achievements, there are still problematic that need to be managed and properly regulated.

R- Rights

Access to information and education, freedom of speech and association are inalienable rights, contemplated in the Universal Declaration of Human Rights, drafted and signed by its representative member states.

Since 1948, many international institutions and organizations, as the United Nations, UNESCO, OECD, worked together to implement and actualize these rights.

This goal has produced useful indexes, maps, reports, supreme court decisions and has influenced those states where the disparities between male and sexual minorities are deeper.

With the invention and evolution of Internet, which is now a fundamental tool in everyday life, new challenges have emerged.

The Internet development has surely provided many opportunities for the users, but has also led to inequalities, digital divide and gender gap.

Even though there is not an Universal Declaration of Digital Rights yet (despite the persistent proposal of Digital Freedom Fund),[21] the abovementioned policies have helped to bridge the gender gap and to provide data and privacy protection.

For example, in 2010 the Internet Rights and Principles Dynamic Coalition presented in Vilnius the Charter of human rights and principles for the Internet, that states that: " *Women and men have an equal right to learn about, define, access, use and shape the Internet. There must be full participation of women in all areas related to the development of the Internet to ensure gender equality.*"

Concerning the sexual minority community, which include homosexual and transsexual citizens, the Charter establishes that: "*The specific needs of all people in using the Internet must be addressed as part of their entitlement to dignity, to participate in social and cultural life, and to respect for their human rights […] with specific attention paid to all sexual and gender identities*".

Regarding the area of investigation for the second part of the thesis, the Indian Subcontinent region is slowly evolving good practices and policies towards the exercise of digital rights by women and sexual minorities, in particular the Hjira community.

In 2015 the Supreme Court of India established that the section 66A of the Information Technology Act of, a 2008 amendment to the original act, was unconstitutional, since it invaded the right to free speech.

The Right of Information Act (2006) of Nepal, establishes that every citizen has right to information, has declared under article 27 of the Nepalese Constitution. Despite this, women and LGBT+ users may find this right denied, since it prohibits to divulgate contents that may be offensive for some communities (as religious authorities who condemn homosexuality and transexuality).

In 2017, the Sri Lankan Government decided to update the Human Rights Action Plan with an addendum that bans discrimination against someone based on his or her sexual orientation, including gender-bender and transsexual people.

Nevertheless, the Indian subcontinent area lacks specific data protection and privacy policies, and the patriarchy system that characterize its culture leads women and LGBT+ users to practice self-censorship, in order to avoid online and offline harassment.

O-Openness

In 2016, the Organization for Economic Cooperation and Development has published a background report about the Ministerial Meeting on the Digital Economy, where the member states discussed the growing importance of open data and transparency in the digital environment.

Openness is one of the most important Internet characteristics, in particular regarding international trade, productivity and growth.

As developing countries, India, Nepal and Sri Lanka should guarantee an open Internet environment, in order to help poor women and marginalized sexual minorities to gain economical independence.

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[21] Nongovernmental organization that aims to bring awareness about digital rights, their protection and implementation.

The Open Government Data (OGD) platform in India, is a portal used by the Government for supportive open data initiatives and to increase transparency; whereas Nepal and Sri Lanka don't show evidence of open data policy at a governmental level.

A-Access

The first obstacle that women and sexual minorities are supposed to overcome is access to Internet.

The gender digital divide refers to the difficult or impossibility to have access to digital tools, for two main reasons: the prohibition to use digital devices, or the absence of physical support and broadband connection; the lack of knowledge, digital skills and education that would enable the person to properly use Internet.

In May 2011, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, calls upon all the States: to ensure that Internet access is maintained at all times, including during times of political unrest; to develop a concrete and effective policy, in consultation with individuals from all sections of society, including the private sector and relevant Government ministries, to make the Internet widely available, accessible and affordable to all segments of the population.

Concerning India, in September 2019, Kerala High Court held that "*the right to have access to the internet is part of the fundamental Right to Education as well as the Right to Privacy under Article 21 of the Constitution*".

According to the 2018 framework, realized by the Ministry of Communication and Information Technology of the Nepalese Government, the public Internet access is extremely limited and concentrated in urban cities; even among the existing centers, quality of services is substandard with poor Internet speeds and lack of power backup.

Moreover, the Lack of digital literary and high illiteracy rates in Nepal limits ability of a large section of the society to reap benefits of the digital technologies; the most marginalized communities are the sexual minorities.

Freedom of the Net 2018 has shown that the Sri Lankan Government has been increasing the censorship online, in particular regarding social media pages and website of pro LGBT+ activists and foundations.

M-Multi-stakeholder

At the ICANN53 Meeting in Buenos Aires (2020), India Declared its support for multi-stakeholder governance of the Internet. The Ministry of Electronics and Information Technology has highlighted that Internet governance involves all stakeholders and help to preserve the character of the Internet as a unified, dynamic engine for innovation, and which encourage equity and inclusion.

According to a Satyal article, published in 2018 in the journal Climate Policy, Nepalese Internet environment have been defined and dominated by government actors and religious groups, whereas other groups of citizens, such as women and transsexual people (the so-called Dalits), have been marginalized.

The voluntary national review of 2018 has shown that Sri Lanka is trying to increase the multi-stakeholder engagement, in order to pursuit the 2030 Sustainable Development Goals Agenda.

X- Cross-cutting Issues

The level of digitalization in the Indian subcontinent countries of research is constantly raising, and it is expected to bridge the divide between urban and rural areas.

The 2018 ICUBE report has registered an annual growth of 18%, and the number of users in 2019 has reached 627 million; the rural Internet penetration has increased to 25% in the 2018.

In Nepal, out of a 29 million population (registered in 2019), there are 16 million of the Internet users, with a penetration of 54%; despite these encouraging data, less than half of the female population has access to Internet usage.

Even though articles 17 and 19 of the Nepalese Constitution ensure freedom of expression, women and sexual minorities still practice self-censorship to avoid fines and repercussion, since feminist and pro LGBT+ contents may be accused of obscenity.

In 2019, Sri Lanka reached a 57% of Internet penetration, with 4388 million of users out of 7676 inhabitants.

Nevertheless, the female users seem to use the Internet and the social media far less than men: for example, only 32% of female users uses Facebook, whereas male Facebook users are 68% of the whole Internet audience.

People who belong to more than one minority group experience difficulties in accessing Internet, online violence or the arbitrary censorship three times more than the privileged social categories (as middle-class heterosexual males).

For example, a transsexual women who lives in the rural India area can encounter several barriers that prevent her to access Internet: as disadvantaged person, she may live in an area which is uncovered by free Internet broadband; as a Hijra, she may be subjected to online violence, invasion of privacy and could be denounced for obscenity.

All these obstacles lead sexual minorities to prevent themselves from using the Internet, despite the great chances that this tool may provide them.

Limitations

When it comes to gender divide, gender gap, gender mainstreaming and equal opportunities, the majority of reports, researches and papers develop around the dichotomy male/female.

The existing surveys about other sexual minorities, such as homosexuals, transgender, intersex people are generally kept separated.

As if the gender divide concerning the experience, obstacles and issues of the LGBT+ community was different from the gender divide experienced by binary women.

There are very few information about the relationship between the Internet and sexual minorities, in particular transgender users.

Whereas trustworthy and relevant data regarding the relationship between underage girls and LGBTs are less than few.

So this paper took into consideration the only available data, even if they are partial, in particular in the South Asian area, where reaching the most remote villages and the rural population is very complicate for several reasons, such as linguistic barriers and lack of time and resources.

Nevertheless, the most relevant data have been collected and organized, in order to provide a clearer view of the digitality for sexual minorities and its importance in bridging the gap both online and offline.

Glossary

Agender
A person that don't identify as male or female, refusing gender roles and stereotypical way of behaving. They often refer to themselves as non-binary or gender neutral (Cambridge Dictionary, 2020).

Asexuality
The lack of sexual attraction and sexual impulses towards other people, low or absent desire for sexual and romantic interactions. Asexual people don't show a specific sexual orientation. (Crooks, Baur, 2016).

Bisexuality
A romantic, sexual attraction, or sexual behavior toward both males and females, or to more than one sex or gender (APA, 2019).

Cisgender
A person that relates to, or identify with, the gender that he was assigned at birth. It's opposite is transgender (Merriam-Webster dictionary)

Constructivism
A psychological and sociological theory which argues that humans create knowledge and meaning through their interaction with the social environment and the world.
Feminists used this theory to explain that differences between men and women, other than anatomical differences, were constructed due to socialization and cultural training.

Digital divide
The growing gap between the underprivileged members of society, especially the poor, rural, elderly, and handicapped portion of the population who do not have access to computers or the Internet and the middle-class citizens who have actual access.
The digital divide is due to the lack of physical supports, connection and proper education and skills that effectively permit to surf on the Internet (World Bank study, 2016).

Digital rights
Human and legal rights that allow individuals to access, use, create, and publish digital media or to access and use computers, other electronic devices, and telecommunications networks.[22] The concept is particularly related to the protection and implementation of existing rights: right to privacy,[23] freedom of expression, and access to the digital technologies, especially the Internet.

Drag queen
A person, usually male, that exaggerate female features and roles by using colorful makeup, wigs and clothes. They are often performers, dancers, musicians; even if the majority of

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[22] https://en.wikipedia.org/wiki/Digital_rights
[23] http://news.bbc.co.uk/2/hi/special_report/1998/encryption/58154.stm

drag queens identify as homosexual and transsexual, there are several heterosexual men who practice this form of art.

The female counterpart is called drag king, and refers to women and transwomen who dress like men (Collins Dictionary, 2020).

Feminism

The belief in social, economic and political equality of the sexes.[24]

The term "feminism" originated from the French word "feminisme," coined by the utopian socialist Charles Fourier, and was first used in England in the 1890s, in association with the movement for equal political and legal rights for women.[25]

Today many people refer to themselves as feminist, despite their sexual orientation and the gender they identify with: the Canadian first minister Justin Trudeau and the democratic senator Bernie Sanders often call themselves "feminist".

Gender-bender

A person that defy expected gender roles, adopting male, female or agender behaviors and perspectives. This term is broader and define a large group of individuals: people who are cisgender but decide to adopt opposite sex perspectives and behaviors (an example may be the phenomenon of drag queens and drag kings); people who decide to express, dress and behave like a woman or a man according to the situation and their personal feelings (Wikipedia).

Gender-binary

The gender classification system for which society divides into two biological gender, masculine and feminine, with codification of specific gender roles (Dictionary.com).

Gender Gap

A broad term which refers to a persistent level of inequalities between males and females in several areas, such as education, retribution, rights, access to information (EIGE, 2020).

It can be applied to a non-binary perspective, concerning the gap between heterosexual males and sexual minorities.

Heterosexuality

A sexual orientation in which a person feels physically and emotionally attracted to people of the opposite gender (LGBTQIA Resource Center).

Hijra

Subculture of the South Asia country that include transgender, intersex and queer individuals. Since the last decades of 20th century, the term is used to refer to the third gender (Wikipedia, 2020).

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[24] https://www.britannica.com/topic/feminism
[25] https://www.newworldencyclopedia.org/entry/feminism

Homosexuality
The mental, sexual and/or romantic attraction and sexual behavior between members of the same gender. As a sexual orientation, homosexuality is an enduring pattern of emotional, romantic, and/or sexual attractions to people of the same sex (APA, 2013).

Intersex
Individual born with any or several variations in sex characteristics as chromosomes, gonads, hormones and genitals mutations that do not fit the typical definitions for male or female bodies (UN Office of the High Commissioner for Human Rights, 2015).

Lesbian
A woman who is mentally and/or sexually attracted by an individual of the same sex (Cambridge Dictionary, 2020).

Obscenity
Any behavior or act that strongly offend the prevalent morality of the time (Merriam-Webster, 2020).
Contents, materials or acts that contrast the public decency may be legally persecuted; the sense of obscenity may differ from states and cultures.
This crime is treated vaguely in the Indian, Nepalese and Sri Lankan legislation, and it is frequently arbitrary applied to censor feminist and pro LGBT+ contents (APC, 2016).

Pansexual
An individual who is sexually and/or mentally attracted by people regardless their gender identity. The difference with bisexual people consists in the idea that gender factors are not determinant in the process of attraction; for this reason a pansexual person may experience attraction for male and female, transgender, gender fluid and agender people (Cavendish, 2010).

Queer
Queer is an umbrella term for sexual and gender minorities who are not heterosexual or are not cisgender (Wikipedia, 2020).
Initially used with a pejorative use to connote sexual deviance, the term queer has been reclaimed by the LGBT+ community to identify all the individuals who reject a binary perspective, and that has been social and political marginalized.

Queer theory
A field of critical theory that emerged in the early 1990s out of the fields of queer studies and women's studies. Derived from post-structuralism and feminist theory, these studies aims to prove how the binary perspective is a social construction, used as a tool to legitimate social injustice and the maintenance of patriarchy system.

Revenge Porn

Also known as non-consensual Pornography or Cyber exploitation, this practice involves the online distribution of personal photos and/or videos, in which an individual is naked or caught in explicit sexual behaviors, without the consent of the victim.[26]

Sexism

The cultural, institutional, and individual set of beliefs and practices that privilege men, subordinate women, and devalue ways of being that are associated with women and other sexual minorities (LGBTQIA Resource Center).

Sexual Fluidity

The tendency to change the sexual orientation and gender identity; it can happen few times, as results of a process of self-knowledge, or it can be a constant attitude (Bailey, 2016).

Phobia

A marked type of anxiety disorder defined by a persistent and excessive fear of an object or situation.

In a figurative sense, a phobia towards LGBT+ people (transphobia, homophobia, etc.) is characterized by a irrational hatred and disrespect for this group of individuals, that can lead to discrimination and abuse (LGBTQIA Resource Center).

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[26] European Institute for Gender Equality, Cyber violence against women and girls. Publication, 2017.

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The Gender Digital divide

The later decades of the last century were characterized by the Digital Revolution, the shift from analogical tools to digital technology that marked the Information Age.[27]

Also called Digital Age and New Media Age, this new development chapter is defined by the idea that access to and the control of information is the defining characteristic of this current era.

The technological development was crucial for the fourth industrial revolution and the process of globalization, and has redefined all our lives: how we consume, produce, share knowledge, work, learn and express ourselves is deeply bound to the new media and communication technology.

As we may assume, digitality is providing us unthinkable and unpredictable opportunities.

However, with the progressive Digitalization of every aspect of our lives, new forms of inequalities and social discrimination arise.

Economical inequalities, social injustice, gender discrimination, lack of literacy and education lead to different forms of divide, as for example the digital divide.

An exhaustive definition of digital divide is provided by a 2018 research[28] promoted by the FEMM committee of the European Parliament, which defines it as: "*The gap between individuals, households, businesses and geographic areas at different socioeconomic levels with regard both to their opportunities to access ICT and to their use of the Internet for a wide variety of activities*".

The access and effective usage of the Internet is still a sensitive topic for women, who are still experiencing difficulties in enjoying the many possibilities that the Internet may offer.

The term Gender Digital Divide, indeed, refers to the evident differences between males and females in resources and capabilities to access and effectively utilize ICTs.

When we talk about ICTs, we indicate a heterogeneous set of goods, applications and services used to produce, process, distribute and transform information.

According to the report of the Organization for Economic Co-operation and Development of 2018[29] there are several root causes that prevent women to easily access and use the Internet and ICTs: the lack of digital literacy characterizes the education of many girls and women, who are often excluded by a proper technological education due to social bias. For example, girls and women are usually told to not have the *natural* predisposition to learn STEM subjects, as mathematics, science, software engineer.

Obviously there are no psychological and biological evidence for which women are uneasy to learn STEM subjects, but the perpetration of this bias may lead the teachers and the family to discourage girls to follow those educational patterns.[30]

Another reason that prevents women to use digital tools is the lack of awareness of the potentiality of Internet: a study by Intel and Dalberg (2012)[31] shows that women often

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[27] https://searchcio.techtarget.com/definition/Information-Age

[28] K. Davaki. "The underlying causes of the digital gender gap and possible solutions for enhanced digital inclusion of women and girls". European Parliament, 2018.

[29] Bridging the Digital Gender Divide: Include, Upskill, Innovate. OECD, 2018.

[30] A. Moè. "La motivazione", il Mulino, 2010. Pp. 93-95.

[31] https://dalberg.com/our-experience/gender-and-internet-study

refuse to use Internet, because they think they won't benefit from it (25% of those who don't use digital tools).

Figure 1 – The Level of Gender Digital Divide Worldwide
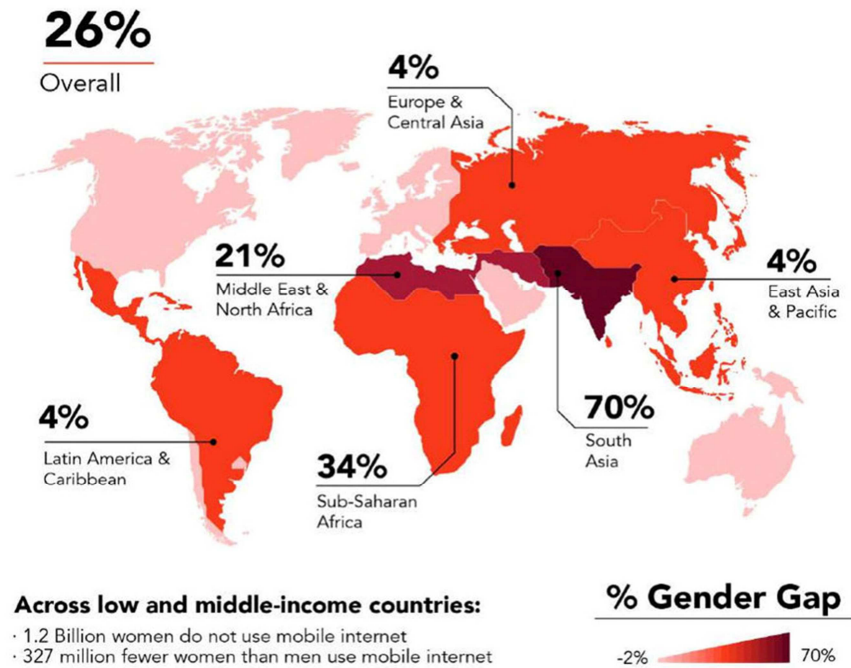
Source : United Nations, 2019. Full reference accessible at:
https://unric.org/en/in-tech-driven-21st-century-achieving-global-development-goals-requires-closing-digital-gender-divide/

In order to gain deeper understanding of the concept of gender digital divide as a set of related issues and explore its main root causes, the Gender and Digital Agenda[32] (2017) elaborated by the European Institute for Gender Equality (EIGE) may be helpful.
According to the abovementioned publication, the issues concerning gender inequalities in digitalization include:
- gender gaps and differences in access to and use of digital technologies;
- gender gaps and differences in digital-related education and other fields of study between girls and boys;
- gender divides in digital labour market: women's low participation in the digital labour market and in particular in high-quality jobs and top management positions;
- ICT, cybercrime and gender issues.

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[32]EIGE. European Institute for Gender Equality: "Gender and Digital Agenda". Publications Office of the European Union, 2016.

1.1 Access and use of digital technologies

According to the International European Union Report of 2017,[33] the proportion of women accessing and using the Internet in developed countries is 12% lower than the proportion of men; this gap widen in less developed countries, reaching 32,9% of difference.

As we may assume, gender digital divide is a problem in both rich and poor countries, even if the situation for women who live in less developed states is far more dramatic.

The World Wide Web Foundation, has conducted a research [34] in nine cities in the developing world (including New Delhi, Nairobi, Kampala), for investigating the effect of poverty on the gender digital divide.

The results show that:

- 37% of surveyed women were Internet users, respect to 59% of men;
- basically women who are politically active offline are twice as likely to use the Internet;
- only 21% of connected women have searched critical information about health, legal rights and transport information;
- 97% of women users are on social media, but only 48% make new friends and connections online:
- less than the half percent of the female users (expect for Bogotá, 52%) uses the Internet to look for a job.

In developing and poor countries, social bias and lack of digital education for the female population is accompanied by the economical disadvantage and the accentuate inner and outer social disparities. As we may assume, living conditions and life standards are deeply different between urban and rural areas: people who live in remote zones, in the countryside or in the suburbia may not have access to a good broadband connection; in some areas, they do not have access at all. According to Data World Bank, the 2019 world Internet penetration rate is 58,6 percent, which means that the forty percent of the global population doesn't use Internet.

For women who live in those regions, the impossibility to access and use the Internet is due also to an unequal access to digital resource.

1.2 Digital related education and job opportunities

Even if women may own, or benefit from, a broadband connection and digital devices (laptop, smartphones, etc.), they often have not received the digital literacy they need to take advantage of the Internet.

So after overcoming the problematic of ownership, they could not be able to use it anyway.

The Asia-Pacific Economic Cooperation Project has highlighted that 68% of girls are influenced by their family's bias around technology, and give up pursuing a STEM career or develop digital skills that may help them to become economical independent or to improve themselves through E-learning activities.

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[33]European Union. "2017 Report on equality between women and men in the EU". 2017, published by the European Commission.

[34] The World Wide Web Foundation. "Women's Rights Online Translating Access into Empowerment". 2015.

Indeed only 20% of women account for a tech job, and in 2018 there are only 24 female CEOs out of fortune 500 companies list.[35]

The APEC also reported that economic inequalities actually lead to gender digital gap, since globally women earn 23% less than men.

In fact the Internet could be a powerful tool for gaining economical and social independence, since it permits to have access to the digital market, to work from home and to apply for new job opportunities.

Consequently, the digital illiteracy prevent women to improve their current situation, and giving up to new possibilities to be economically and personally satisfied.

Regarding the job world, the UNI Global Union, an international federation for skills and services, has described how technological advancement and digitalization is affecting the job market, highlighting both opportunities and issues.[36]

First of all, workers will be more required to invest in training and life-long learning, since the way of communicating and working are constantly evolving; this means that people who do not have proper access to the Internet (in term of availability and competence) will be cut off from a great variety of job opportunities.

Moreover, the demand for STEM job positions is increasing dramatically, so preventing women to properly learn disciplines like software engineering and computer science will lead women to lose obsolete jobs without having the chance to find others.

The presence of women in the workforce is crucial for a country development and growth, as reported in the abovementioned study, which states: "Women, as active members of information driven societies will also be essential to the generation and distribution of wealth and knowledge. It will also provide for new platforms for expression, opening new opportunities to defend rights and freedoms, as well as the inclusion of disadvantaged groups, thus creating more fair, equal and inclusive societies".[37]

1.3 Cybercrime and gender issues

Cybercrime is another critical chapter in the wide literature about gender digital inequality.

When we talk about cybercrime against women we need to take a step back to the 1992, and understand what Gender-based violence means.

Accordingly with the 1992 Committee on the Elimination of Discrimination against Women,[38] it is defined as: "violence that is directed against a woman because she is a woman or that affects women disproportionately […] including physical, sexual, psychological and/or emotional harm".

With the development and diffusion of the Internet and ICTs, the UN Office of the High Commissioner for Human Rights has specified that this type of violence is both offline and online, so the mediation of a technological device is not considered a mitigating factor. Referring to gender–based violence online, which is a form of cybercrime and cyber-

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[35] https://www.cnbc.com/2018/05/21/2018s-fortune-500-companies-have-just-24-female-ceos.html

[36] UNI Global Union. " Digitalization from a gender perspective". 2017

[37] *Ibidem.*

[38] https://www.un.org/womenwatch/daw/cedaw/committee.htm#:~:text=In%201992%2C%20the%20Committee%20adopted,women%20against%20violence%20in%20their

bullying, the psychologists Powell and Herry [39] (2017) explained that technology has facilitated forms of sexual assault, nonconsensual image sharing, cyber-stalking, blackmailing and hate speech.

In particular, the Internet is often used to put pressure on the victim to obtain unwanted sexual cooperation or the dissemination of a victim's sexual content through the Internet.

The Data are discouraging: in 2018, the National Public Radio, a nongovernmental and nonprofit media organization in the USA reported that 41% of women has experienced cybersex harassment, respect to 22% of men.

The 2017 EIGE report about Cyber-violence against women and girls stated that half of the female population in United Kingdom have experienced cyber-stalking, and 54% of them didn't report it because thought it wouldn't have been considered a crime and taken seriously by authorities.

The causes and consequences of online risks and crime against women and other sexual minorities will be deepened in the following chapters.

What is important to realize is that being more likely to be expose to such crimes, threats and injuries online put much pressure on women and girls, and may lead to form of censorship or to avoid accessing and properly using the Internet.

Regarding the practice of self-censorship online, several interesting researches have emerged in the last years.

Data and Society, an independent research organization, has assessed the implication of self-censorship on the users Internet experience in a 2016 publications: "Online Harassment, Digital abuse and Cyber-stalking in America".

The results show that 27% of American users has sometimes practiced self-censorship in order to avoid harassment: 41% of them were women between 15 and 29 years.

Generally, the most "popular" protective strategies for escaping online harassment are:

- creating a new social media profile under a different name (43% of people who have been harassed);
- asked for help from a friend, family members or authorities (33%);
- disconnecting from online networks and devices by abandoning social media, the internet, or their cell phone (26%).

The research found out that both men and female are likely to be harassed online (48% women, 43% men); the main difference lies in how the harassment is perpetuated and perceived by the victim.

Whereas men experience online harassment in the form of offensive calls and insults, attempt to embarrass each other, false rumors spread around them, women often experience more severe damages, such as: be sexually assaulted online; be stalked; have sensitive information and contents posted online; be overwhelmed by unwanted messages.

The Association for Progressive Communication (APC), in order to deepen the previous studies and researches, has highlighted six type of barriers to women's meaningful access to Internet, that contribute to an ever more complete and multifaceted depiction of the issue:

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[39]N. Henry, A. Powell: "Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research". SAGE publications, 2016.

- **Availability**: the lack of broadband access and public internet centers; the impossibility to reach the existent Internet Points;
- **Affordability**: women often cannot afford a mobile phone, an Internet device or an Internet connection (ex: household Wi-Fi);
- **Culture and norms:** in patriarchal cultures and social minorities, men are prioritized in the use of Internet. When women are permitted to access Internet, they may find a hostile, sexist environment that leads them to shut down their social media profiles and avoid connecting again (online harassment, blackmailing, cyber-stalking, etc.);
- **Capacity and skills:** the level of (digital) illiteracy is higher amongst girls and women, who may not know how to properly use Internet;
- **Availability of relevant content:** useful gender-based content may be censored or filtered; predominance of English language in the majority of websites, etc;
- **Restriction in the political and decision-making debate,** both online and offline.

1.4 Implication of gender digital divide

The aim of this paragraph is describing the effects that the gender digital divide produce on the female population.

As we may assume equal access to ICTs is not sufficient to close, or at least to visibly reduce, the gap in Internet usage between males and females.

The lack of equality in access to ICTs is in fact a key human rights concern in many countries around the world, as well as the absence of digital literacy in order to develop fundamental technological skills.

As mentioned above, in poor or least development countries (and amongst the lowest social categories inside rich countries), women may face two type of impediment that actually create the gender digital divide: the first is physical impediment, like living isolated or far from technological infrastructure; this is a problem that intertwines both male and female population.[40]

The second is social or cultural impediment: In countries with marked gender disparities in education, income, and political power, cultural norms frequently limit women's online access.[41]

Even if women are provided with a good broadband connection and are not supposed to face social restrictions, they may not access the Internet due to the lack of relevant and useful contents: health, sexuality, reproductive rights are interesting areas of research for women, but are often filtered, censored or blocked, in particular in conservative and authoritarian countries.[42]

This concerns also the LGBT+ community, which is usually exposed to an unfriendly Internet environment and experiences shutdowns of websites that sometimes represent their only way to get informed.[43]

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[40]Human Rights Center. "Way sto bridge the gender digital divide from a human rights perspective". University of Essex, 2018.

[41] *Ibidem*.

[42]European Parliament: Directorate- general for external policies. "Information and communication technologies and Human Rights", 2010.

[43]D. B. Holt, "LGBTIQ Teens-Plugged in and Unfiltered: How Internet Filtering Impairs Construction of Online Communities, Identity Formation, and Access to Health Information". McFarland Publishers, 2010.

The hostile environment as a form of prevention from women and LGBTs participation was illustrated in the cybercrime paragraphs and will be further analyzed in the following chapters.

In fact, the Internet gives several possibilities to improve someone's life standards, for example educating about health and healthy practices: a 2014 study research conducted by the World Health Organization, in collaboration with the International Telecommunications Union, showed that women who were educated to access and use the Internet were able to gain awareness around themes like contraception, antiretroviral prophylaxis to prevent vertical transmission of HIV to the fetus, the importance of vaccination.[44]

Consequently, preventing women from using the Internet is the same as preventing them from receiveing proper education around their bodies and their health rights.

The right of freedom of expression, enshrined in article 19 of the UDHR, must be guaranteed offline as well as online, without any kind of discrimination.

Preventing women from using the Internet as a powerful tool to develop a political opinion, for example, is a serious humanitarian crime and conflicts with the universal suffrage.

1.5 The feminist debate around gender digital divide

During the last decades, scholars have been developing several different studies and theories about the digitalization of society, the opportunities that ICTs bring to women and the gender digital divide.

In fact there's tension between utopian and dystopian studies, which argue about the role of technological development in addressing social and economical empowerment to women (Masika, Bailur, 2015) and the gender issues in ICT that has been largely ignored by the academic community (Barua, 2012).

In her research work called "The Digital Divide: An Inquiry from Feminist Perspectives",[45] Lina Gurung (2018) has provided an interesting literature review of the main feminists findings, in order to understand how scholars have been dealing with gender issues and u.se of Internet. In particular, Gurung reports the phenomenon of cyber feminism, a study fields that shares multiple aspects with second wave feminism; it is based on strong techno-utopian expectations which are supposed to women from the constraints of gender. The main critique that has been moved towards cyber feminism is that, despite its inclusive traits, "the writings of such assume an educated, white, upper middle-class, English speaking, culturally sophisticated readership" (Fernandez & Wilding, 2003).

One of the most critical authors of the utopian view of cyber feminism is Judy Wajcman who, in her book "Feminism Confronts Technology", describes technology as both source and cause of gender inequality (2010).

Moreover, the disinterest of women for ICTs is due to the gender stereotyping environment of the Internet and STEM job market (2007). In her work, Gurung agrees with the idea that the gender gap, especially the gap between men and women and how they benefit from information technology, has widened because women are less likely than men to receive technical education or be employed in technology intensive work.[46]

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[44] World Health Organization. "eHealth and innovation in women's and children's health: A baseline review". WHO Library Cataloguing-in-Publication Data, 2014.

[45] L. Gurung. "The Digital Divide: An Inquiry from Feminist Perspectives". Kathmandu University, 2018. Pp. 50-57

[46] Ibidem.

Of course both utopian and dystopian view of gender and the Internet present interesting elements and it would be reductive to stand for one despite the other.

It is undeniable, for example, the great impulse that the Internet has given to grassroots initiatives and projects in order to promote digital literacy and political participation to women: in the last years, girls' activism plays out in social media where they can speak out about gender-based injustices experienced and witnessed.[47]

According to Harris (2010)[48] since the 1990s young feminists have been using media, popular culture and the Internet as tools of feminist activism; indeed, technology has enabled "new directions of activism" and facilitated political engagement for young women. In conclusion, the Internet can be either a dangerous and inaccessible place for women (whether they be illiterate or scared of the possible forms of virtual harassment) or a space for debate and engagement.

Nonetheless, the road to bridge the gap is still long. According to *Gender.It* activist Dhyta Caturani, nowadays it is crucial to create a feminist Internet environment, since: "[…] deeply embedded hetero-patriarchal-capitalist norms we experience in our societies today are also playing out and replicating the same harms and oppressions online".[49]

1.6 The real LGBT+ word: clarification of the terminology

Before analyzing the gender gap in digitality for other sexual minorities, it is necessary to provide a historical excursus of the LGBT+ communities movement, a clarification of the terms, the literature digital rights for different genders and the contribution of some feminists theory in their battle to gain recognition and fundamental rights.

It's important to provide a clarification: the acronym LGBT+, which stands for "lesbians, gay, bisexual, transsexual and *others*", is used as umbrella term to refer to all the different sexual minorities.

Some don't agree with the reduction of complex identities with the sign "+" and prefer the whole acronym LGBTQIA, putting more attention to the questioning, intersex and asexual people.

For convenience in this thesis the chosen acronym is LGBT+, primarily because there are no evidence that people who refer to themselves as questioning or intersex experience a different form of discrimination respect to transsexual and gender fluid people.

The term queer is a generic appellative that refers to the cluster of individuals that reject the binary approach to gender, defining themselves as unconventional, agender or bigender; it includes subjects who live their relationship with their sexuality in a fluid way, deciding to adopt freely any way of behaving that can be related both to the male and female roles, or to none of them (in this case, they define themselves "asexual" or "gender bender").

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[47] https://journals.sagepub.com/doi/full/10.1177/0959353517716952
[48] Ibidem.
[49] https://www.awid.org/news-and-analysis/makings-feminist-internet

1.7 Gender equality movements throughout the history

Previously, we gained more understanding of the phenomenon of gender digital divide, for which women have less access to the Internet and experience an unfriendly online environment.

When it comes to the definition of gender, the current literature and research develops around a binary approach, distinguishing the population between male and female, according to biological and social standards.

This approach has simplified the work of research, since the distinction between these two sexual genres is clear; nonetheless, ignoring the existence of other genders may exclude a great portion of population from the debate around digital rights and gender divide.

Transsexual people, homosexual people, gender fluid and intersex users face as many difficulties in accessing and enjoying the Internet as women, and sometimes their experience is pretty different and further complicated than heterosexual women.

The historical alliance between women's movement and queer movement started in the 1970s, when lesbians started to fight against their oppression as women and their marginalization as homosexuals with the support of feminism.

The relationship between feminism and LGBT+ movement is due to the common challenges and goals that these sexual minorities share:[50]

- Equality of the sexes and the denial of traditional gender roles;
- Fight against any form of gender-based violence and discrimination;
- Refusal of the old patriarchal system and the heteronormativity;
- Freedom of expression and access to relevant information.

Lesbian feminism was a branch of radical feminism that developed around the 70s in small leaderless, women-only consciousness-raising groups; it took the pessimistic view of heterosexual relationships (seen as exploitative) to its logical conclusion: refusing to establish relationships with men and turn to other women for sexual love as well as for intellectual companionship and emotional support.[51]

Despite the contribution provided by radical feminism and lesbian feminism in dismantling the patriarchal division of roles, these theories have been often criticized for not being sufficiently inclusive of all women and full of contradictions.

When we talk about gender equality, we should not accept the common and paternalistic vision of the society as divided in two main genders (males and females), because doing so we deny the existence of different genders that have the right to be recognized and respected.

One of the first remarkable contribution for legitimating homosexuality and transexuality was elaborated by the English sexologist Havelock Ellis who, in his first scientific study of homosexuality in 1897, argued that "*same-sex relationships could not be characterized as a pathology or a crime and that its importance rose above the arbitrary restrictions imposed by society.*"[52]

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[50]G. Piantato. "How has queer theory influenced the ways we think about gender?". 2016, Ma Gender Studies, SOAS, London UK.

[51] J. Lorber. "The Variety of Feminisms and their Contribution to Gender Equality". 1997, University of Oldenburg.

[52] C. White, Nineteenth-Century Writings on Homosexuality: A Sourcebook, 1999. pp. 66-67

Actually, during the 19th and first half of 20th centuries, homosexual and queer people were considered "deviant subjects", used to licentious and inappropriate behaviors that needed to be controlled.

In Great Britain, for example, homosexuals and transsexual males were treated like "sexual offenders" who had probably developed a mental disease.

The intervention both included imprisonment and the administration of psycho-pharmacological drugs to cure the pathology.

By the end of 19th century and the first decades 20th century, Europe and USA started to witness an increase in the proactive association for the gender equality of men and female, in particular those who belonged to the homosexual, bisexual and transsexual community.

Here same examples:

- In 1897, in Germany, the doctor and writer Magnus Hirschfeld formed the Scientific Humanitarian Committee, in order to lead the campaign for the recognition of homosexual and transexual people and the abolition of Paragraph 175 of the German Criminal Code, which established the criminalization of pederasty. The Committee was destroyed by the Nazis in 1933; it is still considered a milestone in the homosexual emancipation movement;[53]
- In 1922 the URSS decided to decriminalize homosexuality and set a project for the sexual liberation, in order to guarantee major rights to women and homosexual males. However, with the rise of Stalin, this project was abandoned, homosexuality recriminalized and the gender gap grew dramatically;
- In 1932, Poland decriminalized homosexuality; followed by Denmark (1933), Iceland (1940), Switzerland (1942) and Sweden (1942);
- In 1958, the United States Supreme Court provided constitutional protection for a gay magazine started by the Mattachine Society, reversing a lower court's decision that had found the publication to be obscene;
- In 1961, Illinois became the first American state to decriminalized homosexuality;
- In 1970, the Christopher Street Liberation Day marked the first anniversary of the Stonewall Riots and the first Gay Pride march in history.

In fact, the most fructuous period for such equality movements followed the end of World War II and the students protests of 60s and 70s; a milestone is the Stonewall Riots, occurred in 1969.[54]

The Stonewall Riots were a series of spontaneous, violent demonstrations by members of the gay community, which included lesbians and transsexuals, at the Stonewall Inn in the Greenwich village of Manhattan.

These protests were joined by homosexuals people, as well as heterosexual people who supported the civil rights movement, ethnic minorities as Afro-Americans, sex workers and several feminists women.

Until this moment, feminism and queer theory haven't been in relation, since the majority of feminist theories and studies didn't take into consideration people who weren't biologically classified as female.

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[53] J. Lauritsen, The early homosexual rights movement (1864-1935), 1974. pp.8-12.
[54] https://www.britannica.com/event/Stonewall-riots

The interest for the relation between feminist studies and queer studies emerged when the feminist movement entered in its second phase, called the second-wave feminism.

The second-wave broadened the debate around many other social issues concerning disparity and inequality, such as sexuality, family, the workplace, reproductive rights, discrimination and official legal inequalities.[55]

This new stage of feminism was fueled by Simon de Beauvoir's masterpiece, the Second Sex, published in 1949, where the existentialist philosopher argued that the male-centered society and ideology was fairly accepted and perpetuated by social norms based on gender roles, and that women were defined as "other" in the patriarchal system.[56]

With the emergence of what has been defined "third wave" of feminism, started in the 1990s and still ongoing, the collaboration between feminists and pro LGBT+ activists reached a new level: during the past decades, the feminist movement has dismantle the belief that our sex and gender should define our roles in society and has been fighting the inherent gender-based discrimination and violence.

Feminist theories and LGBT+ studies have a common view of bridging the gender gap and guaranteeing proper rights to all the individuals, despite sexual, biological and social differences.

As we stated before, there are many feminist theories and not all of them actually support homosexual and transsexual view and needs.

For example, radical feminists were often very critic of trans-people, in particular trans-women, since they claimed that a male didn't have the right to speak for girls and women, even if he dressed or act like a woman.[57]

The radical feminist Janice Raymond, in her book "The transsexual empire: the making of the she-male", criticized contemporary medical and psychiatric approaches to transsexuality and accused trans women of reinforcing traditional gender stereotypes.[58]

Nevertheless, the contribution of some feminist studies in the LGBT+ movement have been remarkable, and is important to understand how women and other sexual minorities can cooperate to help bridging the gender digital divide and fight a heteronormative vision of the Internet and ICTs.

1.8 Feminists theories that support the LGBT+ cause

Since the first publications concerning feminist theories, women's studies did not automatically include LGBT+ contents.

The first evidence of LGBT+ relevant contents in the feminist debate emerged between the 70s and 80s with the development of Social Construction Feminism.

This branch of feminist studies explained how gender is not a biological status, but a social institution that determines the distribution of power, privileges and economic resources.[59]

Hence, women and men are differentiated in order to justify the inequalities to which sexual minorities are exposed.

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[55] https://en.wikipedia.org/wiki/Second-wave_feminism

[56] S. De Beauvoir, The Second Sex, 1949. Printed by Il Saggiatore, Milano, 2016.

[57] https://en.wikipedia.org/wiki/Feminist_views_on_transgender_topics

[58] J. Raymond, G.Bowels, R. Klein. "The transsexual empire: the making of the she-male". 1979, reprinted in 1994 by Teachers College Press, New York.

[59] Ibidem.

The feminist social constructivism actually claimed that the dichotomies of male and female biological sex are produced and maintained by social norms, which enhance the gender segregation.

Consequently, the gender is socially constructed, and the norms are used to punish and judge those who do not identify with the traditional division of roles: those people are called deviants, and are dangerous since they provide a different vision of gender and question the heteronormativity on which the majority of societies are funded.

The great contribution of feminist social constructivist lies in the critic against institutionalized patriarchy, and in the recognition of the homosexual community as a challenger of the binary vision.

One of the most remarkable exponents of this branch is Judith Butler, who contributed to open the feminist debate to LGBTs with her books "Gender Trouble: feminism and the subversion of identity" (1990) and "Bodies That Matter: On the Discursive Limits of Sex"(1993), where she developed the concept of gender performativity.

According to Butler, the idea of gender is linked to a social performance, which results in a series of behaviors and attitudes that people adopt.

The performance is under the control of the person, and it is realized throughout many aspects of people's lives, specifically in their infancy and young childhood, teen years, and finally adult lives.

Butler claimed that gender performativity is more evident in the drag queen performances, since: "*there is a 'one' who is prior to gender, a one who goes to the wardrobe of gender decides with deliberation which gender it will be today*".[60]

The relationship between feminist studies and queer studies enriched in the following years.

In 1992, Rosemary Auchmuty, a pioneer of feminist legal studies in Britain, in collaboration with Sheila Jeffreys and Elaine Miller, published an interesting article: "Lesbian history and gay studies: keeping a feminist perspective".

The article, contained in volume 1 of Women's History Review, states that gay and lesbian studies provide a radical potential to challenge the prevailing heterosexist academic vision, and should be incorporated in the feminist studies.

She also argues that lesbian women have faced many discrimination among the women rights movement, whereas transwomen wasn't even taken into consideration since many radical feminist groups considered women only who showed biological evidence at the birth; a perspective that conflicts with the idea that gender is a social construction[61].

Recently, Mimi Marinucci of the Eastern Washington University has addressed a very provocative, yet brilliant, affirmation: feminism is queer.

In her 2016 book,[62] Marinucci stress the cisgender perspective of many feminists scholars, arguing that there's a deep contradiction in the exclusion of trans and intersex people from the feminist debate: claiming that gender is not the result of a personal and inner development but a characteristic that is assigned at birth and that carries also social roles and duties is an unconscious legitimating of the patriarchal system and male-centered society.

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[60] https://read.dukeupress.edu/glq/article-abstract/1/1/17/9896/Critically-Queer?redirectedFrom=fulltext

[61]R. Auchmuty,. S. Jeffreys, E. Miller. "Lesbian history and gay studies: keeping a feminist perspective", Women's History Review, Volume 1, Number 1,1992. Pp. 88-101

[62] M. Marinucci. "Feminism is queer: the intimate connection between queer and feminist theory". Zed Books, 2016.

A great contribution to the welcome of non-binary activists in the feminist discourse was given by Judith Butler, a gender theorist and philosopher that marked the concept of gender as radically independent by sex.

Basically, she argues that gender is a constructed status, a free-floating artifice; the various genders are considered as site in becoming, both culturally constructed but also contextually determined, that are changing constantly through space and time.[63]

There have been produced several articles that stress the connection between the latest feminists studies and the Queer theory, since it: *"[…] re-thinks notions of plurality, intersectionality, and fluidity in discourse production. Queer theory posits these categories of 'lesbian and gay' or the use of 'heterosexual/homosexual' as binary to display heterodominance are social constructions and that they are, as such, artificial".*[64]

Nowadays scholars tend to agree that the feminist and gender equality movements have reached another level, transmuting into a hybrid creature, characterized by a ongoing coalition between different communities, since the old forms of activism are not enough to bridge the many gaps that women and other sexual and social minorities are still experiencing (Davis, 2002).

Queer theory is now considered a helpful tool to enrich the debate of gender equality, and insists on the fact that individuals are constantly questioning the idea of fixed and stable identity in multiple ways.

As reported in the article "How has queer theory influenced the ways we think about gender?" (Piantato, 2016): "*Queer theory is also based on the belief that it is pointless to make any reference to specific groups (such as gays, lesbians, women and so on) since identities comprehend such a wide range of elements that it is impossible to catalogue individuals altogether in a category, on the basis of a single shared characteristic*".

This assumption is fundamental to understand how the majority of feminists movements have evolved, giving to many different people the possibility to join them in the political debate.

Feminism and queer studies and contribution is indeed necessary to provide deeper understanding of all those marginalized sexual minorities, which rejects the classical binarism and experience several and particular forms of discrimination and inequalities.

1.9 Why a feminist approach can benefit the queer studies

The main bias about feminism is that feminists are considered as a unitary, radical and extremist category, that do not represent the majority of women, as black women and immigrants.

Moreover, people in developed countries think that men and women are equal, ignoring (or accepting) the many inequalities that daily arises.

Nowadays, the western society is deeply different respect to the early 20th Century, when the majority of women was still asking for right to vote.

The past century was crucial to reduce the gender gap between males and females, and it's characterized by fundamental achievements that have improved their lives.

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[63] J. Butler. "Gender Trouble: Femininism and the Subversion of Identity", New York, Routledge, 1990.
[64] J. Gedro, R.C. Mizzi. "Feminist Theory and Queer Theory: Implications for HRD Research and Practice". Sage Publications, 2014.

It may seem there nothing worth to fight for, but the road is actually still long and tortuous: for example, according to the World Bank's Women, Business and the Law Report, only six countries (Belgium, Denmark, France, Latvia, Luxembourg and Sweden) give women equal legal work rights as men.[65]

Concerning the digital rights, the situation is critical: despite the act of Revenge Porn and Blackmailing does exist since the invention and diffusion of Smartphone and social media networks, it was criminalized in many western states (as USA and Italy), only in 2019. Nevertheless, the lack of an effective cyber-security policy is an obstacle to the limitation of this practice and its actual persecution.[66]

As stated above, when it comes to the right to *digitality*, the situation gets more complex and multi-faced: the absence of an Universal Declaration of Digital Rights, as proposed and promoted by THE IO foundation,[67] as well as the difficulty to filter or block inappropriate contents online have transformed the Internet in a breeding ground for inequalities and discrimination.

Moreover, the current debate around bridging the gender gap still not consider, or do it marginally, the needs of non-binary people; even though, for example, transsexual people experience online threats and violation of privacy three times more than heterosexual males (whereas homosexual males experience it twice).[68]

In fact, the term gender is used in a narrow sense, excluding the presence of the LGBTs and their peculiar experience with technology.

From these consideration, a feminist approach is still required and helpful, in order to elaborate a gender mainstreaming set of policy and regulation that may actualize a gender friendly Internet environment.

The current major feminist wave (let's not take into consideration forms of radical feminism that exclude subjects who were assigned male at birth) tends to view the struggle for trans rights as an integral part of feminism, as well as the problematic of all the individuals who experience gender and sexual orientation based discrimination.[69]

Sometimes we may encounter the word Transfeminism, defined by the activist Emi Koyama in the Transfeminism Manifesto;[70] a concept that include women and transwomen as well as intersex people, non-trans men and other individuals called allied.

Since all these movements are included in the third and fourth wave of feminism, we will use this word as an umbrella term.

1.10 Digital rights and LGBTs

The previous paragraphs gave us the possibility to broaden the debate about gender digital divide, opening to those who do not identify as binary, as well as those who approach to the concept of gender as a personal and social construction, that doesn't match with sex and sexual orientation.

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[65] World Bank Group, Women, Business and the Law, report. 2020.

[66] S. Lageson, S. McElrath, K. E. Palmer, Gendered Public Support for Criminalizing "Revenge Porn". Feminist Criminology 2019, Vol. 14

[67] https://www.theiofoundation.org/universal-declaration-of-digital-rights#UDDR

[68] European Union Agency for Fundamental Rights. European Union lesbian, gay, bisexual and transgender survey, 2017.

[69] https://www.vox.com/2018/3/20/16955588/feminism-waves-explained-first-second-third-fourth

[70] E. Koyama. The Transfeminist Manifesto, 2003. Northeastern University Press.

In order to establish a continuum with the first chapter "Gender Digital Divide", it is necessary to analyze the existent literature about the experienced digital divide by non-binary people.

The literature is still very limited; consequently the majority of researches develop around non- binary people in general, pointing out the differences between homosexual people who are cisgender and people who do not identify with the gender they were assigned at birth (transsexual, intersex, agender, bigender, etc.).

As per heterosexual women, the members of the LGBT+ community face several blocks and issues when approaching to and using Internet and new technologies.

These problems are linked to:
- Access and usage of Internet;
- Affordability;
- Online censorship;
- Unintentional Blockage

When it comes to Internet access and participation for LGBT+ communities, it is important to keep in mind that gender divide is not the unique form of divide that people may experience when using it: race, religion, age, class or geographic location are often elements of discrimination for citizens of both developed and less developed countries.

As a result, the struggles that individual communities confront may be complicated when sexual orientation or gender identity are part of the mix.[71]

The majority of researches and studies about LGBT+ digital divide have been conducted in developed areas of the world, such as United States and Europe; consequently for this first overview of the phenomenon, we will take into consideration reports of the areas where the Internet is widespread and non binary people find easier to express their gender identity.

In USA, a Gallup poll of 2017 concluded that 4.5% of American adults identifies as LGBT, with 5,1% of women and 3,9% men; the adults who identify as transgender are 0,7% of the population.

In Europe the data show that the total LGBT+ adult population is estimated to be 5,9%.

These results are trustworthy, even if there are several limitations, due mostly to the self-censorship that older people tend to practice; moreover, it don't take into consideration transchildren and intersex teenagers, who are estimated to be 150 thousands only in the USA.

It is interesting that young people between the ages of 18-29 are three times more likely to identify as LGBT+ respect to people who are over 65; nevertheless, in 2013 only 56% of young American LGBTs talked about their identity with their mother, whereas 39% also told to their father.[72]

LGBTs are very active on Internet, since the Pew Research Center (2013) has estimated that 80% of LGBT+ people between 18 and 29 are core users.

Moreover LGBT+ adolescents, that are estimated to be 12% of the underage population, use the Internet and various digital platforms to question their sexual and gender identity, to find trustworthy information and to take advantage from the virtual community (Lucassen, Samra, 2018).

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[71] J. Daniels, M.L. Gray. "A Vision for Inclusion: An LGBT Broadband Future". City University of New York, 2014.
[72] Ibidem.

The reason why non-binary people, in particular the youngest ones, are likely to use the Internet even twice respect to the binary counterpart is that the digital environment provides psychological support and self-care possibilities.

For instance, 81% of young LGBT+ users search health information, compared to 46% of non LGBT+ youth (GLSEN, 2013).

The Internet is also becoming an educational agency and a space where understanding and accepting your own relationship with gender and sexuality.

A Tinder survey conducted in 2019[73] reported that 75% of Generation Z[74] LGBTs decide to come up firstly on Internet, and only after a while, with the support of the online community, they decide to reveal themselves to close friends and relatives.

The same research showed that those social media that don't require real names and pictures (Tumblr and Reddit above all) are the most used by non-binary and questioning teenagers that are yet to come out.

These data may sound encouraging, since the Internet seems to be the perfect shelter for people who need to explore their sexuality, express themselves freely and find the motivation to live according to their nature also offline.

Nevertheless, LGBTs experience digital divide too.

As we may know, the digital divide is wider in the disadvantaged social classes, which often cannot afford a broadband connection or a digital device, as laptops and smartphones.

In fact, people who belong to non-binary communities are more likely to be poorer and social disadvantaged respect to the binary counterpart, in particular heterosexual men.

This happens on a daily base in developed countries.

In a survey of 400,000 Americans in 2014-2015,[75] 31% of Transmen and Transwomen are reported to be poor; 42% may find unemployed for longer periods and only 14% attended the college.

Consequently, many transpeople live in a problematic economical situation, which prevent them to buy and properly use ICTs; but the digital divide can be experienced even by people who has not economical problems.

Despite the freedom of expression online, generally guaranteed by national and international legislation (Article 19 of the UDHR is the most effective example), gay-friendly and trans-friendly websites and contents tend to be shutdown, in particular in those countries where religious and conservatory lobbies are very active and powerful.

As binary women sometimes feel like they do not take advantage from Internet, due to the lack of useful information, even other sexual minorities may be disappointed by the ongoing shutdowns and decide to disconnect.

Filtering and blocking are issues that often involve useful LGBT+ contents: an open and public Internet is sometimes characterized by the presence of filters that apply arbitrary censorship in order to protect children from dangerous contents; in USA, the state of Tennessee sued several schools for "blocking LGBT+ websites while allowing access to anti-gay pages".[76]

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[73] https://www.businessinsider.com/coming-out-online-lgbtq-online-facebook-youtube-tinder-2019-5?IR=T
[74] In sociology, the generation of people born after 1996.
[75] https://theconversation.com/transgender-americans-are-more-likely-to-be-unemployed-and-poor-127585
[76] https://www.glsen.org/blog/tennessee-school-district-sued-filtering-pro-lgbt-content

In fact, to understand why public Internet in America may not show useful contents for LGBT+ teenagers, we need to take a step back to the 1998, when the U.S. Congress passed the Child Online Protection Act (COPA).

The COPA prohibits the transmission of any material over the Internet deemed "harmful to minors, leading in 2000 to The Children's Internet Protection Act (CIPA), which requires libraries and schools to install filtering software.[77]

Despite a great job in filtering and blocking harmful content, the lack of policy about LGBT+ healthcare led the COPA and the CIPA to unintentionally block pro LGBT+ contents.

According to Dianne Otto[78] unintentional blockage happens in Europe too, due to the same software used in public schools and libraries.

1.11 Conclusion

Sexual minorities still face obstacles and barriers in accessing and properly using Internet, and can be affected by online discrimination and other forms of online violence and cybercrimes.

Even if pro women and LGBTs communities are committed in developing and implementing strategies of prevention and protection from online harassment, a new set of Internet policy is required for guaranteeing digital rights to all the users, despite sexual orientation or gender identity.

A feminist social constructivist approach is ideal in order to establish guidelines for the development and adoption of gender-based policy, since it recognizes the different views and needs of all users who belong to sexual minorities, as transwomen or intersex people.

The next chapter provides an analysis of the problems and inequalities that both heterosexual women and non-binary people encounter when accessing and using Internet, with specific focus to the existent policy and their limits.

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[77] http://www.ala.org/offices/oif/ifissues/issuesrelatedlinks/cppacopacipa
[78]D. Otto. "Queering International Law: Possibilities, Alliances, Complicities, Risks". 2018, Routledge Research in International Law.

The ROAMX UNESCO Index: a general overview

Is the online environment a safe space, or is it the new frontier of gender inequality?

Building an inclusive, free and equal digital environment is one of the challenges of the new millennium.

Despite its self-claimed neutral architecture, the Internet is a virtual place made by humans for humans, and consequently can either benefit from the collective intelligence of different stakeholders and users, and be influenced by social bias and become a fertile ground for gender discrimination.

For this reason we must gain a trustworthy understanding of the Internet as a place where people with different needs, personalities and approach to their identities and gender, may either take advantage or experience discomfort.

Using the Internet Universality framework and indicators, this chapter explores the different sides of the Internet, the existent policies for gender mainstreaming in the most developed areas (for example United States and the European Union) and their limits of application.

For each category, the themes and indicators that have been analyzed are those that were considered more appropriate for the purpose of the thesis:

- **Category R**: **Theme A** (overall policy and regulatory framework; right to be protected online; addressing violation of rights); **Theme B** (right to freedom of expression; censorship online and arbitrary detention) **Theme C** (right to access Internet.

- **Category O: Theme A** (regulatory framework; transparency and accountability of Internet; lack of transparency and discrimination of the algorithm);

- **Category A: Theme A** (statistical information concerning accessibility for women and LGBTs): **Theme B** (access and availability; barriers that prevent women and LGBTs from effectively accessing Internet; presence of digital literacy programmes);

- **Category M: Theme A** (regulatory framework); **Theme C (**Public Participation in policy making process);

- **Category X: Theme B** (LGBT+ children; surveys on perception and use of the Internet by non-binary children; how actually do non-binary children perceive Internet); **Theme D** (trust and security; policies and tools against hacking).

2.1 Internet Universality Indicator: Rights

Every country has developed a specific set of policies in order to regulate the Internet, so a general overview of the gender mainstreaming online may not be exhaustive.

Nevertheless, in the first part of this research, we aim to understand how the gender equality normative is evolving, which remarkable goals and achievements have been accomplished

and which areas of the world seem to appear more problematic when it comes to right to digitality.

The first Internet universality indicator proposed by UNESCO is Rights, which develops around six themes:

A- the overall policy, legal and regulatory framework for human rights and their relation to the Internet;
B- freedom of expression;
C- right to access information;
D- freedom of association and with rights to participate in public life;
E- right to privacy and related issues;
F- economic, social and cultural rights.

2.1.1 Theme A: regulatory framework

Concerning **Theme A**, a helpful question to map the existent protection policy may be A1: *"Is there a legal framework to protect women and LGBT+ individuals against violations of rights which arise from use or abuse of the Internet?"*

First of all it is fundamental to clarify the concept of violation of rights following the use and abuse of the Internet.

In the last years, the Internet has become an important tool for individuals, since it has immediately changed our lives and affected many aspects of our routine: people use the Internet to keep in touch with friends, lovers, relatives and colleagues; they share personal contents on social media platforms and personal blog, and take advantage of the collective intelligence that characterize the Web 2.0.

Concerning social media networks, despite the confidential atmosphere that our personal virtual space may provide, personal data are often exposed to many users, that may steal them without permission, or use the platform to make them go viral.

Revenge porn is a clear example of violation of digital rights: a practice consisting in stealing and sharing personal sexual contents (photos, videos, messages, etc..) without the victim permission.

Every so often, the victim herself has shared the content with the person, usually a close friend or a fiancé; sometimes, it can be the result of a process of hacking by strangers.

Again, sexual contents cannot circulate because of the practice of revenge porn, but because of an illegal pornography market online.[79]

According to "The Sun" article dated 9th April 2017, a porn sites used to steal photos from random Facebook accounts, manipulate them (throughout Photoshop) and then asked victims to pay if they wanted those contents removed.

Three people out of four were women.

Eventually, Internet rights violation means any practice that leads to infringement of someone's right to privacy, blackmailing and sexual, verbal and psychological abuse.

About revenge porn, the data are not encouraging: women are two times more likely to suffer from revenge porn, whereas member of LGBT+ (in particular transsexual and intersex people) are even four times more likely to be exposed to such crime.[80]

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[79] https://enough.org/stats_porn_industry

[80] A. Lenhart, M. Ybarra, M. Price-Freeny. "Non consensual image sharing: one in 25 Americans has been a victim of "Revenge Porn". Data & Society Research Institute, 2016.

Regarding the legal framework in those countries where the spread of the Internet and broadband connection has increased dramatically, we can assume that there are not effective norms in order to prevent these practices.

In 2015 the Criminal Justice and Court Act of United Kingdom made "*the distribution of a private sexual image of someone without their consent and with the intention of causing them distress" a specific criminal offence, subjected to up two years of custodial penalty*".[81]

In the United States there is not a federal law that regulate non consensual pornography, but in 2018 thirty-eight states and Washington D.C. had passed laws prohibiting the distribution or production of sexual and explicit images and other contents without the consent of the victim.

On the other hand, according to section 230 of the Communications Decency Act (1996), the websites providers are not obliged to remove nonconsensual pornography unless it otherwise violates copyright or federal criminal laws.[82]

As we may notice, the existent policy for the protection against non consensual image sharing can only persecute and punish the sexual offender, but cannot intervene in order to prevent it; in many cases, the sexual content can go viral before the intervention of the police.

This type of regulatory framework, which is broadly shared by many states (for example Australia, Canada, Italy), put the victim in an uneasy position: without a formal denounce, nothing can be done to persecute this crime.

It means that the person involved is supposed to expose herself, and this can lead to other forms of online violence, as verbal abuse or an increase in the sharing of her personal data.

Often it ends up with the voluntary shutdown of the social media, the abandon of the Internet environment and, in some cases, the retreat of the denounce in order to go back to the "status quo".

Not to mention the severe psychological issues that may develop after such experience: in an empirical research of 2017, Bates illustrates how "*nonconsensual image sharing operates as a new form of sexual harassment […] The victims often suffer from trust issues, posttraumatic stress disorder (PTSD), anxiety, depression, loss of control, and lowered self-esteem, and that these feelings are connected with feelings of loss of control over their bodies and their own sexual agency*".

The critical point of this type of legislation develops around the *problematization* of the issue.

According to Bacchi's approach "What the problem is represented to be" (we will now refer to it with the abbreviation WPR), every policy or policy proposal is a prescriptive text, setting out a practice that relies on a particular *problematization.*

The issue of non consensual image sharing is often represented to find its origin in the victim, as the producer of the content that has been shared, sold or manipulated.

The legislation intervenes when the crime has already be committed and consequently denounced by the victim or third parties (parents in the case of an underage).

When it comes to the UNESCO Rights indicator A.4: "*Do individuals have recourse to effective remedies to address violations of rights, online and offline, by state or non-state*

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actors?", we can see that same victim centered view is also adopted by non-state actors that help people to master good practices of cyber-security.

Cyber civil rights[83] is a non-governmental organization that help victims of cyber-bullying and revenge porn to deal with these crime and to prevent them.

The activists of the page provide many guidelines to avoid sexual harassment online, with no distinction of gender and age; the above mentioned set of guidelines includes: how to block or filter annoying or potentially dangerous users; how to report an offensive content to social networks administrators; the rules of good practice online, that suggest to users at risk (in particular teenagers and young women and transwomen) to not take naked pictures, nor to share them with partners or to upload sexualized materials.

For example: explicit song lyrics or drawings.

Actually, there are several non-governmental organizations and civil associations that manage the revenge porn issue this way.

In order to develop new and more effective data and privacy protection policies, we should reconsider the type of *problematization* that have been adopted to approach with non consensual pornography.

Indeed, the existent policies point out the personal responsibility of the victim, whose willingness to share compromising photos and videos led to the non-consensual sharing in question.

As stated before, there is a lack of regulation and laws to prevent this practice and its odd to go viral; some social media are pretty sensitive and active, and remove the content as soon as they notice it or receive signal.

It's a controversial point, since the removal of the content may prevent the victim to gain proof against her persecutor; moreover, the content may have been already seen and shared before the intervention of the social media administrator.

Indeed, if a person thinks to have been exposed to revenge porn, she is asked to bring many evidence, in order to start a legal prosecution against the individuals, group of individuals or the social media in question (private chat rooms, websites and other platforms which were created with the object of sharing non consensual images and contents).

This means taking screenshots, share the proof online to raise awareness around your case, get in touch with the person who shared and save any record or message that could be incriminating, tell your story to close friends, relatives and a lawyer.

The victim is put in a very uncomfortable position, since she will be queried to establish if the sexual contents were actually shared without her explicit consent.

It may be particularly problematic for LGBT+ people, who haven't express their sexual identity with parents and friends, and that might give up on denouncing the crime in order to avoid an explanation or a conversation they are not ready for.

Moreover, even if many heterosexual males have been reported to be victim of revenge porn at least one in their lives, the social and psychological repercussion are more severe in the sexual minority community.

In particular, women and transwomen experience vulnerability and shame after the experience, and may not decide to act against the persecutor because they feel like it was their fault to share those contents (Weiss, 2010).[84]

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[83] https://www.cybercivilrights.org/online-removal/
[84] Bates S. Revenge Porn and Mental Health: A Qualitative Analysis of the Mental Health Effects of Revenge Porn on Female Survivors. Sage Publications, 2017.

This tendency, that often leads to PTDS, may be encouraged by the current way laws are *problematizing* the phenomenon.

The *problematization* of the issue concerning this cybercrime, which actually affects also the offline life dramatically, regards the victims behavior more than the persecutor actions.

The abovementioned example is crucial to understand how women and LGBT+ people perceive their right to digitality nowadays, since Revenge Porn is a practice that affects mostly this base of users.

Women and transwomen, but also homosexual and bisexual males, are more likely to practice self-censorship after a traumatic experience online, and they usually show higher risk perception when using the Internet and sharing personal image (that may not be considered sexual or explicit but that could be taken and manipulated anyway).

The previous topic may be strictly related to the **Theme B**, **freedom of expression**, which is also intertwined with **Theme E, right to privacy**.

2.1.2 Theme B: freedom of expression

Right to freedom of expression is an inalienable human right, as stated under article 19 of the Universal Declaration of Human Rights: "*Everyone shall have the right to hold opinions without interference […] everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice*".

The UDHR was written in 1948, when the Internet was far from been developed and then made available to the masses; nevertheless, in 2016 the UN Human Rights Council reaffirmed that "*the same rights that people have offline must also be protected online*[85]."

The International Covenant on Civil and Political Rights reaffirmed this principle in 1966.

As we may understand, the right to express freely someone's opinion, identity and life choice online is protected by International laws, whether it be offline or online.

Following the UNESCO ROAM-X question B1: "*Is freedom of expression guaranteed in law, respected in practice, and widely exercised?*", we may assume that the topic is more complex.

In 2016 Terry Reintke, a German politician and member of the European Parliament, declared that "*freedom of speech online ends when where threats abound*".[86]

The online violence and attempts to shut down women and LGBT+ people has not originated on the Internet: it's a consolidated pattern that finds new chances to spread in the online environment.

Even if freedom of speech is guaranteed by international laws, there could be interferences with someone's right to express himself without fearing repercussion; for example the national law of a country may conflict with the UDHR.

The Russian Federation provides a proof for this assertion: even if it is member of the United Nations and it ratified the European Convention of Human Rights, in 2013 the Federal Assembly of Russia approved the federal law for the Purpose of Protecting Children

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[85] https://www.article19.org/resources/un-hrc-maintains-consensus-on-internet-resolution/

[86] https://www.europarl.europa.eu/news/en/headlines/society/20160425STO24559/violence-against-women- online-freedom-of-speech-ends-where-threats-abound

from Information Advocating for a Denial of Traditional Family Values, also known as Gay Propaganda law.[87]

The introduction of this law has dramatically reduced the freedom of expression, either online and offline, preventing people to get informed, to have access to useful content and to share their own experience with gender identity and sexuality.

Every so often, the freedom of speech online is guaranteed by international and national law, but it is actually limited due to acts and amendments that are confrontational.

For example in the USA, the Section 230 of the Communications Decency Act states that an Internet provider can "*restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable*".

Of course this act is an important milestone for protecting users from dangerous materials and to fight child pornography and non consensual image sharing, but it can also be used as a subtle form of censorship too.

As happened with the brand new social media TikTok, a Chinese app that has recently been involved in a free speech controversy.

In 2019, many women and LGBTs TikTok users reported to have been exposed to censorship and shutdowns on their profiles, even if USA are an egalitarian state.

In particular, pro LGBT+ contents, breastfeeding photos and provocative (but not yet explicit) *selfies* were removed with no other justification but "pornographic or political content".

This app, indeed, filters and blocks any content that may create political strife, since it's main purpose is to provide a space of fun and creativity.

It seems that the TikTok guidelines argue that a kiss between two males is a political act, and that personal pictures of oneself body or relationships are against the common decency.

Since the TikTok administrators behavior was legitimated by the Section 230, many users could not help but close their profile or practice self-censorship.

We can assume that the abovementioned social media rules are deeply influenced by the Chinese social norms, that still sustain the patriarchal system and a strictly definition of the gender roles, according to the 2016 National Survey "Being LGBTI in China" (UNDP).[88]

The current policies are constantly develop to guarantee people proper rights, limiting as much as possible any forms of discrimination, harassment and (self) censorship.

Since freedom of speech and self- expression on the Internet are fundamental for our societal discourse, and cannot neglect a broad group of users such as women and sexual minorities, international institutes have activated to bridge the gap between words and facts.

In 2018 The Council of Europe, in accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms, has remarked the member states "Have a positive obligation to protect human rights and to create a safe and enabling environment for everyone to participate in public debate and to express opinions and ideas without fear, including those that offend, shock or disturb State officials or any sector of the population".

The **theme B** is also useful to broaden the previous analysis.

In particular question B6 "*Are individuals, journalists or other media/online actors subject to arbitrary detention, prosecution or intimidation for disseminating information online?*"

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[87] A. Ferrari. Russia 2018: Predictable elections, uncertain future. LediPublishing, 2018. Cap.2

[88] The United Nations Development Programme. "Being LGBTI in China: A National Survey on Social Attitudes towards Sexual Orientation, Gender Identity and Gender Expression". 2016

may be helpful to understand how women and LGBTs individuals and activists experience threats to free speech.

The right to express opinions and denounce inequalities is under threats in many parts of the world, even in developed and democratic countries.

In Egypt, a state where freedom of expression is an issue, women activists face arbitrary detention and harassment from the authorities.

The ongoing escalation of repression and violence persists despite the denouncement of non-governmental organizations and the citizens itself.

The censorship and illegal detention are experienced by LGBT+ citizens and activists too, often charged with the accuse of "*Offending the cultural and religious system of the country*".

According to Freedom of The Net Index 2018,[89] the country rewrote restrictive media laws to apply to social media users, jailed critics under measures designed to curb false news, and blocked foreign social media and communication services.

Maja Sever, president of the Trade Union of Croatian Journalists, explains that the situation in her country is problematic, addressing that: "[…] the amount of hatred, intimidation and threats on the social media sometimes leads to incitement in attacking female journalists".

Moreover, even if Croatian Constitution protects freedom of expression,[90] Sever affirms that: "The regulation is not well applied".

Agencia Presentes, an organization found in 2016 by the human rights journalist Ana Fornaro, reported that pro LGBT+ journalists and freelance bloggers are constantly threats countries like Argentina, Chile, Peru, Paraguay and sometimes are physical harassed after the publication of an article online.

Women and LGBTs are facing a new era of intimidation in Poland: feminists activists and sexual minorities, in particular non-binary groups, are online and offline harassed for promoting a "propaganda" that undermines the family values and the traditional view of the gender. [91]

The main attacks perpetuated towards women regards the right to abortion, which should be considered a crime according to pro-life movements.

The freedom of expression and association for women and LGBTs remain pretty critics in many countries, meanwhile there's a decrease in the quality of the Internet and digital rights that have been perpetuating in the last eight years (Freedom of the Net, 2018).

The most dangerous and unfair countries for women journalists and activists are:

- Afghanistan, where discrimination and gender-based violence is wide spread online and offline;
- Saudi Arabia, where women experience a real gender apartheid that prevent them to create political and rights movements, protests and write articles;
- India, where women journalists continue to be denied fair share at the major media organizations.[92]

For the non-binary community, the situation is not easier.

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[89] Freedom House. "Freedom of The Net 2018: The Rise of Digital Authoritarianism", October 2018. P.4
[90] https://www.rcmediafreedom.eu/Wiki-for-mediafreedom/Censorship-and-self-censorship-in-Croatia
[91] https://balkaninsight.com/2020/02/25/a-third-of-poland-declared-lgbt-free-zone/
[92] https://poll2018.trust.org/methodology/

According to the LGBTQ+ Danger Index,[93] the most dangerous country for freedom of expression is Nigeria, where homosexuality receives up to fourteen years of imprisonment and, in the Sharia laws state, death penalty. The discussion of LGBT+ rights, issues and contents is considered a criminal offense too.

The index points out that all the Sharia Law States criminalizes LGBT+ activism and journalism, with severe penalties; some of them are:

- Qatar;
- Yemen (where the charge is worse for lesbians);
- Saudi Arabia (even gender expression is criminalized);
- Malawi (Pro LGBT+ organizations are banned);
- Iraq (the broadcasting of explicit and pro LGBT+ songs, videos and movies results in one year of prison).

This index pointed out that, despite some countries decriminalized homosexuality and guarantee freedom of speech, they are considered potentially dangerous for those who want to express their gender identity: for example, Japan is said to be partially free, since the lack of appropriate policy of data protection leads people to practice self-censorship online.[94]

Bulgaria admits same sex marriage, but the Guardian (2019) reported various attempts to shutdown public manifestations and the circulation of pro LGBT photographs online.

The United States do not criminalize homosexuality, but some states do not consent advocacy of homosexuality at schools.

The data show a problematic depiction of the issues concerning freedom of expression for women and LGBTs activists and journalist, both in countries where homosexuality is considered a crime and in those democratic countries which lack efficient protection policies for the online and offline media system.

2.1.3 Theme C: Right to access the Internet

The **Theme C** refers to the freedom to seek information and ideas of all kinds, that have been published and made available by others.

This basic human need of the new millennium, included in article 19 of the International Covenant on Civil and Political Rights, is subjected to restrictions when it comes to "propaganda for war", "racial and religious hatred", "incitement to discrimination", "exploitative use of children in pornographic materials and performances".

Although the intervention of the Government or private organizations and enterprises is necessary to block a misusage of the Internet, sometimes websites shutdowns are unconstitutional and non transparent.

The question C.2: "*Does the government block or filter access to the Internet as a whole or to specific online services, applications or websites, and on what grounds and with what degree of transparency is this exercised?*" actually helps us to investigate in the nature of some restrictions provided by third parties.

As we stated before, there is not a Declaration of Digital Human Rights yet, despite the constant call of many non-governmental organizations.

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[93] https://www.asherfergusson.com/lgbtq-travel-safety/
[94] https://www.hrw.org/news/2018/10/05/tokyo-new-law-bars-lgbt-discrimination

This means that every state must regulate the Internet, accordingly with the predisposition and recommendations of remarkable international institutions, as the United Nations, and find a balance between freedom of expression and censorship of inappropriate and illegal content.

Let's take into consideration the USA, a country that, in the common thinking, is thought to be very democratic.

For example, an executive order of the Infrastructure and Technology department of the White House (US Government, 28th May 2020), established that: "*Free speech is the bedrock of American democracy. Our Founding Fathers protected this sacred right with the First Amendment to the Constitution. […]we cannot allow a limited number of online platforms to hand pick the speech that Americans may access and convey on the internet. This practice is fundamentally un-American and anti-democratic*".

In this order, the President of The United States of America recognizes the importance to allow people to access, share and seek contents online, and points out the problems in social media algorithms that block contents with no reason.

In order to guarantee the right to access, and protect vulnerable users at the same time, the Attorney General shall establish a working group that is supposed to collect publicly available information regarding to:

- increased scrutiny of users based on the other users they choose to follow, or their interactions with other users:
- algorithms to suppress content or users based on indications of political alignment or viewpoint;
- differential policies allowing for otherwise impermissible behavior, when committed by accounts associated with the Chinese Communist Party or other anti-democratic associations or governments;
- reliance on third-party entities, including contractors, media organizations, and individuals, with indicia of bias to review content.

This order is emitted in order to regulate the Internet and prevent unnecessary online censorship.

In the U.S. the freedom of speech is protected by the First Amendment of its constitution; in 1986 the Computer Fraud and Abuse Act was enacted to prohibit accessing a computer without authorization, or in excess of authorization.

In 2015 the Justice for Victims of Trafficking Act became law; it makes it illegal to knowingly advertise content related to sex trafficking, including online advertising.

This decision sparked many doubts since it may lead companies to over-censor materials or, on the contrary, limit the monitoring in order to avoid knowledge of illegal content.

The Allow States and Victims to Fight Online Sex Trafficking Act is one of the most controversial bills, introduced in 2017.

Pro –free speech activists claimed that it is a "*disguised Internet censorship bill*", that places unnecessary burdens to those websites and user generated contents that proactively take action against sex trafficking activities.

In Europe, some forms of Internet censorship and surveillance are enforced by several laws, such as the right to be forgotten.

Article 17 of the General Data Protection Regulation establishes that a person has the right to obtain from the controller of a website the erasure of personal data concerning him or her,

for example if those data are no longer necessary in relation to the purpose for which they were collected.

Despite many European Governments are applying this law to protect the privacy of individuals, other stakeholders (like Google) argue that the right to be forgotten conflicts with other fundamental rights, including the speech-related right to access information that is lawful and true.

Moreover, article 17 establishes that "*Internet platforms must now ensure that works protected by copyright are not uploaded without permission.*
This could only be enforced through upload filters, which automatically filter and censor content".[95]

It means that popular platforms as Facebook and Youtube, that already cooperate with the international governments, are required to delete any material and content before it has been uploaded.

Due to the amount of videos, photos and articles that users upload daily, only an automatically scanning and filtering system can achieve this goals; this is a form of censorship that can affect many people, from political movements to any kind of activist, included feminist and pro LGBT+ activists.

Because many activist often share quotes, books, photographs and articles that may be protected by copyright, this filtering system may block the content and negatively affect the use of the Internet for sensitizing other users and third parties online.

There are some countries that are actually establishing rules in order to censor and shutdown particular contents and profiles online.

The Democratic Republic of China, described by Reporters without Borders the "*World's biggest prison for netizens*" (2012), defends the right to censor material online because the Internet is actually under the jurisdiction of Chinese sovereignty.

The Section 5 of the Computer Information Network and Internet Security, Protection, and Management Regulations (1997) justifies the censorship of feminist and pro LGBT+ contents claiming that: "*No unit or individual may use the Internet to create, replicate, retrieve, or transmit superstitious, obscene […] and pornographic information*".

The concept of obscenity is extended to the non- binary perspective and the redefinition of the gender roles.

In 2002, the Internet Society of China created The Public Pledge on Self-Discipline for the Chinese Internet Industry, an agreement between the Chinese Internet industry regulator and companies that decide to operate in China: this agreement obliges the Internet companies to identify and prevent the transmission of those contents included in the Internet Regulation (such as images and articles that are considered obscene).[96]

Due to the Cyberspace Administration strictly system of IP blocking, deep packet inspection and efficient filtering and blocking protocols people in China are reported to practice self-censorship on a large scale.

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[95] https://www.wsws.org/en/articles/2019/03/27/cens-m27.html
[96] https://en.wikipedia.org/wiki/Public_Pledge_on_Self-Discipline_for_the_Chinese_Internet_Industry

The *Panopticon effect*[97] prevent people to search for useful information about sexuality and produces negative effect on those who question their gender identity, leading only 15% of the LGBTs community in the country to reveal to their parents and close friends.[98]

In order to answer the abovementioned UNESCO question, both democratic and authoritarian countries apply censorship, which (voluntarily or not) hit mostly vulnerable users as women and LGBT+.

The paradox consists in the fact that countries that censorship feminist and LGBT+ contents on purpose are more transparent in declaring how the software for filtering is working out and why.

2.2 Internet Universality Indicator: Openness

The second principle establishes that the Internet should be open, transparent, trustworthy, innovative and should enable people to actually take advantage of it and its resources.

Openness concerns integrity and security, for which its role is to deliver content and applications to users in a safe environment which respects human rights.

This category is divided into five themes:
- A- The overall policy, legal and regulatory framework;
- B- Open standards;
- C- Open markets;
- D- Open content;
- E- Open data.

2.2.1 Theme A: regulatory framework

Concerning **Theme A**, an appropriate policy, legal and regulatory frameworks is fundamental to guarantee an inclusive and evidence-based online environment.

As a public and universal resource, the Internet is supposed to be a neutral platform; consequently, policies of gender mainstreaming and cyber-security are necessary to promote effective participation of women and LGBT+ users.

The questions A.2 "*Does the legal and regulatory framework for business, academia and civil society facilitate innovation on the Internet?*" is helpful in order to understand how national and international laws are addressing innovation in Internet, leading to the creation and empowerment of an equal and transparent environment for women and LGBTs.

In particular, transparency is reported to be a problem that regards many aspects of the Internet, as the unclear social media policies and their affection to the users rights.

An example may be a recent scandal involving a popular platform, Facebook, accused to manage the data without providing enough information to its users.[99]

The lack of transparency leads to cybercrime, since the users may be unaware of how their personal data are processed, and by who.

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[97] The psychological sensation of being constantly controlled and supervised, from the Bentham's institutional structure "Panopticon", a prototype of prison where a convicted person never understands when he is actually observed or not.

[98] https://www.bbc.com/news/world-asia-china-51199309

[99] https://www.business-humanrights.org/en/facebook-is-part-of-an-industry-wide-problem-lack-of-transparency-about-policies-affecting-users%E2%80%99-online-rights

For this reason, in its paper "Regulation of the European Parliament and of the Council on promoting fairness and transparency for business users of online intermediation services", the European Union (2018) has established the characteristics that the Internet must have in order to be transparent and open to every user, despite personal characteristics.

According to the paper, to improve transparency, platforms are required to use plain and intelligible terms and conditions for the provision of their online intermediation services. They must provide a statement of reasons each time they decide to restrict, suspend or terminate the use of their services by a business user.

Sometimes, female and non-binary users avoid revealing their real identities online, because they fear negative repercussion or think that they will negate some Internet services.

The point 42 of the paper states that: "*In order to ensure that business users can fully exploit the commercial opportunities offered by online intermediation services, providers of these services should not completely prevent their business users from featuring their trading identity as part of their offering or presence on the relevant online intermediation services*".

The European legislation is giving a great contribution to innovative cyber-security laws and practices, in order to protect its users: the Network and Information systems directive (NIS) of 2016 is the first EU wide legislation to boost cyber security amongst the Union countries.[100]

This legislation also established that the collection of personal data must be declared in a transparent way, for commercial or legislative reasons only.

This legislation has been implemented in 2018 with the introduction of the "right of explanation" of decisions made by algorithms, even if it's unclear the role of providers for guaranteeing this right.

In the United States, the Federal Trade Commission Bureau of Consumer Protection is a department that monitor the actual application of data protection, openness and accountability policy.

The role of local and national governments, though, seems not sufficient to contrast some algorithms of social media and Internet search engine.

A recent wave of protests sparked after the denounce of several Youtubers, claiming that the popular platforms for sharing video has developed an algorithm that: "Demonetize gay-friendly and pro-LGBT+ contents".[101]

The demonetization system is linked with keywords that refers to the non-binary world and sub-culture; a huge inequality, since demonetization means literally losing money for every video uploaded, instead of earning it.

The Youtube algorithm is far from being clear and transparent, and is based on the fact that harmful contents (such as violence, tobacco-related content, hateful and pornographic content) are exposed to demonetization and, in some cases, censorship.

The LGBT+ argues that a tutorial for a pride-month-inspired make up cannot be classified as a harmful content.

The lack of transparency of the biased algorithms has been denounced by feminist activists too: at the beginning of the 2018, magazines like Wired pointed out that the Google

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[100] https://ec.europa.eu/digital-single-market/en/content/cybersecurity-digital-privacy-policy-unit-h2

[101] https://www.vox.com/culture/2019/10/10/20893258/youtube-lgbtq-censorship-demonetization-nerd-city-algorithm-report

algorithm of research were influenced by sexist and racist bias.[102] When searching for the word "woman", the majority of suggestions that generated automatically were linked to words as "pretty", "skinny" and "pregnant"; a huge difference between the suggestion following the word man, which were "strong", "attractive", "business".

When searching for words as lawyer or doctor, forty-six images out of fifty represented a man; when searching words like "teacher" or "caregiver", the images were linked to women.

This is meaningful and consolidate social bias that refers to the old and unequal division of the roles.

Moreover, women who belong to ethnic minorities receive the worst bias: when searching the words "Woman" or "girl", the main results concerned white, Caucasian females.

When added keywords linked to the world of criminality, such as "charged", the number of black and Latin American women suddenly increased.

Last, we ought to mention the relation between "criminal woman" and charts like "the twelve hottest and sexiest females in prison".

The regulation of the search engine algorithms is not clear, and no explanation of its function is provided.

Since the Transparency of the Internet is reported to be very problematic, moreover for sexual minorities that may experience a biased, unequal and inefficient environment.

2.3 Internet Universality Indicator: Accessibility to all

The access to the Internet is the first step to use and take advantage of this fundamental tool.

Nowadays we are constantly witnessing an increase of digital devices, platforms and communication technologies that are redefining our approach to education, health, market, services and work.

The opportunities that connectivity provides are huge, and may lead to new practices of emancipation for those groups of people who find difficult to have a voice in the mainstream media.

Although the progressive digitalization of the World and of societies is bringing up new perspectives and helping to reach different audiences, the unequal distribution and access to the Internet could lead to more disadvantages and forms of discrimination instead of reducing them.

The principle of Accessibility to All has technical, economic and social aspects: issues in properly accessing the Internet may regard the absence of broadband connection, a problematic economical situation that prevent people to buy technological devices; or it may concern the lack of digital literacy for women, that in some countries are often excluded from a higher education.

Despite the high level of connectivity in the majority of developed countries, the bandwidth services are still not present in many poor and less developed countries, which face a higher risk to be excluded from the international market and the development process.

This category is divided into six themes that refer to various aspect of Accessibility to all:

   A- Legal and regulatory framework for universal access and related issues;

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[102] https://theconversation.com/googles-algorithms-discriminate-against-women-and-people-of-colour-112516

B- Technical and geographic connectivity, included physical barriers;

C- Affordability of networks and services;

D- Issues concerning equitable access;

E- Content and language, which often represent a great obstacle to overcome;

F- Capabilities and competencies, often linked to a proper digital literacy.

2.3.1 Theme A: regulatory framework

The **Theme A** provides interesting questions related to universal access for women and LGBTs, in order to understand how the international law is managing the gender mainstreaming online and which regulatory frameworks establishes the base for guaranteeing access to all the individuals, despite the gender.

According to the question A1: "*Is statistical information concerning access and use of Internet regularly gathered by national statistical systems and/or other competent authorities, on a systematic basis?*", the first step to guarantee accessibility to all is to understand how things are currently going in the world.

The limited national research by governments are often implemented by researches of private, remarkable and well known societies and enterprises.

In the 2020 The Inclusive Internet Index,[103] commissioned by Facebook and conducted by The Economist Intelligence Unit, has provided a trustworthy depiction of the state of accessibility of the Internet in one hundred countries, with specific focus on the gender gap.

According to the four-year index, Internet access is increasing globally, even though there are still large disparities between urban and rural areas, and the poorest parts of the world are still far from being reached.

For example, average household connectivity has risen by a staggering 44,8% over the past several years, with a substantial growth in developing areas as Latin America (57,6%) and some states of Sub-Saharan Africa; despite these encouraging data, growth in access in low-income countries has increased by only 3,8% in the last year.

Moreover only 9,9% of households in low-income countries have access to the Internet compared with 88,5% of those in rich countries.

Regarding the gender differences, there are still issues in bridging the gap in properly accessing the Internet: on average across the indexed countries, men are 12,9% more likely than women to have Internet access; in the lowest income countries, this difference reaches 34,5%, for examples in African countries where the gap is wider than in other regions.

The spread of personal mobile devices is actually benefiting women, who are facing "only" a less 6,3% of access respect to the men (a percentage which is pretty narrower respect to the abovementioned gender gap data).

Even if the access to mobile devices may be helpful, women still face a frustrating slow progress in closing the gender gap; the situation is far more problematic in the lowest income countries, that are moving to the opposite direction and have widened the gap by 3% in the last twelve months.

Many other organization s and associations have collected data in order to clarify the issues in access for women.

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[103] The Economist Intelligence Unit Limited. "The Inclusive Internet Index 2020 Executive summary", Commissioned by FACEBOOK, 2020.

In its annual report, [104] the GSMA Foundation, in partnership with Association for Progressive Communication and the World Wide Web Foundation, has addressed the main issues that women are called to face concerning proper access to the Internet.

In its premises, the report explains "*The lack of gender-disaggregated data and insights on internet access and use masks the true extent of the digital gender divide*", and that the obstacles in accessing and using the Internet are linked to geographical, educational and social motivations.

According to the report, in 2018 there were one billion and two women not accessing the Internet, either for technical obstacles or social restrictions: this means that the great barrier lies both in Internet devices and broadband connection ownership and in usage skills.

The ITU (International Telecommunication Union), the specialized agency of the United Nations for information and communication technology, is one of the most competent authorities for mapping the gender digital gap worldwide.

In its 2019 publication, [105] the ITU reported that the number of Users Worldwide accessing the Internet is constantly increasing, moving from 16,8% in 2005 to 53,6% in 2019.

This means that more than half of the global population uses the Internet for different reasons.

As we may imagine, the majority of Internet users are living in developed countries, where they are 87 percent of the population; the less connected continent is Africa, followed by Arab states.

What is interesting to know is that, according to the abovementioned publication, in every region of the world men are more connected than women: what changes is the dimension of the gender gap between users, which is even growing in the poorest countries.

The proportion of women accessing the Internet is higher than men in only 8% of the countries, while gender equality in the Internet usage is found in just over one-quarter of countries.

The assumption of the ITU 2019 publication is that low technological skills for women is the real and most effective barrier to the Internet access and usage, since 82% of the world population lives within reach of a mobile-broadband signal.

Following the Theme A of the UNESCO ROAM-X , the question: "*Is there a legal or regulatory authority which seeks to implement universal access to communications and the Internet?*" may help us to understand the role of United Nations in the implementation of gender digital rights. The United Nations is the most remarkable intergovernmental authority in the world, and included 193 countries as member states.

In the last decades, following the development and diffusion of new technologies and the World Wide Web, The UN has been committed in reducing the gender inequalities in accessing and effectively using the ICTs, in order to provide equal digital rights to all the people, regardless of gender identity.

As instance, in May 2011 Frank La Rue, law expert and UN special rapporteur, submitted a report[106] to the UN Human Rights Council in order to provide recommendation to secure access to the Internet.

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[104] GSMA Association "A toolkit for researching women's internet access and use". 2018

[105] ITU Telecommunication Development Bureau."Measuring digital development Facts and figures", ITU Publications 2019.

[106] F. La Rue. "Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression". UN Human Rights Council, 2016.

This publication explains that:
- Filtering and blocking effective access to Internet, by third parties or the government itself, regardless of the justification provided, represents a violation of article 19, paragraph 3, of the International Covenant on Civil and Political Rights;
- The States are called to ensure that the Internet access is maintained at all times, even during time of political unrest;
- Above all: "Each State should thus develop a concrete and effective policy, in consultation with individuals from all sections of society, including the private sector and relevant Government ministries, to make the Internet widely available, accessible and affordable to all segments of the population".
- Any restriction must be clearly provided by law, and proven to be necessary and the least intrusive means available for the purpose of protecting the rights of others.

Even if the report is very detailed and highlights the role of single States for protecting the right to access, it doesn't give much attention on the educational problematic that prevent people to access and use the Internet.

According to the WPR approach, the problem is represented as it originates in the lack of policies that regulate censorship, blockage of sites and freedom of expression for minorities, as women and LGBTs.

The truth is that, as told before, accessibility is often an issue for some social categories because there's no appropriate digital literacy, or the content available in the Internet are not useful, nor translatable in other languages; again, the websites and the social media may not be user friendly, since discrimination and threats can arise easily online.

Throughout the years, The United Nations have established important aims to achieve.

Thanks to the Sustainable Development Goals Agenda, the UN is able to address the main issues that affect people, in particular less developed societies and fragile social categories, as women and sexual minorities: equality in education, bridging the gender gap, reducing discrimination and gender-based violence are some of the pillars of the 2030 agenda. Despite the activation of several programs for reaching the seventeen goals, there is not much evidence of progresses, in particular the field of education and digital literacy: it is reported that in 2016, 750 million adults (two thirds of them women) remained illiterate; concerning digital literacy, only 18% of women in the lowest income countries have received basic digital education.[107]

The questions A5: "*Are public access facilities available that provide access to the Internet for those who cannot afford or obtain personal access to the Internet?*" may be a good starting point to highlight the self-exclusion from the Internet environment perpetuated by women and LGBTs in public spaces.

In many developed and developing countries, in particular in educative spaces like libraries and Internet cafes, free access to the Internet and Wi-Fi connection is available at no cost or modest cost.

This fact has usually been seen as a great chance for disadvantage people to access the Internet and search for useful information, concerning health, sexuality and other personal topics.

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[107] https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2015/06/DigitalLiteracy_v6_WEB_Singles.pdf

Nevertheless, it has become clear that those categories that may benefit more from public access to the Internet are the same that are not so willing to take advantage of the situation; in particular in those countries where gender inequality and homophobia persists.

In its book "Media in the Global Context: Applications and Interventions", Emmanuel K. Ngwainmbi (2019), explains that Chinese women who do not attend the university use the Internet café very cautiously, and find difficult feel fully immersed in a space that is considered to be male dominated.

Chinese women tend to access the Internet in open space as least as possible, and prefer to attend those Internet café that are more expensive, since they are often located in the center of the city and are perceived as safer.

As we may assume, only wealthy women use it, whereas disadvantage women prefer to give up on the Internet use rather than go to cheap (and less safer) Internet points.

The gap widens between urban and rural women: women who live in the countryside are less likely to have access to public Internet and cannot experience the Internet as women of the big cities can.

Of course, the existence of Internet Points and public libraries that provide free (or cheap) the Internet access is surely a great step forward for guaranteeing the effective use of the online space.

For example, in Latin America the first Internet café, built in Lima in 1999, gave the chance to women and LGBTs for searching personal information, trusting on the privacy of the facility (Imparato, Ruster, 2003).

Many Latin American Internet Cafés provide assistance to the users, who are mostly women and teenagers, in order to guarantee the development of basic digital skills (sending emails, using the search engine, buying products, etc).

The case of Internet cafés is multi-faced, since the presence itself of public Internet facilities mat be not enough to guarantee access and affordability to all; but it is at least a precious example of the importance of destroying at least physical and economical barriers, which are often the first reason why many people do not access the Internet.

2.3.2 Theme B: connectivity and usage

The concept of barriers in accessing and using the Internet is the core of **Theme B.**

The question B4: "*What barriers to access are identified by users and non-users of the Internet*?" can be used to analyze how people perceive the access to the Internet and the obstacles they do (or may) encounter when trying to use digital platforms.

In fact, barriers that prevent people from accessing people may be objective and subjective, and are experienced even by people who live in developed and wealthy countries.

The Good Things Foundation Project (2019),[108] for example, have mapped the motivational barriers of non-users in the United Kingdom, discovering that:

- 3,88 millions of adults do not use the Internet because they think they won't benefit from it;
- 1.61 millions of adults do not have the right support to approach to the Internet;
- 1,41 millions of adults do not know how the Internet works;

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[108] https://www.goodthingsfoundation.org/

- 943 thousands of adults think that devices and broadband connection are not affordable for their economical situation.

The almost totality of the respondents are older than forty years old, left school before they were sixteen years old and don't trust their literacy abilities.
The percentage of non users people is higher for women, since 8,7% said that has never used the Internet, compared to 6,3% of males.
The research showed that the gap between male and female using the Internet becomes wider in the older portion of population.
Not taking into consideration physical barriers such as lack of bandwidth connection and technological devices, the reasons why women and LGBTs are less likely to access the Internet and effectively use it, tends to be more or less the same in both developed and less developed countries:

- **Lack of digital skills**: the majority of female non-users perceives a lack of know-how concerning the Internet and digital devices.
  This fact may depends to the absence of practical education and exercise in the middle and high school, but the main cause can be found in the attitude of educative agencies towards girls and their relationships with technology.
  It is reported that women are 1.6 less likely to receive digital skills respect to men. This is due to usually to social bias regarding a (inexistent) predisposition of men to learn easily STEM subjects whereas women are more likely to become caregivers or specialized in humanistic fields.
  When it comes to poor women of disadvantaged countries or social classes, digital illiteracy is due to a lack of education in general: in 2015 the Worlds Women Report found that over the 781 million adults over the age of fifteen estimated to be illiterate, 496 million were women.
  The education level actually affects the chances to connect to the Internet and take advantage of its potentiality: according to the 2015 report of Web Foundation,[109] Women who have some secondary education are six times more likely to be online than women who have primary education or no education.
  Education is one of the first and most important step in order to take part of the Online environment.
  Moreover, the gap diminishes as much as the education level rises, reaching 5% gap between males and females with tertiary education respect to 17% of gap between males and females with no formal education.
  Anyway, in developed countries the situation is different for members of the LGBT+ communities.
  Indeed, LGBTs are core users of the Internet and learn immediately how to it, since they find in the online space a free environment where they can surf anonymously, research for health and psychological aid and support, express their identity and meet virtual friends with which share personal experiences.
  So the lack of digital literacy may explain why women experience gender digital gap, but is not sufficient as explanation to extend to the LGBTs community;

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[109] http://webfoundation.org/docs/2015/10/womens-rights-online_Report.pdf

- **Time**: another factor that make difficult for women and LGBTs to access and use the Internet more often is the lack of time.

  Women and LGBTs are reported to gain less money than the heterosexual male counterpart: the gender pay gap is a phenomenon that affects both women and sexual minorities, causing them to earn 76 % of the male average salary.[110]

  This phenomenon perpetuates still nowadays, despite the intervention of many governments (the equal pay act in 1963 in USA, the Equality Act in 2010 in UK) to fight it.

  Moreover, the gender-based discrimination that LGBTs and women experience on the job place (which affects thousands of sexual minorities members every year) may lead them to reduce the work hours per day, settling for a part time.

  The economical disadvantage often obliges these groups of individuals to seek for other jobs and remunerative activities in order to reach a satisfying way of living.

  Managing a full time job and another part time job drastically reduce their free time, not mentioning the "second round" for women who are supposed to take care of the house and the family at a full regime after leaving the workplace.

  This is the reason why women and LGBTs may not give much time and energy in learning the potentiality of the Internet;

- **Language**: as stated before, women feel like the Internet is a male-dominated space, where it is difficult to find user-friendly environment and helpful contents.

  Sometimes, they do not access the Internet even if the content may be useful and interesting, because they cannot understand it (for example health websites which use a specific and complex vocabulary).

  For both women and non-binary people, language represents a great barrier: many empowering and women friendly websites are in English and no translation (or bad translation) is provided.

  In particular, non native English speaker with only primary education level cannot overcome the linguistic barrier and decide not to access the Internet because they cannot benefit from it.[111]

  To prove it, let's think about the fact that half of the Web's content is in English, whereas the amount of English- speaking people in the world is only 5%.

We have understood that there are several aspects that prevent particular social groups from accessing the Internet, whether they be physical, economical and social barriers.

2.3.3 Theme F: Competencies and Capabilities

The lack of digital education is a problematic that can be analyzed with the aid of **Theme F.** According to question F2: "*Are media and information literacy programmes (including digital aspects) provided for adults by government or other stakeholders, and, if so, to what extent are they being used?*", is important to investigate the activity of policymakers for guaranteeing a digital lifelong learning, without distinction between citizens.

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[110] https://www.americanprogress.org/issues/lgbtq-rights/news/2012/04/16/11494/the-gay-and-transgender-wage-gap/

[111] https://humaan.com/blog/breaking-down-the-online-language-barrier/

For example, the European Union has adopted (2016) the "Recommendation on upskilling pathways: new opportunities for adults",[112] a framework for guaranteeing key competences for lifelong learning, with specific focus on digital literacy.

This framework provides guidelines for EU members in order to implement activities and project aimed at helping low-skilled adults to reach a satisfying level of literacy, acquire basic digital skills and broader the existence technological knowledge.

The abovementioned recommendation explains that every member state must deliver effective tools (as the access to Electronic Platform for Adult Learning in Europe) to help adults in their educational path, learning how to take advantage of the Internet and media platforms.

The digital educational programmes should be inclusive and non discriminatory, and are supposed to develop around these competencies:

- Searching and filtering data;
- Interacting through digital technology;
- Managing digital identity;
- Sharing opinions through digital platforms;
- Learning the netiquette;
- Reporting abuses.

Understanding the necessity to develop a specific program for women, the EU has promoted the "Strategic Engagement for Gender Equality 2016-2019".

This policy aims at promoting gender equality by boosting the participation of women digital sector; improving data availability, quality and reliability; combating gender-based violence online and offline.

The European Commission is committed in bridging the gender gap between males and females and has outlined a strategy to increase women's participation in the digital sector, focusing on:

- Challenging digital gender stereotypes;
- Promoting digital skills and education;
- Advocating for more women entrepreneurs.

To do so it has developed a Women In Digital Scoreboard to monitor women's participation in digital economy: an innovative instrument to map the Member States performances in effectively promote projects that help women to train digital skills and access Internet.

The twenty seven EU members which have signed the Declaration of Commitment of Women in Digital are supposed to elaborate a crossing national plan and then monitoring the effects of the plan in the evolution of women's engagement and participation online.

2.4 Internet Universality Indicator: Multi-stakeholder participation

The participation of a variety of users, stakeholders and shareholders is one of the most prominent principles of Internet, as declared on the Geneva Declaration of Principles of 2003 (World Summit on the Information Society).

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[112] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2018.189.01.0001.01.ENG

According to the Global Challenge of the New Millennium, the Internet must become a people-centered, inclusive and development-oriented environment, where everyone can create, access, use and share information and knowledge.

National governments, International Institutions, non-governmental and private organizations are committed to guarantee the multi-stakeholder participation and cooperation.

Extending the participation on the online debate to those groups who do not have effective access to the Internet, such as the sexual minorities, is crucial in order to have a democratic online space.

This category is divided into three main themes:

A – The overall legal and regulatory framework for participation in governance;

B – National Internet governance;

C – International and regional Internet governance.

Since we are providing a general overview of the experience of women and LGBT+ with the Internet worldwide, we shall take into consideration the first theme.

2.4.1 Theme A: regulatory framework

Question A2: "*Does the government encourage public participation in national policy processes?*" refers to the evidence of participation by diverse stakeholder groups in the Internet related policy making process, as well as the participation by different stakeholder in consultation processes that are not Internet related.

To find an answer to this question, we can take into analysis the OECD work "Women, Government and Policy Making in OECD Countries: fostering diversity for inclusive growth" (2014), a useful publication that examines the position of women (the term women is extended to those who identify as women) in the decision-making process.

Actually, the majority of OECD countries is aware that effectively guarantee more engagement and broader participation in the policy making process is the key to have a more transparent and sensitive policy to bridge the gender gap.

There is actually evidence of positive changes in many OECD countries: in Spain the Women's Participation Council, a positive consequence of The Organic Law for Effective Equality between Women and Men (2007), provides a channel for women to have a voice in online and offline policy making processes.

In Greece the Government created in 2010 the Greece's National Programme for Gender Equality, a reform of the National Committee for Equality between Men and Women that uses an interactive portal for emphasizing the cooperation with every individual of the civil society.

The Latin American region has been committed in fostering initiatives that involve different stakeholders in the development of new policies: in Brazil and Mexico, the Government introduced parity in the decision making processes, strengthening the participation of women.

The situation is pretty different in Post-soviet and Arab countries, even if they joined the OECD: in these countries, the existent gender mainstreaming policy are often ignored, since the cultural and social bias are still very rooted; moreover, conservative parties usually obstacle feminist and pro LGBT+ initiatives.

Countries like Tajikistan and Georgia are reported to be far from guaranteeing equality to men and women, as many citizens and politicians do not consider the active participation on the decision making process an important right for girls and women, whether it regards online or off line policy.[113]

Discrimination, pay gap and inadequate education are issues that women are still supposed to face, even if Georgia, for example, as adopted a Constitution that includes egalitarian values.

Regarding the LGBT+ community, there have been only few steps towards gender equality online for guaranteeing participation to non-binary people.

In fact, the European Region of the International Lesbian and Gay Association, in collaboration with the International Lesbian, Gay, Bisexual, Transgender, Queer Youth and Student Organization (IGLYO), has reported that non-binary people are often excluded in the decision making process both online and offline.[114]

For example, when addressing gender equality policy, non-binary people, in particular transgender citizens, are not considered; this actually leads to a new form of divide, that widen the gap between heteronormative policy and inclusive policy.

Nevertheless, things are slowly changing.

The EU has promoted (2010) measures for combating sexual minorities discrimination and addressing initiatives to engage LGBTs to actively participate in the political debate.

The Committee of Ministers of the Council of Europe has provided to the member states the following instructions[115] to guarantee participation of non – binary stakeholders:

- *"Member states should take appropriate measures to ensure, in accordance with Article 11 of the Convention, that the right to freedom of association can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity; in particular, discriminatory administrative procedures, including excessive formalities for the registration and practical functioning of associations, should be prevented and removed;"*

- *"Measures should also be taken to prevent the abuse of legal and administrative provisions, such as those related to restrictions based on public health, public morality and public order."*

- *"Member states should take appropriate measures to effectively protect defenders of human rights of lesbian, gay, bisexual and transgender persons against hostility and aggression to which they may be exposed, including when allegedly committed by state agents"*;

- Briefly, member states should take appropriate measures to guarantee freedom of association, online and offline, freedom to peaceful assembly, freedom to support political parties and associations that protect LGBTs rights through grassroots initiatives.

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[113] https://eca.unwomen.org/en/where-we-are/georgia

[114] ILGA, Europe. "Social exclusion of young lesbian, gay, bisexual and transgender (LGBT) people in Europe". 2006, European Commission.

[115] https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf40a

The European Union is committed in fighting gender inequality and discrimination, and realizes that the Internet is a fundamental tool for women and LGBTs to find a voice, support their cause and manifest peacefully, reaching a large part of the audience that is not sensitive to traditional media.

Its measures are not always implemented in the policy making processes of the single country members; nevertheless they provide a good starting point and a useful guidelines to develop new strategies to engage every group of interests to shape the Internet of the future.

2.5 Internet Universality Indicators: Cross – cutting

The final category of the ROAM-X framework regards cross-cutting indicators, which draw the attention towards inequalities amongst specific groups of the civil society.

Since the core of our thesis develops around the concept of gender inequality (adopting a broader view that overcome the classical binary approach), it is useless to repeat the same information in the **Theme A**: gender inequality.

The **Theme B**, regarding children, and the **Theme D**, regarding trust and security, are actually helpful to dive deep into the problematic of gender digital gap.

2.5.1 Theme B: children

The **Theme B** focuses on the underage users, people between five and eighteen years old that approach to the Internet for the first time.

The relationship between children and sexuality, and children and gender identity, is linked to the usage of the Internet.

Non-binary Millenials and the Z generation rely much on digital platforms as a free space to explore themselves, establish virtual friendships and surf anonymously until they are ready to reveal their identity offline.

The need to protect girls and LGBTs online, in particular trans-kids, and to properly educate them to the digital environment, is urged by the amount of discrimination, hate speech, sexual assault and theft of data that they are more likely to experience.

The question B1 introduces us to the Internet experience of girls and LGBTs, since it asks: "*Does the Governments survey (female and non binary) children or consul them and/or the parents (and the organizations concerned with children) about their use of the Internet?*".

Democratic and well developed countries are increasing their awareness towards the gender divide amongst the youngest citizens, focusing also on intersex and transgender children and their needs.

In fact, if heterosexual girls tend to experience the same issues as grown up women do, the situation is far more dramatic for non-binary and questioning children, that are still dealing with the gender understanding and acceptance.

The awareness towards non-binary children is providing precious results for a better understanding of their relationship with the online environment.

For example, the Government of United States of America is currently monitoring the relationship of LGBT+ teenagers with Internet, in order to understand the habit of usage and map the issues that may raise.

First of all, let's look at the statistical data.

In the U.S., it is estimated that between the whole population of people between thirteen and seventeen:
- 8% identify as homosexual, lesbian or bisexual;
- 150 thousands kids (0,7% of the totality of adolescents) that are openly transgender (UCLA, 2016);
- 40% of intersex-born children don't identify with the sex assigned after genital surgery and described the gender assignment process as "unnecessary and physical and psychological painful" (Human Rights Watch, 2017).

These numbers cannot be denied.

The Centers for Disease Control and Prevention is a governmental organization, under the Department of Health and Human Services, that reports cases where a specific part of the American population may experience physical and mental problems.

According to its Youth Risk Behavior Surveillance System (2015), LGBT+ adolescents are more likely to have a difficult and dramatic experience with the digital tools and platforms, due to cyber-bullying.

The abovementioned survey showed that 28% of the LGBT+ students that joined the survey has been bullied electronically.

The governmental organization "Youth.gov" collected some data, reporting that the LGBT+ youth is the most connected and active on social media (2018).

In fact, LGBT+ kids search for medical information and psychological assistance twice more than the binary mates (81% VS 46%).

Moreover, LGBT+ teenagers are politically and socially engaged, since 77% of them uses the platform for taking place in the debate for civil rights and gender equality for non-binary.

Hence, the relationship with the digital platforms is deep, and probably has helped these communities to raise awareness and comprehension, to speak loud and to find the courage to come out in the offline life too.

Consequently, being more likely to be cyber-bullied represents a huge trauma and issue for these social category, moreover because adolescence itself is a delicate and crucial moment in someone's life.

The Stopbullying.gov,[116] another official website of the United States Government, reported that the relationship between the younger LGBT+ users and the Internet is made by shade and light: even if it is not always a safe and comprehensive place for them, LGBT+ need the Internet for socializing and confronting with others, although it may be a stressful and painful experience.

Concerning Europe and its members, the European Union has been monitoring the experience of young members of sexual minorities, producing several EU LGBT surveys through the European Agency for Fundamental Rights.

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[116] https://www.stopbullying.gov/

In the 2017 edition[117] it is reported that the more the respondent is young, the more he/she/they[118] is likely to perceive the environment as intolerant towards LGBT+ people.

This is the reason why many non-binary adolescents prefer to make friends and spend time online.

The European Survey doesn't explore the relationship between sexual minorities and the Internet for their psychological growth and acceptance, as well as it doesn't focus on the online violence but only on the offline forms of bullying.

The Council of Europe, in collaboration with UNESCO, has produced a trustworthy report[119] that maps the relationship of LGBT+ kids with Internet, highlighting the gender-based violence that they daily experience.

As for the American LGBT+ youth, the Internet is a great tool for European non-binary kids too.

Unfortunately, Europeans share the same issues, too: cyber-bullying is the third most perpetuated form of violence towards LGBT+ kids, in particular transgender and homosexual males; the statistics report that, on average, 23% of the European LGBT+ teenagers has experience it.

The data change according to the country: Sweden is confirmed to be the country with less cyber-violence cases and offline bullying towards females and non-binary kids (only 15% has reported forms of discrimination, both online and offline); whereas Lithuania reported that 65% of LGBT+ kids has suffered from both online and offline threats and bullying.

Actually, cyber-bullying in Europe is pretty underrated, because of a bias that makes educational staff and parents to wrongly assume that online violence is harmless or less problematic than physical assault.

On the contrary, cyber-bullying should be considered the new frontier of homophobia and trans-phobia, since the Internet permits to share anti-LGBT+ contents anonymously, spread rumors, to verbally and sexually attack the victim, obliging a person to totally disconnect in order to avoid the persecution.

If we briefly take into consideration the question B3: "*How do (non binary) children perceive and use the Internet?*", we can assume that the perception of the Internet is not linear.

The National Center for Biotechnology Information, an American governmental organization, has showed that LGBT+ male kids and young adults perceive the Internet as a safer place than the offline contexts, because they can surf anonymously and develop their gender identity while avoiding social repercussion during the high schools.[120]

The situation is different for trans kinds, because the consequence of being discovered is perceived as worse than for a gay male.

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[117] European Agency for Fundamental Rights. "European Union for Lesbian, Gay, Bisexual and Transgender survey". FRA, 2017.

[118] The pronouns "We/they" are often used by the transgender, intersex and bigender communities by people who embrace the coexistence of more gender when talking about themselves. Ex: "We are Mark. They are Lisa". (https://uwm.edu/lgbtrc/support/gender-pronouns/)

[119] COE. "Safe at school: Education sector responses to violence based on sexual orientation, gender identity/expression or sex characteristics in Europe". 2018, Printed at Council of Europe.

[120] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4824670/

Nevertheless, despite all the difficulties and the psychological effects that a dramatic online experience may bring, LGBT+ kids are taking advantage of the Internet as a free space where seek help, support, negotiate their identity and build relationships (Marciano, 2014).

2.5.2 Theme D: Trust and Security

The **Theme D** is crucial to analyze the existent policy that effectively provide protection and cyber-security to those users who, as we have learnt so far, are more likely to be exposed to harmful contents and online violence.

Let's pay attention to the question D2: "*Is there a framework for the investigation of cybercrime and other crimes involving computer systems which is consistent with international and regional rights agreements, laws and standards?*" .

Cybercrime is a broader term that includes a variety of crime perpetrated with the aid of the computer, the Internet and the digital tools: it ranges from hacking, committing fraud, stealing identities to stalking, violation of privacy and trafficking of illegal materials.

The UN has actively recognized and described cybercrime against sexual minorities, and has developed some resolution on protecting them and human rights defender as well.

In fact, the fight against cybercrime is one of the three pillars of the European Agenda on Security adopted in April 2015 and has been at the center of many new activity such as: the Monitoring and Detecting Online Hate Speech (MANDOLA), which aims to empower the citizens to monitor and report hate speech; the Mutual Learning Programme in Gender Equality; the INSAFE, an European network of Awareness Centers promoting safer and better usage of internet, It is co-funded by the Safer Internet Programme.

Moreover, the EC3 (European Cybercrime Centre) have been working since 2013 to strengthen the law enforcement response to cybercrime in the EU and thus to help protect European citizens, businesses and governments from online crime.

At level of operation the EC3 focuses on three types of crime: Cyber-dependent crime, such as various forms of sexual exploitation, theft of data and hacking; child abuse online; payment fraud.

Last, in 2016 the adoption of the Code of Conduct has represented a further move towards the fight against hate speech (which often regards women and non-binary people).

Its core objective is ensuring that authors of illegal hate speech offences are effectively prosecuted under criminal law by Member States' authorities.

In the United States the FBI may intervene when a citizen reports experience of hate crime online: harassment, threats, cyber-bullying and blackmailing are crimes that are severely condemned and punished.

Even the practice of *sexting*, the transmission of unrequested nude images or suggestive material via text messages, is considered a crime and can be punished in some cases with a period of detention and lifelong registration requirements, according to the Megan's Law.[121]

50% of American states include cyber-bullying activities in their cybercrime laws: for example, in Missouri the cyber-bullying is charged with harassment and the younger is the victim, the more serious is the crime.

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[121] A U.S. Federal Law for which convicted sexual offenders must be registered in a website, available to the citizenship. The states and local administration must provide information, for example notifying to people who moved to their neighborhood that there's a former sexual offender living there.

The punishment is different for every states: Florida doesn't charge people who commit cyber-bullying, but calls schools and job places to suspend or expel the bully.[122]

Nevertheless, in USA and EU the impact of cybercrime and lack of security on sexual minorities is not taken into consideration in the national and international law, so many victims are obliged to activate themselves, hiring a lawyer and prove that a cybercrime has been held against them.

Moreover, many cyber-criminals operate inside various darknets, overlay networks within the Internet that can only be accessed with specific software, configurations or authorizations.

The existence of darknets, where non-consensual image sharing, sell of child-pornographic materials, data theft and other crimes are committed, is an issue that makes difficult for the investigative agencies to take action and map the size of the phenomenon.

It is reported that a large portion of the population, included underage girls and intersex teenagers, is a victim of cybercrime without even knowing it, at least for a while.[123]

Since the consequences of being a cybercrime victim are more dramatic for sexual minorities, the necessity to bring the attention towards the different perception of cybercrime for women, LGBTs and questioning people is crucial to develop a more effective law and persecute every cyber-bully.

2.6 Conclusion

The previous chapters helped us to dive deep the relationship between the Internet and sexual minorities, highlighting the appropriate differences in the digital experience of heterosexual women, homosexual people and non-binary individuals.

Briefly, here the positive aspects of using the Internet when belonging to a sexual minority, since it provides an universe of opportunities for women and non-binary people:

- The chance to seek for health advices, information and help: young girls search often about menstruation, contraception, puberty and prevention of disease; intersex kids and transgender people get informed about the gender transition and understand the function of their bodies; moreover, both women and LGBT+ people learn about sexuality and sexual disease (included how to avoid them and cure them);
- the psychological support provided by feminist and/or gay-friendly digital environments are very helpful for those who feel ostracized or cannot talk with others in the offline context;
- the possibility to find new friends and get romantically engaged, or to share opinions and personal experiences help them fighting the sense of loneliness;
- the Internet can become an instrument that facilitates the entrance in the job market, or a springboard for starting a commercial activity at home (many housewives or people that cannot afford a car have benefit by working from home);
- last but not least, the Internet is an important tool for the lifelong learning, the development of useful skills and the economical independence.

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[122] https://criminal.findlaw.com/criminal-charges/cyber-bullying.html

[123] https://www.theguardian.com/technology/2016/may/08/they-didnt-know-they-were-victims-revenge-porn-helpline-sees-alarming-rise

On the other hand, women and LGBTs are more exposed to the risks of the digital environment, reporting serious and (sometimes) permanent trauma after a problematic experience with the Internet:

- Women and LGBTS are more likely to be sexually, verbally and psychologically harassed online, with difficulties in reporting the fact;
- Women and LGBTs feel less free to express themselves, their identities and their opinions online, fearing online and offline consequences;
- Women and LGBTs have the same odds to be victims of revenge porn or non consensual image sharing of heterosexual males, with the difference that the effects are more negative and tend to produce a long eco;
- Women often are not provided the technological and STEM skills that may guarantee them the digital literacy they need for effectively taking advantage from the Internet.
- Women and LGBTs tend to be less rich than the average of the heterosexual males, so they often cannot afford digital devices, broadband connection or antivirus software.
- Feminist and LGBT+ activists or journalists, progressive bloggers and netizens who share gender equality contents are often persecuted, threatened and harmed in many countries, and are obliged to practice self-censorship online before the government shutdowns their websites and social media pages.

As we said so far, the Internet is particularly useful for women and LGBTs and yet a very dangerous environment.

On the other hand, suggesting to these huge portion of the global population to avoid sharing some information, or to spend less time on Internet, or again to surf anonymously is more harmful than helpful and justifies a violation of their right to digitality.

The road for implementing policy that protect users and guarantee freedom of expression at the same time is still long and tortuous, but there are some changes that may bring a great improvement.

Concerning the digital divide, the World Global Bank[124] has suggested some objects whom accomplishment would help women and LGBTs to take advantage of the Internet:

- Increasing the availability of locally relevant digital platforms catering to women and LGBTs (for example, local marketplaces and solutions building online communities);
- redefining the function of algorithm systems to help women and LGBTs to seek interesting and useful information online;
- guaranteeing STEM formation and education, regardless of any bias of gender, in order to help students to develop digital skills and increase the number of women in the job market.

The Council of Europe has already suggested (2016) the adoption of a gender mainstreaming approach for redefining the data policy protection online, since the needs of women and non-binary people are often not taken into consideration because of a bias for

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[124] https://www.worldbank.org/en/topic/digitaldevelopment/brief/global-tech-challenge-solutions-for-women-shetheuser#:~:text=Global%20Tech%20Challenge%3A%20Solutions%20for,Winners%20will%3A&text=Access%20mentorship%20from%20technology%20companies,Group's%20Spring%20and%20Annual%20Meetings.

which the Internet is neutral and every users experience it (issues included) in the same way.[125]

The importance of enhancing multi-stakeholderism when discussing the implementation of laws for guaranteeing right to digitality and developing new strategies to make the Internet safer has often been addressed by transnational organization, as UNESCO.

There are many non-governmental organizations, as well as grassroots initiatives, that provide surveys and analysis of the gender inequality online; their contribution can be helpful for the national and international governments to improve the Internet legislation.

Moreover, a better coordination with international organizations, such as United Nations and the International Court of Justice, is required in order to monitor the behavior of the member states.

Indeed, there are many evidence of countries that, despite signing their commitment for protecting human rights, have actually denied fundamental rights and discriminated sexual minorities.

A fundamental recommendation regards the importance to redefine the idea of gender divide, remembering that not only heterosexual women needs matters.

Unfortunately, when it comes to gender mainstreaming, non-binary people are merely considered.

The first step for an equal, gender-biased-free Internet, is recognizing that the binary perspective is obsolete and that the needs and the trouble of homosexual males online may be different from the needs of a transgender, bi-gender or a-gender person.

The LGBT+ is varied and complex, so more surveys and analysis for mapping the problems of non-binary people is required to actually bridge the gender digital divide between all the existent genders.

Being aware of the plurality of gender is a good starting point to revise the approach to the gender gap issues.

For this chapter, the UNESCO ROAMX framework has been very helpful, since it provided a huge variety of indicators that permitted me to analyze the current national and international policies and address their limits in bridging the gender digital divide.

Actually, starting from some helpful questions, I was able to spot the countries and international policies that are moving towards the gender mainstreaming, as well as those that have still much road to walk.

In fact, there's still an issue with the type of problematization that the majority of states adopt when developing a Internet Governance policy: starting from the victim and his role in the cybercrime, instead of asking "Why the dominant and privileged social category practice crimes and gender based discrimination online?".

Even if UNESCO ROAMX and the WPR approach can be used simultaneously, the first framework can't help scholars to develop a different type of problematization in order to positively affect the decision making process regarding protection policies for sexual minorities.

Nevertheless, this framework is one of the most remarkable tools to analyze the state of the Internet and address areas of intervention.

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[125] https://www.coe.int/en/web/genderequality/what-is-gender-mainstreaming

3

THE EROTICS NETWORK IN INDIA, NEPAL, SRI LANKA: a critical analysis

Since its foundation in 1990, the international network Association for Progressive Communication (APC) has been committed in empowering and supporting people and activists working for human rights through the strategic use of Information and Communication Technology.

One of the main aims of this international network of civil rights organizations is to influence governments, stakeholders and private enterprises to listen to sexual minorities' needs and guarantee them equal access to the Internet and digital rights.

APC is actually both a network and an organization with no headquarters, since the small staff is constituted by groups and individuals living in their own countries and communicating day-to-day through Internet.

The approach of APC is unique since it works through:

- Decentralized action;
- Supporting and enhancing local initiatives;
- Helping grassroots associations and organizations to develop a strong and efficient network;
- Raising data and producing trustworthy annual reports;
- Creating and strengthening an international membership community for joint action and learning;
- Sharing information and tools in the public domain.

The APC network has 57 organizational members and 35 individual members active in 73 countries, which are involved in many activities, such as organizing virtual or face-to-face focus group with the partners and producing useful publications.

The research work is an important part of the APC activities and results in the annual reports that are realized and published by the staff members: in these publications are reported the mission and the vision of the organization, the achievements of every project, the contribution of APC in empowering local organizations, the research conducted in different countries, classified by topic and objective.

The staff members have their own educational background and skills, so each individual collaborating with APC follows the project or lead the discourse according to his knowledge and personal approach.

In the past eleven years, APC has been involved in the Explanatory research and partnership project into sexuality and the Internet (EROTICS): started in 2008, it included Brazil, Lebanon, India, South Africa and USA marginalized groups as young women, transgender communities and lesbian queer activists.

The South Asia Project has been coordinated by Valentina Pellizzer, a feminist Internet writer with a background of law studies, specialized in policy advocacy and capacity building.

Since 2016, the EROTICS network has expanded, involving two new countries (Nepal and Sri Lanka) and strengthening the participation of India.

The project, supported by the Women's Rights Programme, has provided a great contribution in implementing and enhancing the work of local feminist and queer movements and organizations.

Despite the limits of the research project, EROTICS can be seen as the most complete, trustworthy and helpful tool in order to understand the state of digital rights for sexual minorities in the three south Asian countries.

This chapter wants to analyze the points of strength and weakness of the project, highlight its achievements and signal its limitation.

3.1 EROTICS, characteristics and objective

EROTICS is a network of activists and researchers working on the intersections of sexuality and the internet, started in 2008 and still ongoing.

It can be defined as project that documents and studies internet-based violations of sexual rights and activism, providing explanatory research and building networks with remarkable activists in order to bridge the gap between political assumption and existent Internet policy and the real needs of sexual minorities.

EROTICS partners with local organizations, grassroots association and individuals in order to meet their needs and challenges, helping them to reach a large number of citizens, adopting the most effective communication strategy and developing guidelines for influencing the decision making process.

In fact, many countries, even the most democratic, tend to fail the aim of protecting all users online and to regulate gender-based violence that arises from the abuse of the Internet.

The project is organized in two phases: the first is more theoretical, and dives deep into the online experience of sexual minorities in a specific country, with focus on the economic or ethnic differences; the second one establishes a concrete collaboration with feminist and queer activists, in order to:

- Strengthening the capacity of marginalized sexual groups to resist unequal or inefficient Internet policy and to empower the existing grassroots initiatives online;
- Building a network of activists and users that can respond to Internet regulation and benefit from the chances of mobilization online;
- Monitoring the issues that emerge in the digital space, as threats, difficulty in access and cybercrimes;
- Developing Internet governance frameworks that recognize sexual rights and gender equality as the main principles for a multifaceted and open digital environment.

The APC work is focused to the Internet context because the majority of human rights activists, in particular in those countries that control traditional media or criminalize free speech regarding sexuality, take advantage of the potentiality of digital platforms: for example, the private chat rooms and the possibility to stay anonymous.

Consequently EROTICS has been committed in raising awareness of local sexual minorities groups and building the capacity of sexual rights activists to engage in debates on Internet governance policy development.

According to Valentina Pellizzer, coordinator of the South Asian project, the first step to take when trying to build and strengthen networks is to listen to the partner, understand its

perspective and questions, supporting them in gathering sensitive data without overexposing them.

EROTICS members are supposed to start their work from the needs and requests of local partners, helping the main organizations to amplify their voices and contribute to the Internet governance at a local and global level.

In order to understand the work and achievements of the South Asian Project, it is necessary to take a look back at the origin of EROTICS.

During an interesting conversation with Valentina Pellizzer, it emerged how and why the network has expanding in the Indian Subcontinent.

EROTICS started when the APC's Women's Rights Programme, with the support of the Ford Foundation, that funded the project, decided to conduct a global survey in order to map the relationship between sexuality and digital rights on the Internet.

The research aimed to give space to those countries where many people, as women, disabled users, LGBT+ members are silent or kept silent.

The questions that APC's collaborators asked themselves to choose the countries of interested was: "Which voices are we missing?".

The phase I of the EROTICS consisted in a depth research in Lebanon, Brazil, South Africa and the USA with marginalized sections of society "who use the Internet in the exercise of their sexual rights, including young women, transgender communities and lesbian queer activists".[126]

The research took place from June 2008 to June 2011 and highlighted the consistent role of the Internet in shaping the gender and sexual identity, in particular for young people, who take advantage of it as a tool for exercise their sovereignty and denounce rights infringements.

The second part, that took place from May 2012 to May 2014, aimed to respond to the situation that emerged from the research through:

- Building a network of Internet and sexual rights advocates who are able to share expertise and collaboratively respond to Internet content regulation;
- Developing platforms, processes and partnerships to generate regular and sustained monitoring and analysis of the threats and impact of Internet regulatory measures on the advancement of sexual rights;
- Producing an annual global monitoring survey that reports on different aspects of barriers, threats and limitations faced by activists and organizations working on a broad range of sexual rights;
- Developing Internet governance frameworks that recognize sexual rights and gender equality as key components of a free and open Internet to inform policy development and debates in the area.

Since India was one of the countries included in the global survey, the projected continued to focus on the area and we broaden the network to other south Asian countries as Nepal and Sri Lanka, which are part of the Indian Subcontinent.

During the prosecution of the project, APC expanded the connection between the main Indian feminist organization, Point of View, and the local communities and groups; while starting to build a network in Nepal and Sri Lanka too.

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[126] https://www.apc.org/en/project/erotics-exploratory-research-project-sexuality-and-internet

Pellizer explained that: "It was the logical continuation of the previous activity. APC is interested in understanding and bridging the gender divide, to give voice to the less advantaged people in a broader area".

Consequently the project established a dynamic relationship between partners and allies, starting from India and then including the nearest countries.

The 2017 EROTICS projected was focused in setting a collaborative pattern with three remarkable organization in the given South Asian area: Point of View, an Indian digital rights organization for women and other marginalized groups, that had been included in the APC project since its foundation (2009); Loom, in Nepal; and Women and Media Collective, a feminist organization in Sri Lanka.

The last two organization have been welcomed in the project after the expansion of EROTICS networks in south Asia.

The South Asian project was always structured in two phases: an explanatory research, that took into consideration the requests and needs of the local organizations accordingly with the general concept of sexuality; a practical activity on the ground, where EROTICS collaborators helped Point of View, Loom and Women and Media Collective to establish relations and discourses with the sexual minorities activists and the disadvantaged portion of the population.

Point of view[127] is a is a non-profit organization based in Mumbai, India, that builds and amplifies women's voices and removes barriers to voice, speech and expression using tools as media, technology and art.

Its main purpose is providing digital literacy to girls, women and transwomen, promoting an Internet that supports free speech, social justice and democracy.

Loom[128] is a feminist platform founded in 2010 that partners with different organizations in order to guarantee access and use of the Internet to all the sexual minorities, bridging the gender digital divide and addressing phenomena as online violence, surveillance and censorship.

Women and Media Collective[129] is a feminist non-governmental organization founded in 1984, committed in fighting gender-based discrimination both online and offline

In the last years, its work has expanded to other sexual minorities such as members of the LGBT+ community.

The role of APC consisted in supporting, directing and helping these organizations to both find answers to their questions and to promote a bottom-up dialogue and participation.

The result of the two years project is the publication: "Sex, rights and the Internet".

This paper was written by: Bishakha Datta, Smita Vanniyar, Jasmine Lovely George, Neha Mathews, Rachel Bali, Zahra Adamjee Indu Nepal, Jyotsna Maskay, Shiwa Karmacharya, Shaun Kirven, P.M. Deshapriya, J.M. Mendis Shermal Wijewardene, Subha Wijesiriwardena, and Valentina Pellizzer.

The publication focuses around different topics highlighted by the three local organizations, according to their questions of research.

The India's research study, entitled Guavas and Genitals, developed around the concept of obscenity and indecency, two terms that are often exploited to practice censorship of women and LGBTs relevant contents online.

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[127] https://pointofview.in/
[128] https://taannepal.org.np/
[129] https://womenandmedia.org/category/new-media/internet-rights/

The Nepal's research study, according to Loom questions, was centered around the relationship between the Internet and self-expression and the online violence against women as a continuum of offline violence.

The Sri Lanka's organization Women and Media Collective decided to focus on the queer community, since Sri Lanka still criminalizes homosexuality and doesn't recognize the third gender: "Virtually queer" and "Lesbian women and their use of the online space" are interesting chapters that clarify the role of the Internet in the LGBTs lives and their approach to the digital environment.

3.2 EROTICS has been making the difference?

There's a reason why many scholars and researchers cite at least once a EROTICS 2017 project findings in their works when it comes to gender digital gap, sexual minorities in south Asia and gender mainstreaming.

The explanatory research has provided an accurate depiction of the situation in India, Nepal and even Sri Lanka (a country were homosexuality is still a crime, whom people are not so willing to open up about their sexuality).

What makes the above mentioned work a very remarkable source for a research is the presence of trustworthy data, in particular regarding the LGBT+ community.

Since the national census of the three countries still not take into consideration non-binary people, it's not easy to understand what proportion of the population identify as a queer.

In order to produce a trustworthy explanatory research, EROTICS authors had to find:

- Presence of collected data disaggregated by sex, gender identity, access to the Internet and digital literacy;
- Number of users that faces gender-based violence online, in what form and measure;
- Number of users that access to the Internet despite its dangers and how they protect themselves online;
- Percentage of non-users and the main barriers that prevent them from accessing and properly using the Internet.

This is an element present in the report that must be highlighted, since India, Nepal and Sri Lanka lack national surveys to map the portion of population that actually and actively joins digital platforms and can properly use them.

The LGBT+ community, in particular, is not mentioned in the majority of data collection regarding digital gender equality.

EROTICS has adopted a non binary perspective, realizing the importance of taking into consideration people who don't identify with a traditional and heteronormative vision of gender roles; an important part of the global population, that cannot be denied or ignored.

APC is a supporter of the queer community and affirms that gender equality can be provided if all genders are not respected and included in National and International Internet Governance Policy.

The EROTICS project is aimed to gather on-the-ground data about a broad range of Internet users (especially those most affected by Internet regulation measures), as women and people of diverse sexualities .

Without mapping the gender minorities it wouldn't be possible to inform and guide policy making for a more accountable process of decision-making.

The second element that should be highlighted is the **adoption of a feminist framework** for the elaboration of an Internet policy framework in the three countries.

The Framework is based on the Feminist Principles of Internet, drafted in 2014 following the Global Meeting on Gender, Sexuality and the Internet.

The Feminist Principles of Internet are guidelines proposed by APC in order to build a free, open, equal and pro sexual minorities digital space; They include:

- the dismantling of patriarchy by women and queer users, through universal, affordable, unfettered, unconditional and equal access to the internet;
- recognizing that a feminist Internet is an extension, reflection and continuum of our movements and resistance in other spaces, public and private;
- amplifying alternative and diverse narratives of women and queer's lived realities;
- challenging the patriarchal spaces that currently control the Internet and putting more feminists and queers LGBT+ people at the decision-making tables;
- strong objection to the efforts of state and non-state actors to control, **regulate** and restrict the sexual lives of consenting people and how this is expressed and practiced on the internet;
- being able to access all personal data and information online, and to be able to exercise control over;
- claiming right to privacy and issuing non consensual image sharing and other infringements of privacy.

A clarification is needed: the feminist framework adopted by APC shouldn't be perceived as an attempt to treat sexual minorities as a homogenous group of individuals.

In the EROTICS project, distinctions between different sexual communities are provided, since the barriers in accessing and using the Internet, as well as the dangers and the outcomes experienced are different.

Indeed, in its paragraph: "*Privileges: We are all unequal but some are more unequal than others*", the research explains how heterosexual women and gay males live in a sort of limbo, a condition of tranquility that can be broken only if they activate to protest, criticize privileges, denounce inequalities or expose their non-conformity. Whereas members of the LBT+ community are often directly attacked on purposes, whether it be online or offline, and face harassment on a daily basis.

After this explanation, we can understand that the feminist framework is used not because there are not differences amongst sexual communities; the fact is that women, LGBTs, gender fluid people and other minorities share many common purposes, which are well summed up in the feminist principles of Internet.

The third aspect to highlight is the **denounce of obscenity** and moral laws as instruments to legalize censorship, surveillance and alienation of gender communities.

Obscenity is present in the legislation of three countries, and it's the main assumption that enforces the criminalization of homosexuality; obscenity in Sri Lanka is defined as: "carnal intercourse against the order of nature" and "acts of gross indecency".

Although moral and decency are used to define laws against cybercrimes which involve pornography and child pornography, the term is too broad and often leads to misinterpretation and an arbitrary application, that often limit the freedom of expression of sexual minorities.

The use of the term moral and obscene is widespread in the media industry too, where often revenge porn materials (nude photos of an estranged wife; a sexual video posted by a former boyfriend, etc.) is described as "indecent, obscene, immoral".

This tendency actually puts all the attention on the victim, making her feel guilty or ashamed, and leading other victims (or possible victims) to avoid denouncing a crime.

Moreover, morality is usually linked with precise belief systems; what is immoral for a religious community can be perfectly acceptable in another (and vice versa).

Law should be above traditional and religious norms, in order to guarantee rights and freedom to all the citizens; but religious communities and conservative parties are often very influential.

For example in India the Section 67 of The Information Technology Act, 2000 (which regulate morality and decency) is constantly claimed to shutdown feminist groups, book websites selling sex toys, close websites used by users for contacting consensual escorts and to censor any content that was classified as pornographic (as information about contraception or photos of breast feeding in healthcare websites).

Obscenity law doesn't make any distinction between distribution of sexual content with consent and without consent: even if the material is produced and consciously distributed by the person depicted in the images/videos, he or she can be charged for indecency, pornography or rape (the last one in the case of BDSM related content).

Also, Section 67 is used to censor artistic content.

The application of Section 67 is often questionable and limits the freedom of expression.

"Laws related to obscenity and related offences must be based on consent. Adult consensual sexual expression cannot be treated as an offence".

The fourth strength point of the research regards the contribution to **explain the importance of digitality for sexual minorities** and the possibilities that the Internet provides to them.

The digital advancement may be perceived as a superfluous goal in countries where the level of poverty and social divide is very high: in 2020, India ranked 76th among the 82 economies, with 8,4% of population living in extreme poverty; Nepal has 25% of people living in extreme poverty; Sri Lanka has 4% of people in extreme poverty condition, but the economical divide is still huge, with the richest 20 per cent enjoy more than half the total household income of the country.

The fact is that: digital inclusion is fundamental for economic growth, as well as for human development and mental health.

EROTICS has addressed the role of the Internet nowadays, claiming that: "[it] enables perspectives and voices from the margins to infuse and trouble dominant discourses that anchor normative sexual hierarchies".[130]

Moreover, the project has spotted the inconsistency between regulatory frameworks in the above mentioned countries and the real experience online.

In fact, on its purposes it declared that: "[the research] aims to bridge the gap between policy and legislative measures that regulate content and practice on the internet, and the

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[130] Bhattacharjya M., Corrêa S., Ditmore M., Echols K., et. al. "EROTICS : sex, rights and the Internet". APC, 2011.

actual lived practices, experiences and concerns of Internet users in the exercise of their sexual rights".[131]

3.3 Interview with Valentina Pellizer, EROTICS project coordinator

In order to clarify some aspects of the project and the research work, I contacted Valentina Pellizzer coordinator for the "Building EROTICS Networks in India, Nepal and Sri Lanka" project for the APC Women's Rights Programme.

We discussed about the role of the Internet in shaping different and more inclusive views around the concept of sexuality, always keeping an eye on the Indian Subcontinent study.
The first element to clarify regarded the decision to include Nepal and Sri Lanka in the project, and the cooperation between APC and the three main local organizations.
As said before, broadening and expanding the networks in Nepal and Sri Lanka was the most logical choice, since they wanted to give voice to other realities of the Indian Subcontinent area.
Despite many differences and peculiarities, the three countries actually share common characteristics and challenges, as the social divide between urban and rural areas, the weight of religious authorities, the social stratification based on the caste system and the patriarchal view of society and gender roles.
APC was supposed to enrich and facilitate the research and mobilization activity of the three organizations, without overexposing them or changing the research questions.
Helping the local realities is fundamental because they are considered bridges to reach the population and establish a connection.
The EROTICS building networks project wanted to amplify the voices of those organizations, making them a point of reference for sexual minorities, in particular those who are not completely aware of their rights.
In fact, these three countries are full of *voiceless,* people who cannot express themselves and their sexuality freely, fearing repercussions and violence.
Giving to organizations such as Point of View, Loom and Women and Media Collective the chance to master their strategic communication, to learn how to use innovative tools like social media and visual art applications is important to strengthen their capacities and reach and engage as many people as possible.
The role of APC is to connect organizations and citizens, as well as organizations and institutions that are involved in the decision making process on a national and international level.
It's a dynamic relationship, that must take into consideration all the actors of the public debate, without excluding grassroots movements, allies and other emerging partners.
A question arises spontaneously: which limitations can be encountered during the research project and during the collaboration with the organizations?
The great limit of EROTICS lies in the difficulties in reaching a large base of citizens.
The linguistic obstacle in countries where there are several languages, as well as a poor level of literacy, is a great barrier when gathering information and personal experiences.

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[131] *ibidem*

Even if the partner conducts the conversation in the local language, there are many ethnics and linguistic minorities, and people sometimes understand or express themselves only in the local dialects.

The physical barrier is another complication: since the majority of rural people cannot access the Internet or doesn't own technological devices, the interviews were supposed to be face-to-face.

Consequently, the number of people interviewed is far less than the actual percentage people belonging to sexual minorities.

Regarding the relationship with the local organizations, the situation is delicate: APC collaborators had to keep in mind that the organizations are the hosts, so the research and all the activities must follow their needs and guidelines.

There must be a constant dialogue and exchange between them, and this is a long term relationships, which is not always confrontation-free.

Nevertheless, the project has been successful and many achievements should be mentioned.

Helping the local partners to strengthen their relationship with the different communities led people to become more aware of their rights, and to link the expression and development of sexuality in the Internet to other issues like disability and economic growth.

Now there are more initiatives to translate relevant information in local languages.

EROTICS continue to encourage the organizations to explore deeply the role of the Internet for the social development of sexual minorities: having local actors that feel confident with the Internet is crucial to reach the most isolated people; they are continuing the project and investing in technology.

The project also permitted to understand the relationship between local and global: even if it's not very visible, the growing participation of disadvantaged communities and sexual minorities in the political debate is influencing the governments and institutions, obliging them to discuss their requests (or at least to put them in their agenda).

The fact that EROTICS has chosen topics concerning sexuality as common thread for the research has helped dismantling taboos that are perpetuated or condemn by conservatives parties and religious groups.

Teaching people how to use social networks, blogs, chat rooms in order to produce relevant and personal contents is fundamental for giving to all the users the possibility to take advantage of the new media.

During the conversation we analyzed the role of a feminist framework for Internet governance.

APC has always been committed in elaborating and adopting a feminist framework, since a non judgmental Internet environment can benefit everyone, even those who don't belong to sexual or ethnics minorities.

When helping local organizations to develop guidelines and proposal for making the Internet safer for women and LGBTs, APC underlies the importance of *multistakeholderism* as the basilar principle for a democratic and open digital environment.

There can't be *multistakeholderism* if half of the global population is excluded from the digital space, or is obliged to practice self-censorship in order to avoid gender-based violence.

Promoting a fluid approach to gender identity through images, videos, visual art and bottom up contents helps people to find their true identity, refusing the traditional binary based view of the roles.

3.4 Conclusion

The EROTICS project for building and strengthening networks in South Asia, despite the limits in gathering information and connecting every social actor, is giving proof of achieving great results, without missing out the chance to improve and renew its mission.
A summary of the challenges overcome may include:
- building alliances to enhance the online debate around sexual and reproductive health rights;
- leading local organizations to include the LGBT+ issues in their work;
- expanding the network in the above mentioned countries and adding new actors (such as Bangladesh);
- extending capacity building on feminist digital security through storytelling with local partners through a training of trainers, to amplify the reach of skills and knowledge;
- strengthening policy advocacy work.

The idea of a feminist Internet governance policy is one of the principles on which the APC work is based, in order to break social bias and stereotypes that limit creativity and democracy, and to guarantee digital rights to sexual minorities as well as to privileged social categories that can benefit of a more open, tolerant and inclusive online space.
Nevertheless, EROTICS shows some limits.
First of all it's an ongoing long term project, whose results are not very evident: it is difficult to establish the role of the APC work in the latest achievements of the sexual minorities in India, Nepal and Sri Lanka.
There are some shortcomings to spot, for example the limited time and area where the research were conducted: due to linguistic and geographic barriers, as well as to the lack of time and effective resources, a great portion of the population was not interviewed.
The representative champion is small, and sometimes doesn't include many rural inhabitants (as for the Nepal chapter, where is specified that the researched was focused only to the Katmandu valley, missing the chance to hear voices from the most traditionalist tribes in Himalaya).
There are some structural problems too: the relationship between APC and the leading organization for each country is not well explained and developed.
We know that APC collaborated with Point of View, Loom and Women and Media Collective because we presumably read about it on the website, but there's no mention of them in the core of the research (they appear in the index but it's not clear).
There no evidence of the cooperation between the two organization in each country, the clarification of the objective (that were established by the hosting local organization).
This is a missed chance to provide the reader a better understanding on how APC builds and develops networks in the area.
There's no mention of other local organizations or grassroots movements.
A final chapter where the cooperation on ground is reported and described would enrich the paper and permit to have a clear vision of the APC work.
The organization of the contents for each chapter is pretty loose, following the common thread of sexuality and the Internet as well as the objectives presented in the introduction.

Even if it's not so textured, the EROTICS explanatory research can be very useful for those who adopted the ROAM-X model for their researches, since it provides a good source for answering questions related to rights, openness, accessibility, multi-stakeholderism and cross cutting indicators.

Moreover, despite the declared limitation in gathering a wide range of information, all the data recorded are meticulously reported and commented.

The titles of the paragraphs are original, creative and very specific so they help you orientating in the research and finding the information needed (safety, self expression, cyber-bullying, laws, etc.).

In conclusion, we can assume that the EROTICS project and explanatory research is an helpful tool, even if presents many limitations and lacks the structured organization that other models of research have.

Despite the flaws and elements that should be amplified, expanded or clarified, it is one of the most complete and remarkable projects for understanding the relationship between sexual self-expression and digital environment in the three countries of analysis.

4

The ROAM-X Universality indicators

The second part of the dissertation takes into consideration a specific geopolitical area, where women and LGBTs are still struggling to gain inalienable human rights.
Nepal, India and Sri Lanka are three countries of the Indian Subcontinent area, which also includes Bangladesh, Maldives, Pakistan and Bhutan.
The Indian Subcontinent constitutes a distinctive geographic entity, for which the countries included share some common characteristics, as having been part of the British colonies throughout the 19th and 20th century.
We will focus around the above mentioned three South Asian countries, since the 2016 APC project EROTICS has developed around bridging the gender gap in this specific area.
The term Indian subcontinent is used for convenience, knowing we are consciously excluding a consistent part of the area.
In particular, we will give proper space to every country, since there are both similarities and differences concerning economic, socio-demographic and development indicators.
The ROAM-X framework also provides a list of contextual indicators that are fundamental for understanding the characteristics of the three countries, they development and their point of weakness.
According to the World Economic Forum (2019), there's a deep bi-univocal relationship between gender disparity and economic growth: less developed countries are the least equal for woman and non-binary citizens; as well as an unequal standard of living for sexual minorities negatively impacts the economy of the country.
The contextual indicators highlighted by UNESCO are very helpful in order to describe the three countries that have been subjected to a gender mainstreaming project, before diving deep into the achievements and obstacles they are experiencing.
The UNESCO ROAM-X index provides several questions for the critical analysis of documents, laws and policies.
Each question refers to a specific Internet Universality indicator as well as a specific theme.
I chose the themes and the questions that helped me to analyze the materials starting from my research questions, in order to understand how some phenomena are perceived, regulated or incentivized by national and international policy, as well as the social norms.
The questions are the same for the three countries, yet the outcomes are not the same since India, Nepal and Sri Lanka manage the digital environment differently.
I took into consideration laws, norms, national policy and international recommendations, and then compared their prescriptions to the results of national surveys about gender and digitality, in order to understand both the congruence and inconsistency between law and practice.
The National Constitutions, the Penal Code, the Technological Act have been some of the most helpful documents I consulted, whereas academic journals and reports produced by grassroots and non-governmental organizations gave me a feedback about the application of the law and the adherence of the countries to UN guidelines and goals.
I chose to first collect both national laws and International recommendations and declarations of the intergovernmental organizations whom the three countries are signatory members (such as the United Nations).

Then I critically analyzed the documents following the indicators that were more similar to my research questions, trying to understand how the issues are problematized in the national and international documents.

The present area of analysis has some of the highest levels of sexual discrimination, whether it be online or offline.

Cultural norms, tradition, religious belief systems and economic divide are some of the main factors that prevent women and other sexual minorities to express their freedom, enjoy their rights and receive an appropriate education, in particular regarding the digital skills.

The Internet Universality Principles provided by UNESCO can help us to gain deeper understanding about the existent policy for users protection in each country, as well as to highlight the persistent inconsistency between laws, norms, recommendations and their ineffective application.

The categories that have been taken into consideration for the Indian subcontinent analysis are:

- Rights: **theme A** (legal framework about human rights); **theme B** (freedom of expression); **theme E** (right to privacy);
- Accessibility: **theme B** (connectivity and usage: proportion of women and LGBTs using Internet; what barriers users and non users identify in accessing Internet);
- Multi-stakeholder : **Theme A** (Does the Government involves different stakeholders in decision making process) ;
- Cross-cutting indicators: **Theme C** (public facilities with free Internet access).

Openness has not been mentioned, since there are no clear policies regarding transparency, innovation of the Internet and data procession in the virtual market in this specific area.

Every paragraph is divided in three subparagraphs, in order to give proper space and attention to each country

Since India, Nepal and Sri Lanka are reported to be respectively 112th, 115th and 102th in the World Economic Forum's Global Gender Gap Index 2019-2020, I expected that the analysis of each ROAM-X category would have helped me showing the inconsistency between law and its real application and effectiveness.

Thank to the indicators, I was able to discover how and in what measure gender inequality is spread in the countries and the areas of intervention in order to bridge the gender gap and guarantee digital rights (as well as offline rights) to the different sexual minorities.

Table 1 – Lists of documents analyzed

Title	Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women
Publisher	United Nations

Available at	https://www.refworld.org/docid/3dde04324.html [accessed 1 September 2020]
Title	Broken People: Caste Violence Against India's "Untouchables"
Publisher	Human Rights Watch
Date of publication	1st April 1999
Available at	https://www.refworld.org/docid/3ae6a83f0.html [accessed 1 September 2020]
Title	Disrupting the Binary Code: Experiences of LGBT Sri Lankans Online
Publisher	Women and Media Collective
Date of publication	December 2017
Available at	https://womenandmedia.org/erotics-study-disrupting-the-binary-code-experiences-of-lgbt-sri-lankans-online/ [accessed 1 September 2020]
Title	EROTICS Sex, rights and the internet: an explanatory research study
Publisher	APC: Association for Progressive Communication

Date of publication	December 2017
Available at	https://www.apc.org/en/pubs/erotics-global-survey-2017-sexuality-rights-and-internet-regulations [accessed 1 September 2020]
Title	EROTICS South Asia exploratory research: Sex, rights and the internet
Publisher	APC: Association for progressive communication
Date of publication	December 2017
Available at	https://www.apc.org/en/pubs/erotics-south-asia-exploratory-research-sex-rights-and-internet [accessed 1 September 2020]
Title	The Constitution at 67
Publisher	Supreme Court of India
Date of publication	26 November 2017
Available at	https://main.sci.gov.in/pdf/AnnualReports/The%20Constitution%20at%2067.pdf [accessed 1 September 2020]
Title	The Constitution of India
Publisher	National legislative bodies

Date of publication	26th January 1950
Available at	https://www.refworld.org/docid/3ae6b5e20.html [accessed 1 September 2020]
Title	The Constitution of Nepal
Publisher	National legislative bodies
Date of publication	20th September 2015
Available at	https://www.refworld.org/docid/561625364.html [accessed 1 September 2020]
Title	The Constitution of the Democratic Socialist Republic of Sri Lanka
Publisher	Parliament Secretariat
Date of publication	15th May 2015
Available at	https://www.refworld.org/docid/5b44a5b54.html [accessed 1 September 2020]
Title	The Indian Penal Code
Publisher	Ministry of Law and Justice
Date of publication	1860

Available at	https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=48320&p_lang=en [accessed 1 September 2020]
Title	The Information Technology Act, 2000
Publisher	Minister of Communications and Information Technology
Date of publication	17 October 2000, amended in 2008
Available at	https://www.indiacode.nic.in/bitstream/123456789/1999/3/A2000-21.pdf [accessed 1 September 2020]
Title	The Universal Declaration of Human Rights
Publisher	UN General Assembly
Date of publication	10th December 1948
Available at	https://www.refworld.org/docid/3ae6b3712c.html [accessed 1 September 2020].

4.1 Contextual Indicators

Even if a clearer and complete description of the three countries is provided along the chapter, it is necessary to introduce each country in order to have an idea of their historical background and geopolitical characteristics.

Generally speaking, the three Indian Subcontinent countries share a common historical background, yet are pretty different when it comes to economic development: India, which is also the biggest country of the area, has been subjected to a great progress in raising growth, income levels and standard of living (resulting in an increase in the literacy rate and health care).

Nepal is slowing but constantly improving its situation, in particular through tourism, which is the most prominent sector for its economy; same for Sri Lanka, that has recovered from the tragic Tsunami of 2004.

We must also mention the huge impact of the **pandemic and worldwide spread of Covid 19** on the developing global economies.

The lockdown of the majority of productive activities, as well as of the entire population and labor forces, are putting many states in a difficult position.

For example, **India** is one of the most populated countries in the world, with high density of inhabitants per city: from March 25th, 1.3 billion of people where restricted in their homes.

The India Times (April 21th 2020) has reported that this pandemic is having a deep impact on Indian business and: "[…] Has already caused an unprecedented collapse in economic activities over the last few weeks".

According to Sangita Reddy, President of FICCI,[132] the industry members are put under pressure and stress because of Covid 19 impacts on the sector, since it could reverse the gains made in the industrial economy over many decades.

Even **Nepal** is suffering from the economic crisis that is raising consequently the pandemic: The Diplomat (April 15th 2020) reported that Covid 19 is putting at serious risk the chances of Nepal to rebuild its economy and to achieve a target growth of 9,6 percent.

As we know, Nepal has always struggled to improve its economical situation, with an average economic growth of 4,4 percent for two decades until 2015 due to political instability, low electricity production, and lackluster foreign investment.

This event is definitely arresting the progresses made so far.

The **pandemic repercussions** are hitting **Sri Lanka** too, in particular the tourism sector, with international flights suppressed.

After the outbreak in the country, the Central Bank has announced further relief for Covid 19 affected businesses, in order to help many activities throughout the crisis.

In order to understand the main characteristics of each country, the paragraphs have been developed in subparagraphs in which are presented the countries peculiarities, according to the contextual, cultural, ICT development and equality UNESCO indicators.

4.1.1 India's contextual indicators

The Republic of India is a South Asian Country, the second most populous in the world after China.

Mumbai, the capital, is the seventh most populous city in the world.

Bounded by the Indian Ocean on the south, the Arabian Sea on the southwest, and the Bay of Bengal on the southeast, it shares land borders with Pakistan to the west; China, Nepal, and Bhutan to the north; and Bangladesh and Myanmar to the east.

India is a federation with a parliamentary system governed under the Constitution of India.

India is the most populated country of the subcontinent, with 1.3 billions of people for 3, 287,263 km^2 of land.

It is even the second most populated country in the world, whom population is the equivalent to 17,7% of the total world population.

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[132] Federation of Indian Chambers of Commerce and Industry, founded in 1927.

The growth of population is estimated to reach 1.6 billion of people by 2050; 35,5% of citizens is concentrated on big cities such as Delhi, Mumbai and Kolkata (which are also included in the list of most populous cities in the world).

The economy of India is characterized by a progressive developing market.

According to New World Wealth, India's total wealth increased from $3,165 billion in 2007 to $8,230 billion in 2017, a growth rate of 160%.

In 2019 it has become the fifth largest economy, and it is considered one of the fastest growing trillion dollar economy in the world.

After gaining independence from United Kingdom, which had ruled and spoiled the whole territory for one century, Indian was an agrarian nation.

Nowadays, India ICT sector is one of the most productive and remunerative, since its telecommunication industry is the world's second largest by number of mobile phone, Smartphone, and Internet users.

Moreover the Indian IT industry is a major exporter of IT services with $180 billion in revenue and employs over four million people.
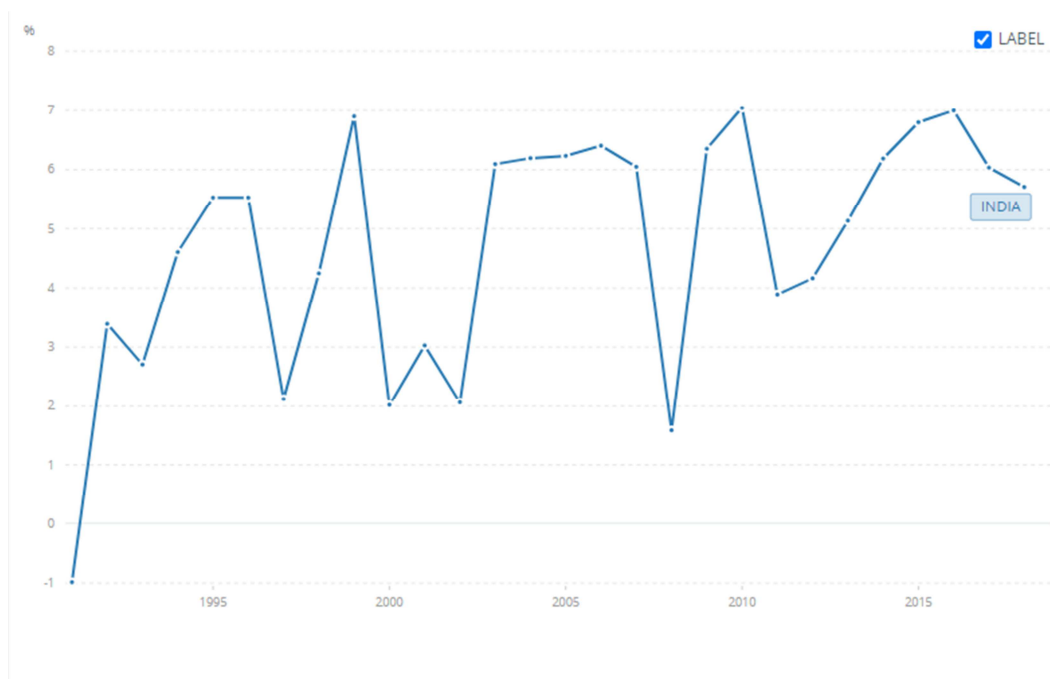
Despite the constant growth of this powerful developing economy, the social and economical divide is huge, as described in the equality indicator.

Regarding **life expectancy**, in 2019 the National Health Profile of India stated that life expectancy has increased to 68.7 years throughout the last forty years: more specifically, to 70.2 years for females and to 67.4 years for males.

The Report shows even how There has been consistent decrease in the birth rate, death rate and natural growth rate in India since 1991 to 2017.

The infant mortality rate has declined considerably (33 per 1,000 live births in 2016), however differentials of rural (37) & urban (23) are still high.

Figure 2 – GDP per capita growth in the past 30 years (annual %)

Source: The World Bank, 2018. Full reference accessible at:
https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?end=2018&locations=IN&start=1991&view=chart

4.1.2 Nepal's contextual indicators

The federal democratic Republic of Nepal is a small country in the Himalayas, bounded by India at the south and China at north, east and west.

Nepal is a parliamentary republic with a multi-party system and is governed according to the Constitution of Nepal, adopted in 2015.

The Capital, Kathmandu, counts 1 billion of inhabitant and is also the economic heart of the country.

Nepal population is around 29 million, according to United Nations Data, the equivalent of 0,37% of the total world population.

21,4% of inhabitants is concentrated in urban areas, such as the Capital.

The economic situation of Nepal is complicated, due also to the constant change in its political scenario.

In fact, Nepal is one of the least developed nations in the world: the lack of substantial resources for the economical development, the inadequate transportation network and the absence of property rights are some of the causes of its backwardness.

Moreover, the dependence from the Chinese Republic, which has imposed its communist government over the Nepalese nation, as prevent this state from developing a modern and free economy.

The agriculture is still the major sector in Nepal economy, in particular the cultivation of rice, corn and wheat and characterizes half of the country's export earnings.

Nevertheless the productivity is still very low, because of the morphological characteristics of the land.
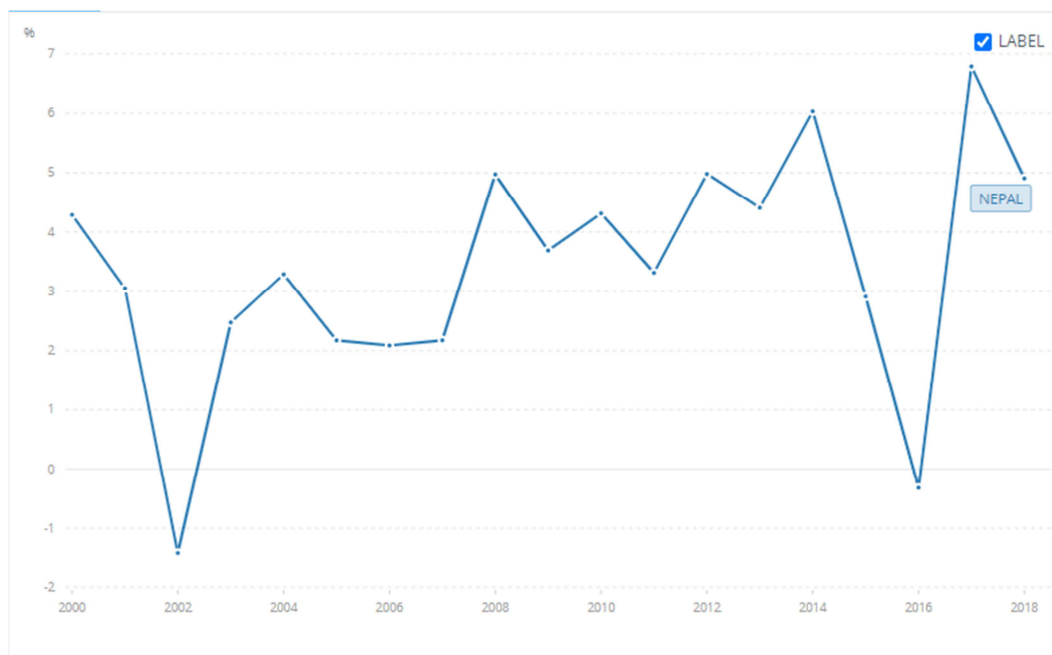
A small but expanding sector is represented by the tourism, in particular in the Mount Everest area.

According to the 2018 WHO data, **life expectancy** in Nepal is: 68.8 for the males and 71.6 for the females.

The current data gives Nepal a World Life Expectation ranking of 117: it is estimated to reach a general life expectancy of 81years by 2100.

Birth rate has declined of 1,67% from 2019; whereas infant mortality has declined of 3,38% from 2019.

Figure 3 – GDP per capita growth of the past 20 years (annual %)

Source: The World Bank, 2018. Full reference accessible at:
https://data.worldbank.org/indicator/NY.GDP.PCAP.KD.ZG?end=2018&locations=NP&start=1991&view=chart

4.1.3 Sri Lanka's contextual indicators

Democratic Socialist Republic of Sri Lanka is an island country in South Asia, located in the Indian Ocean southwest of the Bay of Bengal and southeast of the Arabian Sea**.**
The country is governed by a semi-presidential system; Sri Lanka is the oldest democracy in Asia.
Colombo, the Capital, is its largest city and centre of commerce.
Sri Lanka population reaches 21 million circa per a total land area of 62,710 Km.[2]
Only 18,4% of the inhabitants lives in urban areas.
Concerning its **economical situation**, Sri Lanka is the second wealthiest country in south Asia, after Maldives, and is an upper middle income nation.
The estimated 2019 GPD per capita is 4,030 USD: in fact, the economy grew at an average 5,6 percent during the period of 2010-2019.
The economy is progressively transitioning from a predominantly rural-based economy towards a more urbanized economy oriented around manufacturing and services.
One of the main industries in the Sri Lankan economic scenario is represented by tourism, tea industry and the export of natural products (as rice, coconut and grain).
Concerning the Public debt, which is managed by the Central Bank of Sri Lanka, its levels are high while the overall debt portfolio indicate some important challenge.
Life expectancy in Sri Lanka is slightly higher than in other areas of the Indian Subcontinent, with an average of 72,1 for males and 78,5 for females (75.3 of total life expectancy).

Nevertheless, even Sri Lanka is experiencing a progressive decline in birth rate (-1,88% respect to 2019); fortunately, the infant mortality has decreased too, with 3,09% of decline respect to 2019.

Figure 4 – GDP per capita growth of the past 20 years (annual %)
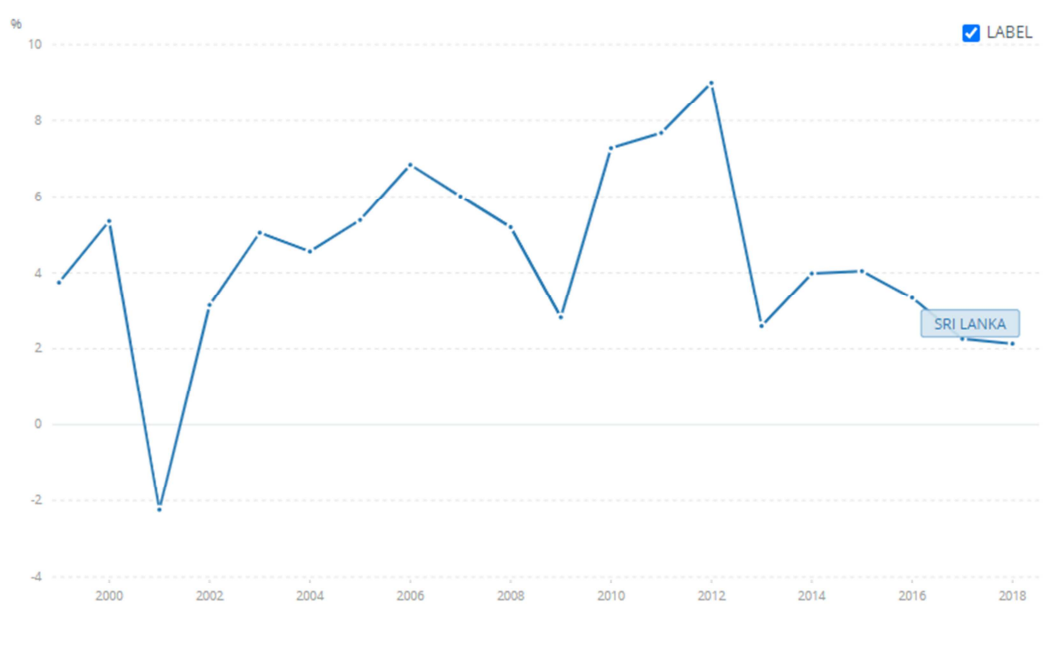
Source: The World Bank, 2018. Full reference accessible at:
https://data.worldbank.org/indicator/NY.GDP.PCAP.KD.ZG?end=2018&locations=LK&start=1999&view=chart

Figure 5 – Life expectancy in India, Nepal and Sri Lanka in the last 20 years

Source: The World Bank, 2018. Full reference accessible at:
https://data.worldbank.org/indicator/SP.DYN.LE00.IN?end=2018&locations=IN-NP-LK&start=1999
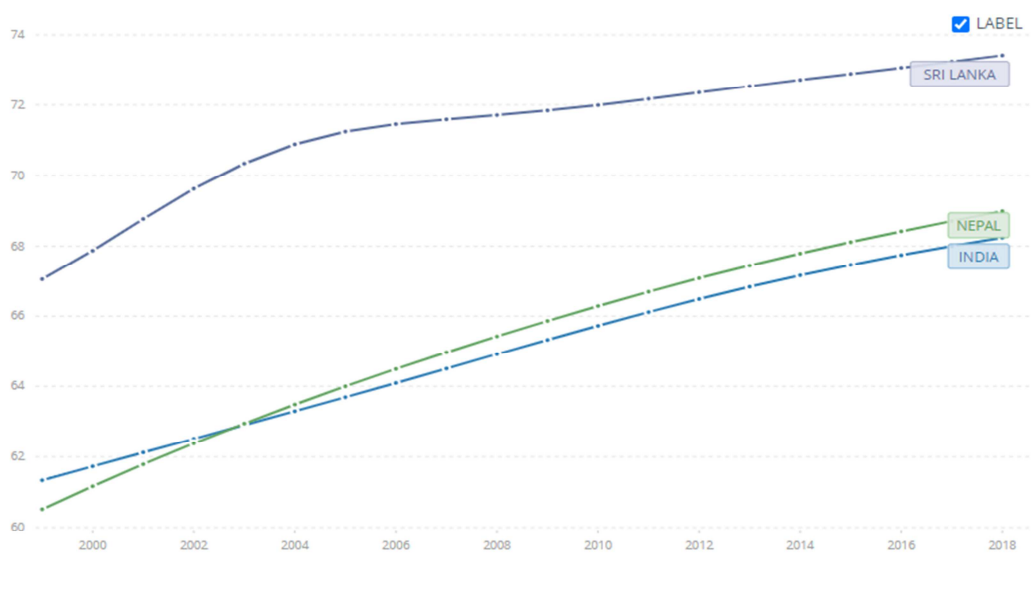
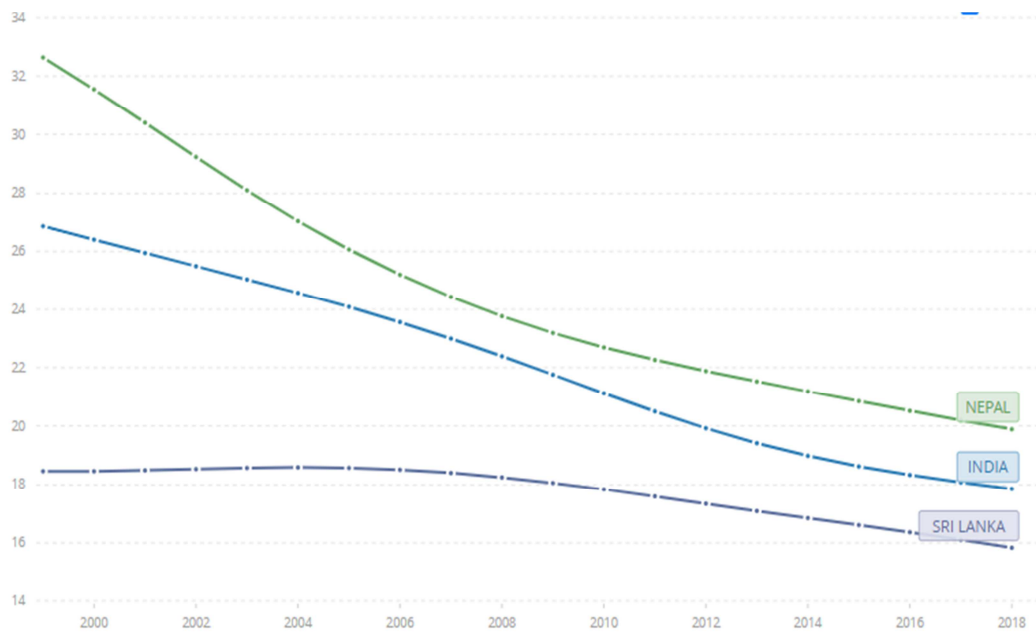**Figure 6 – Birth rate of India, Nepal and Sri Lanka in the last 20 years**

Source: The World Bank, 2018. Full reference accessible at:
https://data.worldbank.org/indicator/SP.DYN.CBRT.IN?end=2018&locations=IN-NP-LK&start=1999

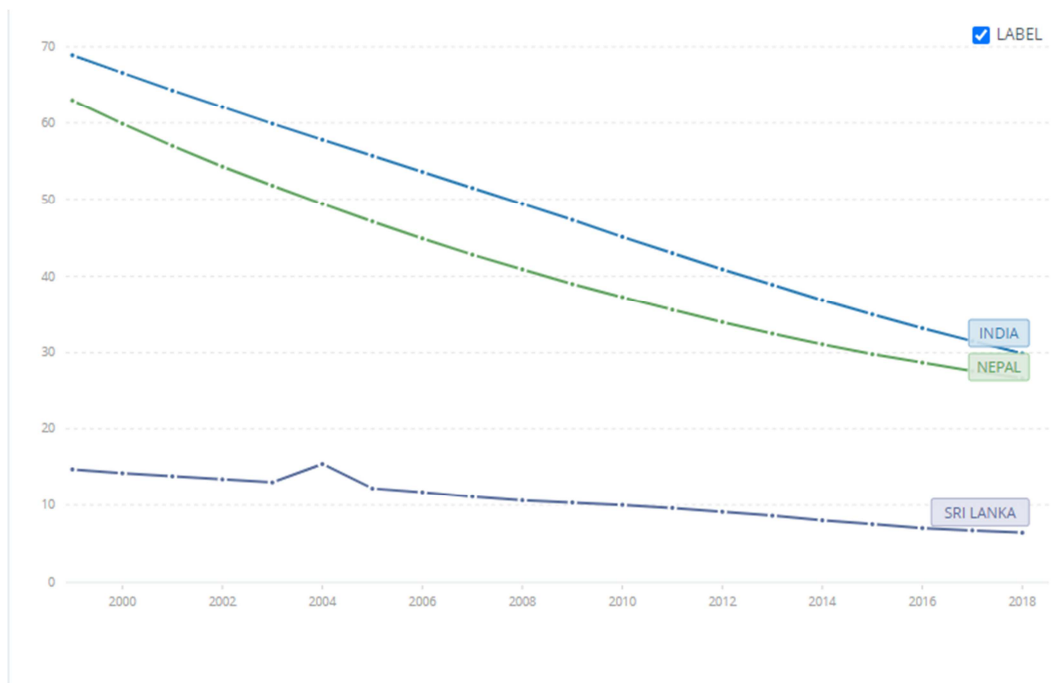**Figure 7 – Infant Mortality Rate (per 1,000 live births) in the past 20 years**

Source: The World Bank, 2018. Full reference accessible at:
https://data.worldbank.org/indicator/SP.DYN.IMRT.IN?end=2018&locations=IN-NP-LK&start=1999

4.2 Religious differences

The principal religion that characterizes the Indian Subcontinent nations is Hinduism, known to be one of the oldest belief system in the world; with one billion of adherents worldwide, it is the third most worshiped religion in the world.
The majority of believers is distributed in India and Nepal.
Buddhism is the second main belief system in the considered area, expect for the Republic of India, and the fourth main religion in the world; it is practiced in particular in the Tibetan area and in **Sri Lanka** (where 69% of the population identifies as a Buddhist).
In particular in **Nepal**, the conflict between Hindu, Buddhist and the Muslim minority causes severe issues and often leads to violent movements and protests.
India's second official religion is reported to be Islam, with 14,2% of population that are adherents of this religion.
The influence of this cults, in particular **Hinduism** and **Islam**, is used for legitimating the patriarchal system and a strictly social categorization, which prevents underage, women and LGBT+ to gain and exercise independence and social rights.
Moreover, the encounter with the European culture and system of values, during the Britain and Portuguese colonialism, introduced the modern societal homophobia, leading to rules and law against homosexuality and transexuality (as the enactment of Section 377 in the Indian penal Code and the Section 365 in the Sri Lankan Code).
The subculture of Hijras, the most remarkable and active sexual minority in the area, is reported to practice *syncretism,* [133] practicing rituals for both men and women.
They are usually devoted to lord Shiva, the Hindu God of war and death who is depicted as a hermaphrodite, and to other ancient divinities that incorporate female and male characteristics.
The main accuse moved by hijras is that the most influential religious authorities persecute them despite, as stated in the Veda,[134] many gods are intersexual and that hijras was once welcomed as divine creature born in a human body.

4.3 The Caste system

This ethnographic paradigm is constitutive of Indian, Nepalese and Sri Lankan society and can be used to explain the main social inequality in this area.
The caste system is defined as a form of social stratification into groups whose membership was determined by birth.
This hierarchical system is the fundament of social and economic inequality in the area.
According to 1999 Report published by Humans Right Watch:[135] "Some 160 million people in India live a precarious existence, shunned by much of society because of their rank as 'untouchables' or **Dalits**, literally meaning 'broken' people, at the bottom of India's caste system. Dalits are discriminated against, denied access to land, forced to work in degrading conditions, and routinely abused, even killed, at the hands of the police and of higher-caste groups that enjoy the state's protection".

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[133] The practice of blending different religions, norms and belief systems.

[134] A large body of religious texts originated in ancient India, that constitutes the base for Hinduism.

[135] https://www.refworld.org/docid/3ae6a83f0.html

In particular, Dalits women and members of the LGBT+ community are more likely to be sexually assaulted and not given the chance to denounce the fact, since the caste system often forbid the lowest castes to move from their villages and seek support.

In fact, Dalits are considered to be not part of the caste system, but to be excluded by the hierarchy, and consequently not to exercise fundamental rights.

According to the Australia Refugee Review Tribunal (2007), the term scheduled castes is a legal definition, since it was adopted in 1935 with Government of India Act for the purposes of statutory safeguards and other benefits.

Even though the concept of *Untouchability* was abolished in India in 1950 Article 16 of the Constitution, the social norms are still deep-rooted and Dalits actually experience various forms of rights infringement.

Dalits are also present in Sri Lanka and Nepal, and constitutes 13.6% of the Nepalese population and 16% of the Sri Lankan population.[136]

They are primary concentrated in the rural area, and have often not access to transport lines.

4.4 ICT development

The innovation and communication technology development is an important indicator to understand how the Indian Subcontinent area of research is evolving into a powerful market economy in the world.

Moreover, the broadband Internet is currently one of the most important tool in order to get informed, find chances to improve oneself life and condition, to be educated and to become independent.

Nevertheless we spotted a raising digital divide between the three countries, as well as inside the same country.

4.4.1 India's ICT

India's telecommunication network is the second largest in the world by number of telephone users (both fixed and mobile phone) with 1.183 billion subscribers as on 31 May 2019.

The development of the Internet and usage of technological devices is increasing rapidly: The World Economic Forum estimated that 1.1 billion Indians would have access to the internet by 2030, with 80% of the subscriber base primarily accessing the internet on mobile devices.

The spread of Broadband Internet and access to technological devices increased dramatically in the last years: In 2010, only 7,5% of the population accessed Internet; by 2017, it had reached 34% and in January 2020 it was 688 million of users, around 50% of the population.

The usage of social media is an interesting evidence of the progressive digitization of India: in 2018 the number of social media users stood at 326.1 million.

About the quality of broadband service, India is still facing some difficulties.

Although it has ranked 126th in the mobile Internet speed chart (Speedtest Global Index, 2019), its average download speed is less than 11Mbps.

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[136] https://idsn.org/countries/sri-lanka/

The future scenario is positive: the 2019 Global Connectivity Index, promoted by Huawei,[137] reported that: "India stands poised to benefit from new digital technologies and platforms, which could unlock productivity."

The ICT development will surely catalyze economic growth and give more job opportunities; in addition, the India's National Digital Communications Policy is headed to improve citizens quality of life, creating 4 million additional jobs in the Digital Communications sector.

Figure 8 – Digital population across India as of January 2019 (in millions)
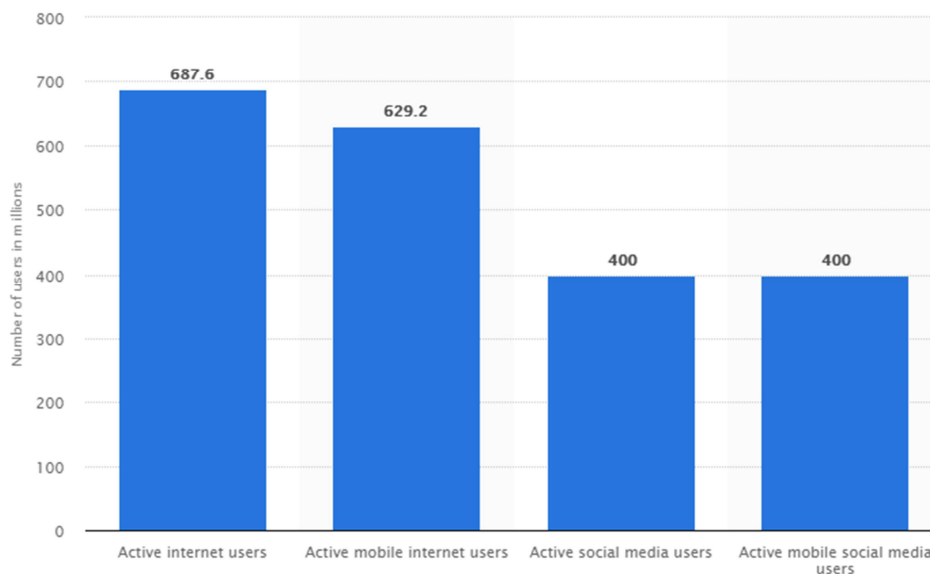
Source: Statista, 2019. Full reference accessible at:
https://www.statista.com/statistics/309866/india-digital-population/

4.4.2 Nepal's ICT

The Internet usage is progressively and rapidly growing in Nepal.

The World Economic Forum's Network Readiness Index (NRI)[138] ranked Nepal as the 118th out of its 139 countries of study in 2018, up from a 126th in 2013.

The Government is aware of the great opportunities that follow a process of digitalization of the country; eventually, the Ministry of Communication and Information Technology has produced the Digital Nepal Framework (2018), in order to "Unlock Nepal's Growth Potential".

Respect to the main powerful economies that surround it (China and India), Nepal has not been able to tap its growth potential due to prolonged political uncertainty.

After the adoption, in 2015, of a new Constitution, Nepal is now headed towards the digitalization of the population.

In January 2018, Internet penetration has reached 63% of the total population, 42% of social media users, and a mobile penetration of 54%.

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[137] https://www.huawei.com/minisite/gci/en/country-profile-in.html###
[138] http://reports.weforum.org/network-readiness-index/

The data have been increasing in 2019, leading to a small but consistent digital growth.
Figure 9 – Annual Digital Growth in Nepal (January 2019)
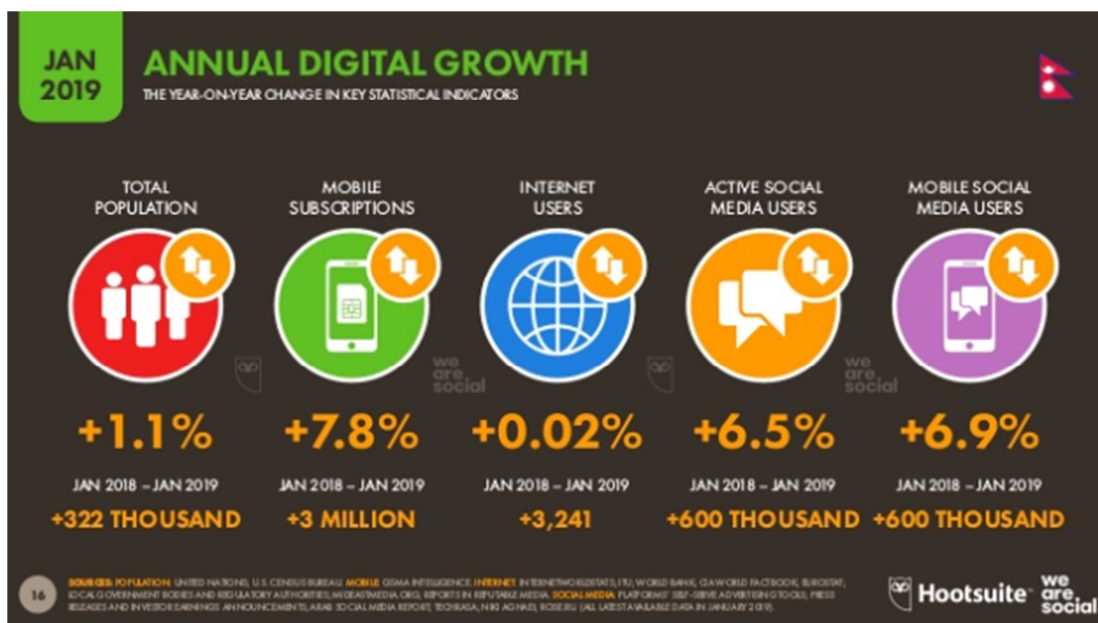
Source: Data Reportal, 2019. Full reference accessible at:
https://www.slideshare.net/DataReportal/digital-2019-nepal-january-2019-v01

4.4.3 Sri Lanka's ICT

In January 2020, there were 10.10 million Internet users, a number that has increased of 4.1% since 2019, with a Internet penetration of 47%.

The number of social media users in Sri Lanka increased by 491 thousand (+8.3%) between April 2019 and January 2020; whereas, the Social media penetration in Sri Lanka stood at 30%.

Mobile connections in Sri Lanka increased by 2.2 million (+7.5%) between January 2019 and January 2020.

As we may understand, the process of digitalization is keeping spreading in the country, as reported by the Sri Lanka Export Development Board.

Of course, there are many critical points: in 2018 the Department of Census and Statistics of Sri Lanka claimed that only 40,3% of Sri Lankans are digitally literate.

Moreover, there's a sensible digital divide between urban and rural areas, since the urban population reaches a digital literacy of 53,9%, respect to the rural population who reaches only 38,4%.

Figure 10 – Annual Digital Growth in Sri Lanka
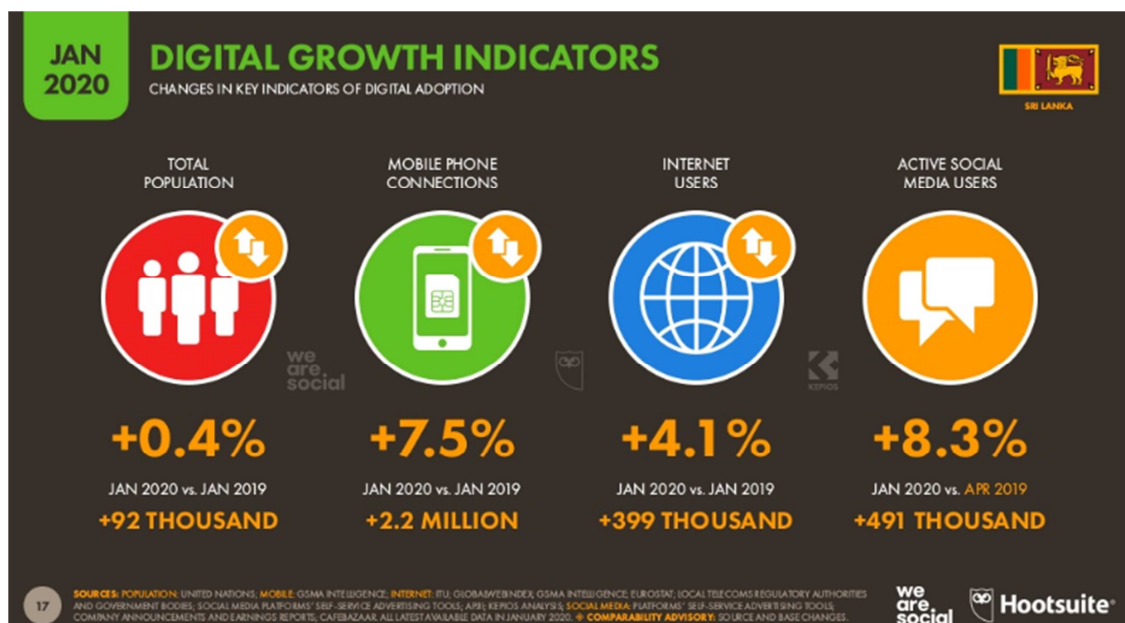
Source: Data Reportal, 2020. Full reference accessible at:
https://datareportal.com/reports/digital-2020-sri-lanka

4.5 Gender Equality

South Asia is a region of the world where the patriarchal system, the social norms and traditional values (often linked to the predominant religious cult) keep the gender discrimination alive and legitimate.
According to UNICEF:[139] "Huge disparities by region, caste, class, and income affect girls and women rights […] since they are systematically disadvantaged across the region, as structural inequalities prevent them to receive proper education and health care."

4.5.1 India's gender equality

According to the UN World Population Prospects of 2019, women in India are 48,04% of the total country population, with 924 females per 1000 males.
As per Census 2011, Gender ratio of India was 943 females per 1000 males: this means that, in the last nine years, males progressively outnumbered females.
In rural area, there are 949 females to 1000 men, while in urban area there are 929 females to 1000 males.
Above 25-29 age, ratio of females population keep improving and there are almost double women than men above 100 year: this is possible also thanks to nongovernmental organization activities (UNICEF gender action plan, Amnesty Donation), that have been helping to bridge the gender gap in India.

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[139] https://www.unicef.org/rosa/what-we-do/gender-equality

There's a disparity about the level of literacy between men and women, as well as between rural population and urban population.

The overall literacy rate in Rural India in 2019 is 64.7 percent: the literacy rate among females is 56.8 percent and among males is 72.3 percent.

Whereas the overall literacy rate in Urban India is 79.5 percent: 74.8 percent females are literate and 83.7 percent males are literate

As we may notice, the gender gap is wider inside the lowest caste, which are mostly concentrated in the rural areas.

Since this research aims to provide a trustworthy analysis of the sexual minorities right to digitality, we cannot ignore the third gender: the Hijra community.

This term, formerly used in an offensive way and translatable as "eunuchs", refers to the transsexual south Asian community; it also includes intersex people (both adults and children).

After the legalization of the third gender,[140] in 2014 the India's census counted for the first time this portion of population.

The census reported the presence of 490,000 transgender people circa, even if the Indian LGBT+ activists claimed that the number would be six times higher (if we consider, for example, intersex children).

Even if the 2014 act should guarantee to Hijra undeniable rights, as right to express freely their opinion (article 19) and to pursue protection and equality (art. 15 and 16),[141] they actually face the problematic of gender gap and inequalities.

According to the Indian Times, in 2014 only 46% of the Hjira population is literate; this is often due to the harassment experienced by trans kids, that leads them to drop the school sooner than others.

But that's not the main reason: in fact, 66% of the third gender population lives in rural areas, where the economic and social condition prevent them to receive a proper education.

The data around the access to the Internet and digital education for Hjira community are limited: this is due to their disadvantaged economic situation, the lack of digital skills and the tendency to practice self-censorship.

4.5.2 Nepal's gender equality

In 2015, male to female ratio for Nepal was 84.82 males per 100 females.

The percentage of girls involved in child marriage in this country is around 37%, even if the Government declared it illegal in 2015.

Currently, the literacy rate of youth (people between 15-24 years) is 92,39, showing no evident disparity between males (94%) and females (91%).

The literacy rate for adult males is 75%, whereas the literacy rate for adult women has reached almost 60%.

Rural women experience also a social literacy gap, since their rate is 39.1%, that is 25% less than women who lives in the cities.

Nepal is still an inequality country, as indicated by the Gender Inequality Index of 0.48 in 2017 (UN Women, 2018).

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[140] https://www.hrlc.org.au/human-rights-case-summaries/indian-supreme-court-recognises-third-gender
[141] ibidem

Education inequalities are deeply linked to ethnic and religious discrimination, that lead girls to drop school before than their male mates.

Only 26% of Nepalese paid employees are women, and only 8.3 percent of women in the labor force are paid.

The exclusion of women from social, economical and political life is also due to a widespread practice (primary in the rural areas): the "chhaupadi",[142] the menstrual seclusion to which every female is obliged for the entire week of menstruation.

About digital gender gap, the usage of the Internet is not fair between males and females.

Despite the celebration, started in 2013, of the International Girls in Information and Communications Technology, supported by the Ministry of Information and Communication, the Nepal Telecom Authority (NTA) and Equal Access International Nepal, there's no equal access to Internet.

According to the Katmandu District Court, women do not access the Internet mostly because of online harassment: the cybercrime against women have increased from 34% in 2015 to 81% in 2018.

Regarding LGBT+ community, slow progress is happening in Nepal: in 2021, for the first time, the country will count people who identify with the third gender.

The Nepalese civil rights activists have reported 900 thousands of LGBT+ , who demands proper rights: there are currently 55 sexual minorities groups in Nepal, a number that has been increasing so far since the decriminalization of homosexuality in 2007 (Constitution of Nepal, 2015).

Although these positive signals, LGBT+ people continue to be black mailed, threaten and offended both offline and online.[143]

4.5.3 Sri Lanka's gender equality

In 2018, Sri Lankan women were reported to be 51,97% of the total population.

Unfortunately, there are not trustworthy data regarding the percentage of Sri Lankan non-binary people, even if a research by Equal Ground (2018) estimated that 5% of the entire population identifies as a member of the LGBT+ community, or rejects the binary perspective.

The literacy level of girls is higher than other South Asian counterparts: in 2018, the World Bank has reported that 90,8% of the female population is literate; during its history as independent county, Sri Lanka has welcome two female leaders, but currently there is only 5% representation of women in parliament.

Nevertheless, the patriarchal system is protected by traditions, cultural beliefs and religious norms that prevent women from self-realization.

Regarding digitality, the Ministry of Digital Infrastructure and Information Technology has dedicated a chamber for promoting digital literacy for women and help them in their empowerment.

This governmental initiative may be helpful for women advancement in the society, since only 30% of Sri Lankan women uses the Internet properly.

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[142] https://www.actionaid.org.uk/about-us/what-we-do/womens-economic-empowerment/chhaupadi-and-menstruation-taboos
[143] Being LGBT in Asia: country report Nepal. 2017, UNDP.

The LGBT+ condition is still problematic in this country: under the section 399 of the Penal Code, gender changes are illegal and gender dysphoria is classified as a mental health problem.

Same sex marriages and civil union are not recognized by the Sri Lankan family law, as well as the third gender.

Despite the Article 12 of the Covenant guarantees the right of every individual to the "enjoyment of the highest attainable standard of physical and mental health",[144] trans people are often subjected to discrimination and harassment by nurses and doctors, who often refuse to provide them with the appropriate health care service.

According to Equal Ground (2016), 75% of LGBT+ students has been dismissed, suspended or prevented from attending school because of their gender expression.

Despite many LGBTs are (partially or totally) excluded from social gatherings, schools and universities, the majority of them learn how to use the Internet and take advantage of it.

4.6 Gender-related movements throughout the years

The Indian subcontinent has a long story of feminist and gender mainstreaming movements, in particular after the independence from the British empire.

The area wasn't indifferent to the sexual liberation movements and always looked at the western societies in order to dismantle the old traditions and the patriarchal system.

4.6.1 India

The feminist movements in India is reported to have been started by males, and then joined and amplified by the commitment of female activists.

For instance, during the Victorian age, the anti-colonialist and nationalist activist Mohandas Karamchand Gandhi legitimized and expanded Indian women's public activities by initiating them into the non-violent civil disobedience movement against the British Raj.

Indian feminist movements have been influenced by western debates and research since the beginning of the 20th century, even is women issues have begun to gain international prominence only between 1975-1985, following the United Nations Decade for Women.

The women's right movement has driven the attention towards important female issues, as lack of education, female infanticide, the exclusion from the economic advancement and freedom of receiving and spread information.

Soon, Indian feminism has developed its own approach, since the Indian society, social stratification and issues are pretty different from the western societies.

An interesting branch feminism that influenced the Indian movements is represented by the eco-feminism, term coined by Françoise d'Eaubonne and fostered by the Indian philosopher and activist Vandana Shiva.

Shiva suggests that a more sustainable and productive approach to agriculture can be achieved through reinstating the system of farming in India that is more centered on engaging women: an approach that would actually empower rural women, since they are the most endangered, discriminated and excluded.

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[144] Equal Ground. "Human rights violations against lesbian, gay, bisexual and transgender people in Sri Lanka". Report, Sri Lanka, 2016.

Feminism in India has contributed to improve women's condition, leading to:

- The Dowry Prohibition Act (1961, amended in 1986);
- The foundation of The Center for Women's Development Studies (1980) and the Indian Association of Women's Studies (1982);
- The commission of Sati (prevention) Act, 1987: in order to prevent the practice (voluntary or inducted) of burning or burying alive a widow;
- Protection of Women from Domestic Violence Act, 2005;
- The level of literacy has increased, from 8.9% in 1951 to 57% in 2004 to 90,8% in 2018.

Regarding the LGBT+ community, the history of Indian queer movements is characterized by a long list of activists that made the difference.

In 1977 the writer and mental calculator Shakuntala Devi wrote the pioneering book "The World of Homosexuality", which assumption was that homosexuality is a natural tendency that must be accepted, not merely tolerated.

This first study gave a great contribution for raising awareness around the decriminalization of same sex relationships.

In 2001, the openly gay lawyer Aditya Bandopadhyay helped to draft a challenge to Section 377, which eventually led to the abolition of the criminalization of homosexuality.

Akkai Padmashali is one of the most remarkable trans activists in India, founder of the human rights organization "Ondede", which advocates support and protection for children, women and sexual minorities.

Anjali Gopalan, the founder and executive director of The Naz Foundation (India) Trust, is a human rights and animal rights activists that dedicated her life to the protection of children, women and LGBTs.

Her contribution to the non-binary cause involves providing health care to people suffering from HIV/AIDS who cannot receive proper health care (in particular trans people), creating petitions against Section 377 and the sexual based violence.

She wrote many essays and articles, claiming the necessity to bridge the gender divide, focusing on a non-binary perspective.

Her commitment has been rewarded with the Woman Achiever Award from Government of India (2007), the Chevalier de la Legion d'Honneur (2013) and the inclusion in the TIME Magazine's '100 Most Influential People in the World (2012).

The LGBT+ community has spread her voice after the first Pride Parade, held in Mumbai the 16th August 2008: this event drove the attention to the needs of queer people, and have been witnessed by the entire world thankfully to the Internet and the social media.

4.6.2 Nepal

There are few information regarding feminist movements in Nepal, since the country has always been more committed in bridging the divide amongst poor and least poor citizens.

The first Nepalese female political organization is represented by the Nepal Woman Association, funded in 1947 by Mangala Devi Singh, the pioneer of the gender equality movement.

One of the most prominent organizations in Nepal is ABC Nepal, a non-governmental, nonprofit organization that has been working since 1987 to empower women, raise their status through various employment opportunity and guarantee them proper education.

The LGBT+ battle is still long in Nepal, yet it is leading to important achievements.

In 2001, the foundation of the Blue Diamond Society has brought many changes in the consideration of non binary people: this nongovernmental organization is responsible for the Nepal Pride, which took place for the first time in 2010.

The Blue Diamond Society gained international fame after the 2007 petition for recognizing: "[…]Transgender individuals as a third gender, prohibiting any discriminatory laws on the basis of sexual orientation and gender identity, and investing due finances for reparations by the State to victims of State violence and discrimination."[145]

A remarkable character in the Nepalese LGBT+ history is doubtless Sunil Babu Pant, an activist and former politician known for being the first openly gay national-level legislator in Asia.

He gave a great contribution for the decriminalization of homosexuality and the recognition of the third gender in the country.

4.6.3 Sri Lanka

Regarding the history of this country, it is impossible to address any feminist movement, rather some significant changes in the condition of women.

The election of Sirimavo Bandaranaike as the world's first female head of state and Sri Lanka's first female prime minister in 1960 has been a meaningful sign of progress.

Another chapter is represented by the Convention on the Elimination of All Forms of Discrimination against Women in 1981: this event led to the adoption of the third chapter of the Constitution on Fundamental Rights by the Sri Lankan constitution, that establishes to not discriminate citizens for their gender or social status.

Nevertheless, the situation in Sri Lanka is still disadvantageous for women, who lack from political participation and economic independence.

Regarding the non-binary community, homosexuality is still a criminal offense in Sri Lanka, which can be punished with up to ten years of imprisonment; the third gender is reported as non-existence in this State.

Despite this issue, there are some pro LGBT organizations that have been founded through the years.

Company of a Journey is the pioneer organization, founded in 1995 in Colombo, in addressing rights of non binary people in the country: since its birth, COJ has been committed in fighting the criminalization of homosexuality, spreading knowledge around the LGBT+ related issues and promoting the prevention of sexual diseases.

Another important Sri Lankan organization is Equal Ground, which operates in over fifty towns and villages for educating people and help sexual minorities to find a voice.

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[145] National Judicial Academy Law Journal. "Sunil Babu Pant and Others/ v. Nepal Government and Others, Supreme Court of Nepal". (PDF), 2008

4.7 Internet Universality Indicator: Rights

This category emphasizes the importance of balance between the development of the Internet and the respect of human rights, without discrimination of gender, sexuality, race and economical situation.

In particular I focused on:

- The presence of a legal framework in each country that guarantees that the rights a person has offline must be respected online too;
- the existent national laws against cybercrimes that arise from the use and abuse of the Internet;
- the declarations, guidelines and goals that the three countries have put on their agenda as members of International intergovernmental organizations.

The category includes the relationship between human rights and the Internet, such as freedoms of expression and association, privacy, cultural participation, gender equality, security and rights concerned with education, employment and welfare.

In this paragraph I considered mostly participation, freedom of expression and right to privacy, applying the indicators that were more similar to my research questions.

In this part of the work I used the questions as guidelines to collect, analyze and confront different documents.

In particular, when approaching to freedom of expression and right to privacy, I confronted the national and international predisposition with reports and articles of non-governmental organizations and grassroots associations, in order to spot

- cases of inconsistency between laws and facts;
- lack of norms regulating specific phenomena;
- absence of explicit reference to disadvantaged and sensitive groups (such as sexual minorities).

4.7.1 India: Theme A

In the last years, India has developed many policies in order to empower women, protect them and give them the chance to become economically independent.

According to the **theme A**, concerning the overall legal framework, we shall ask: "*Is there a legal framework for the enjoyment and enforcement of (women and sexual minorities) human rights which is consistent with international and regional rights agreements, laws and standards, and with the rule of law?*"

We shall take into consideration the main law of the Republic of India: the Indian Constitution.

The article 15, about prohibition of any form of discrimination of the citizens, affirms that: "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them". The reference to gender discrimination is not very explicit, as many feminist and LGBT+ activists claimed.

However, the Indian State takes responsibility for social discrimination in all its expression, reserving the right to develop specific norms and policy for helping disadvantaged groups of individuals.

Article 19 of the Indian Constitution affirms that all the citizens, without distinction of caste, sex, economic situation and all other personal and social characteristics, have the right to:

- Freedom of speech and expression;
- assemble peaceably and without arms;
- form associations or unions [or co-operative societies];
- move freely throughout the territory of India;
- reside and settle in any part of the territory of India.

Even if there's no mention of the online context and related rights, India is a member of the United Nations Human Rights Council, which established in 2012 that: "The same rights that people have offline must also be protected online" (question A1).

An explicit reference to the protection and enforcement of women rights is present in the National Policy for the empowerment of women (2001),[146] realized by the Ministry of Women and Children development, which confirms and highlights that the principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles.

Moreover, the abovementioned national policy established a set of goals for bridging the gender gap between males and females, providing policy prescriptions that include:

Economic empowerment of the women and poverty eradication;

Equal access to education, including women belonging to the poorest castes;

Involvement of girls and women in programmes that will provide appropriate technological and digital literacy.

This policy has been implemented in 2016, reaffirming the commitment of India for the empowerment of women, since the country is a signatory to the Convention on Elimination of all forms of Discrimination against Women and to the Bejing Platform for Action and Convention on Rights of the Child.

The implementation highlighted the necessity to remove the disparities in access to and proficiency in information and communication technology.

As we may notice, there's no mention of non binary minorities in the policy and programmes, as sign of the fact that the third gender and the queers are still invisible to the eyes of the government.

Despite the existence of a legal framework for guaranteeing human rights for women, India continues to experience a huge gender gap in the usage of Internet, due to barriers to access it, as well as to forms of discrimination that prevents them to take advantage of this tool.

In fact, UNICEF (2017) reported that in India only 29 percent of all users are female, with a gender gap of 42 percent.

One of the reasons regards the lack of autonomy that women, in particular those living in rural areas, have: they are required to seek permission for owning their own mobile phones or computer, and often their economical disadvantage prevents them to overcome the male authority and afford a technological device, secretly.

But affordability is only one of the several obstacles to overcome.

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[146] https://wcd.nic.in/womendevelopment/national-policy-women-empowerment#:~:text=The%20principle%20of%20gender%20equality,discrimination%20in%20favour%20of%20women.

4.7.2 India: Theme B

If we take into analysis the **theme B**, concerning **freedom of expression**, we shall ask: "*Is freedom of expression guaranteed in law, respected in practice, and widely exercised?*".
As stated before, the Republic of India guarantees freedom of expression without discrimination of sex.
The Constituent Assembly of India debated on freedom of speech and expression in the Draft Constitution of 1948, and eventually included the Right to freedom of expression in the 1950 version, with restrictions referring to defamation, offends against decency and morality, direct attacks to the state.
In Indian Express v. Union of India (2002)[147] the freedom of the press, which wasn't explicitly mention in the constitution, is reported to have three main characteristics:
freedom of access to all sources of information;
freedom of publication;
freedom of circulation.
Nevertheless, freedom of expression is subjected to various forms of restrictions under the law, provided by the clause (2) of Article 19 of the Indian Constitution.
These restrictions refers to:

- security of the State;
- friendly relations with foreign States;
- public order;
- decency and morality;
- contempt of court;
- defamation;
- incitement to an offence;
- sovereignty and integrity of India.

As we may notice, the points are not very clear and transparent, in particular the matter of decency of morality, which is ambiguous and subjected to interpretation.
The word obscenity has been used in many contexts to justify shutdowns, censorship, persecution and threats against feminist activists and the LGBT+ community in India.
The EROTICS project (2016) by Association for Progressive Communication showed that the keyword "sex" and related content (as "homosexual sex, sexual disease, safe sex, sexual abuse etc…) is detected by the Microsoft's search engine Bing in India, activating the filters and blocking the results.
The explanation is given by the Constitution itself, which establishes that the State can develop policies and regulation that restrict freedom of expression in particular cases.
The word sex is defined as an obscene term, that conflicts with the law of public decency and that may enhance the circulation of pornographic materials online.
This means that sexual minorities find more difficulties when searching for helpful contents about gender identity, contraception, sexual harassment and sexual orientation.
This blocking system limits the freedom of women and LGBT+ to seek and spread useful information, and lead many users to perceive the Internet as useless.

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[147] http://www.rishabhdara.com/sc/view.php?case=8048

In fact, the Indian Penal code (section 292 to 294) prohibits the distribution (whether online or offline) of contents and words that are defined obscenely.

Although the concept of obscenity has changed in the last years, and even if the Supreme Court of India doesn't define same sax relationships as an "offense against public decency and morality" anymore, limitations to freedom of expression for women and LGBTs are still present.

There are some areas of India where regional and local authorities censor or forbid pro LGBT+ contents: for example, in 2016 the Maharashtra Censor Board for Theatre (MCBT) has ordered 14 cuts be made to LGBT playwright and activist Bindumadhav Khire's latest homosexual-themed play "Fredy" for abusive language and sexual content.[148]

One of the main problems that sexual minorities are called to face is the power of religious authorities in the country.

The pressure of Hindu, Christian and Muslim groups can negatively affect the freedom of expression of women and LGBTs, that may practice self-censorship in order to avoid discrimination, harassment and the lack of support by the community, in particular in rural villages where religious authorities are widely respected.

It is undeniable that India has achieved great goals for gender equality in few years, but is far from being considered a free speech country, in particular when it comes to sexual minorities.

4.7.3 India: Theme E

The **theme E**, concerning the right to privacy, helps us to understand how sexual minorities rights have been improving in India in the last years.

The question: "*Is the right to privacy guaranteed in law and respected in practice?*" is a good starting point to address issues related to gender, sexual orientation and privacy.

The Article 21 of the Indian Constitution provides protection of life and personal liberty, claiming that privacy is an intrinsic fundamental right for every citizen.

After the abolition of Section 377, the Indian state has remarked that the right to privacy is deeply linked to dignity, protection and freedom of expression, the pillars of the Constitution.

The right of privacy, implemented by the Supreme Court act of 2017, explicitly take into consideration gender priority, according to a binary perspective: women have right to privacy too, despite their jobs (even if they are sex workers), and must be treated with respect and decency.

The Supreme Court decision also established that sexual orientation is a matter of privacy too, giving to the LGBT+ community the possibility to protect their identity and personal data.

Mapping the state of digital privacy in India is not simple: in fact, the Indian government has established that the right to privacy is protected by law, but it can be broken following the State decision.

For example, when an user is suspected to conspire against the government, or to spread "immoral and inappropriate content".

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[148] https://freemuse.org/news/india-artists-struggle-with-censors-over-lgbt-and-other-themes/

The Supreme Court can use Section 499 and 295A of the Indian Penal Code (dealing with defamation and outraging the religious feelings of a group) against individuals for sharing "offensive" content on social media networks.

Again, the definition of the term offensive is not clear.

The Human Rights Watch (2019) has reported that the Indian government has intensified the control over pro LGBT+ and #metoo online activists, revealing their identities and persecuting them, applying censorship and (in some cases) arbitrary detention.

In order to understand why sexual minorities, in particular LGBTs, actually do not benefit from the right to privacy, both online and offline, we should pay attention to the definition of right of privacy upon sexual orientation coined after the pressure of the Naz Foundation to the Delhi High Court.[149]

First of all, the absence of trustworthy data about the LGBT+ community in India, in particular regarding the working classes and the *untouchables,* underscored the meaning of privacy as a recourse to an invisibility of sorts.

Moreover, public sex and expression of sexuality is illegal in India; the presence of sex workers, as the hijras, is considered a public offense against moral and decency and it is persecuted by the law.

If we broaden the idea of public space to the virtual public space (social networks, websites, online ads), we can assume that female and non-binary sex workers may be persecuted online too, unless they do not mention their job.

The problem is that the idea of public offense to decency and exhibition of the body can be subjected to different interpretations: women who talk freely about sexuality and health, men who use the Internet as an instrument to meet other partners, trans people who come out online, may be charged with sexual offense online.

Actually, the right to privacy, as established by the Naz Verdict (2th July 2009), refers to the right to be silent and invisible: a person who belongs to the LGBT+ community can protect his data and identity, and nobody can steal it and make it circulate without his permission.

Nevertheless, once a person exposes himself online, there's no legal protection anymore.

We may assume that the right to privacy, as the right to hide someone's sexual orientation and gender identity, conflicts with the right of expression online.

This is one of the most severe issues for the LGBT+ community and the women who want to break sexual taboos online, mostly because the Internet is the tool that enhanced the coalition between sexual minorities and helped them to create grassroots mobilization initiatives and to bring awareness about human rights in India.

Fearing to express someone's own gender identity because of the possibility to be charged with the accusation of offense of the public (virtual) space prevents many people from living according to their own nature.

In order to answer the previous question, we shall say that the Supreme Court of India has recognized the right to privacy as a fundamental right under Article 21 of the Constitution as a part of the right to "life" and "personal liberty".

The right to privacy, nevertheless, is guaranteed when a person avoid sharing personal content on the public digital space that may offend other users, such as members of religious groups.

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[149] R.K. Dasgupta. "Queering Digital India: Activisms, Identities, Subjectivities". 2018, Edinburgh University Press.

The right of privacy, which leads to a restriction of the freedom of expression, refers to the right to be silent and invisible, to live a personal approach to gender and sexual orientation without exhibiting it explicitly.

Anyway, in some cases not even the right to be invisible is respected in practice: the Economic Times (June 24th 2020) have reported that in the last months, cybercrimes as hacking and phishing have intensified in India, targeting those groups of users who lack technological skills and can't afford adequate antivirus systems, in particular women and transwomen. [150]

The wave of hacking and infringement of privacy is hitting homosexual males too, since they are the kind of users that are reported to own at least one account on dating apps (such as Grindr).

Indeed, one out of three Indian gay males finds a partner through these apps, even if they are not so safe: for example, Grindr sends notifications to other gay users when a homosexual male (who joined the platform) is approaching.

This circumstance may put at risks homosexuals people, who could be stalked, catfished,[151] blackmailed, threatened or harassed (both online and offline).

4.7.4 Nepal: Theme A

The situation of women and LGBT+ rights in Nepal is problematic.

Despite some weak initiatives, the condition of sexual minorities is still very problematic, and the governments is failing its main purpose: protect its citizens without discrimination.

The **Question A3:** "*Is there a legal framework to protect individuals against violations of rights which arise from use or abuse of the Internet*" is fundamental to understand the characteristics of Nepalese law, and why it lacks efficiency.

The Nepal Constitution of the 2015, as well as the existing law in general, does not address gender-based violence, whether it be on the physical or digital space.

The article 16 affirms that each citizen shall have the right to live with dignity; whereas the article 18 refers to the equality before law, without discrimination of "origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds."

Even if same sex marriages are not explicitly addressed, the article 18 recognizes sexual minorities as "protected disadvantaged groups".

In fact, sexual minorities have achieved some goals in the last years:

- the decriminalization of homosexuality in 2008, following the Nepal's Supreme Court decision on the case "*Sunil Babu Pant and Others v. Nepal Government*";
- the declaration of same sex marriages as a fundamental right by the Supreme Court, even if this practice is not still legal in Nepal (the laws are currently being drafted, the Covid Outbreak actually delayed their approval).

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[150] https://economictimes.indiatimes.com/tech/internet/identity-theft-tops-indian-consumer-security-concernsunisys-security-index/articleshow/76552105.cms?from=mdr
[151] When a person creates a fake identity on a social networking service, targeting a specific victim for abuse or fraud.

Nevertheless, when it comes to sexual minorities rights in Nepal, it is clear that there's a difference between homosexual males and women, despite their sexual orientation or gender identity.

Heterosexual, lesbian, bisexual and transsexual women in Nepal are supposed to face many other difficulties respect to the male counterpart.

Gender-based violence is a severe issue in Nepal, enhanced and empowered by the strong attachment to traditions and norms: the patriarchy system, the vision of the woman as housekeeper, the perpetuation of polygamy (which leads to further discrimination inside the family too), the practice of Chhaupadi (segregation during the menstruation) and all the taboos linked to the female body that prevent them to acquire health education, domestic violence and child marriage.

As the Internet is spreading all around the country, gender-based violence moves on the digital platforms, causing severe psychological issues to women and transwomen users.

One of the most serious cybercrimes that currently hits Nepalese women [152] is non consensual images sharing and revenge porn.

Actually, the Nepalese law does not regulate the practice of stealing, sharing, manipulating and posting nonconsensual images online; hence, the crime of revenge porn and nonconsensual pornography is still nonexistent.

Recently (7th May 2020), the Kathmandu Post has alleged that some social media groups (as a Reddit community of almost 4,500 users) have been stealing personal images of girls and women from their Instagram and Facebook accounts, sharing them without consent, discussing them on the chat room and making them go viral.[153]

Some of the pictures that have been circulating so far were obtained through blackmailing, social media hacking or used by former boyfriends for practicing revenge porn, causing the victims to shut down their own profiles.

Even if the Nepal Police's Cyber Crime Bureau has attempted to file a case, the outbreak of Covid 19, which has put Nepal in a very difficult situation, has slowed down the investigation.

The abuse against girls and women in the digital context is not regulated and persecuted by authorities in Nepal, although the country has expressed its commitment in order to protect disadvantaged groups.

In the 2019 the Cybercrime bureau has reported that 70% of the case filled were online abuse directed towards females;[154] even if some hackers have been discovered and charged, the lack of a proper data protection policy negatively impacts the experience with the Internet, since women are supposed to suffer from violence online and then find the strength to report the situation to parents, friends and then authorities.

Since the Nepalese society is full of sexual and gender taboos, many cybercrimes remain unnoticed and unpunished.

The increase in cybercrimes against women, in particular sexual harassment online, is directly linked to the increase of Internet usage by female users, who are slowly benefiting from technological education and the spread of broadband connection in the country.

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[152] We shall not consider the sexual orientation, both because the self-censorship practiced by non-binary users makes difficult to spot LBTs and because there's no evidence of more severe injuries online towards LBT women.

[153] https://www.hrw.org/news/2020/05/18/nepal-failing-protect-women-online-abuse

[154] https://kathmandupost.com/national/2019/10/01/online-violence-against-women-in-nepal-on-the-rise

The Senior Superintendent of Police Nabinda Aryal affirms that many crimes committed in the digital space are not even considered crimes by the victims, which are used to deal with a heteronormative, patriarchal way of behaving in the offline space too.[155]

Moreover, many women are not aware of their own rights, such as right to privacy online.

The fact that these crimes are not always reported, doesn't mean that they do not affect women's experience: according to a Bank and Bara districts study (2014),[156] at least 48% of Nepalese women have confirmed to have been a victim of sexual or psychological assault online, for example receiving abusive messages on their mobile phones or on their social media profiles.

Of this percentage, 61% said that they felt somehow guilty, 52% had disturbed sleep, 48% kept feeling worried even after denouncing the crime and 4% had suicidal thoughts.

The inefficiency of Nepalese law is the primary cause of the sense of insecurity many Nepalese women feel.

The Electronic Transaction Act and Defamation Act, under which the accused of cybercrime is charged, has many limits that make it pretty useless: for example, the Act does not consider smartphones as computers, and in 90% of the complaints, proof is hard to come by.

Another problem concerns the cybercafés, where the majority of women, in particular those who cannot afford personal devices and connection, log in without then logging out.

According to the advocate Pabitra Raut, most online violence cases are settled out of court, and the perpetrators are rarely punished, also because the victims may give up. [157] The laws of data protection are not constantly developed, following the rapid technological evolution; eventually they do not take into consideration mobile phones, social networks and other recently developed digital spaces.

Again, those who are more likely not to report are women from rural areas, since the cases of cyber crime are only handled by the Kathmandu District Court and must be filed within thirty-five days of the occurrence of the offence

4.7.5 Nepal: Theme B

Concerning **theme B**, about freedom of expression, we should ask: "*Is freedom of expression guaranteed in law, respected in practice, and widely exercised?*".

In its Constitution, Nepal guarantees freedom of expression under article 17 (right to freedom) and article19 (freedom of communication).

But the Nepalese Government can intervene when harmful contents are circulating, both online or offline, and apply censorship or shutdown websites for the sake of the regulation of content against obscenity.

As for the Indian State, the concept of obscenity is narrowly defined and subjected to (mis)interpretation.

As reported on the EROTICS project by APC, the Public Offence Act is often used as an instrument to limit freedom of expression of those social categories that oppose the binary perspective of gender and the patriarchal system.

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[155] Ibidem

[156] https://www.files.ethz.ch/isn/177981/womens-insecurities-and-the-workplace-in-nepal-high-res.pdf

[157] https://archive.nepalitimes.com/article/nation/Online-violence-against-women,2915

The nongovernmental organization Freedom Forum claims that: "obscenity and indecency are the major excuses used to criminalize divergent opinions"; the restrictions applied following the idea of obscenity often lead to censorship of helpful contents for women and LGBTs, like sexuality, health, maternity.

The Online Media Directive released in 2016 allows the authorities to ban the publication and broadcast of materials that are against public protocol or morality.

It would be useless to remark that legal and moral are not always synonyms, since religious or social groups can have different perception of morality.

Hence, human rights linked to women empowerment or gender equality for sexual minorities are often infringed due to the influence of powerful groups of interest only because they perceive some way of living as inappropriate or feel offended by them.

The freedom of expression for sexual minorities in Nepal is more theoretical than practical.

Another issue with freedom of expression regard transsexual and intersex people, who need to identify in a proper way.

In Nepal the third gender has been recognized in 2007 by the Supreme Court, adding the category "other" to official documents for non cisgender people.

However, this first step towards the acceptance of non-binary people is not perceived as sufficient and equal.

A trans-woman needs to express her self-identification, as a trans-man, an intersex or bi-gender people.

The Blue Diamond Society claims that the category "other" is discriminatory and denigrates the dignity of the person, who can barely identify as a human being.[158]

What prevents sexual minorities from expressing themselves, their identities and their opinions freely in the online space is not only the possibility to be fined with a bill for indecency.

Self-censorship is widely practiced in Nepal, because of the lack of data protection policy that prevent users from persecuting, blackmailing, offending and harassing women and LGBTs.

The power of religious groups that perpetuate a traditional vision of gender roles, the persistence of social and cultural norms and the fear of being ostracized by the community is what makes people avoid using the Internet as a tool for communicating and sharing common views of reality.

The Nepal based feminist organization Loom reported that women and transwomen in particular do not share contents online because they overestimate Internet threats and are worried about data theft (which often happen only because they didn't logged out from a public Internet point).

Moreover, they prevent themselves to take advantage from the Internet because they don't know how to deal with cybercrime or would refuse to report any abuse anyway.[159]

In 2020 Samiksha Koirala, of the Department of Media and Communication Studies (Nepal Open University) reported that female journalists are experiencing an increase of online harassment.

The abuse is often left unreported, because the journalists fear losing their job and think that they should "be strong like men" in pursuing a career.

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[158] https://www.recordnepal.com/podcast/how-visibility-is-changing-the-lives-of-lgbtiq-people/
[159] https://www.genderit.org/articles/internet-sexual-expression-and-online-violence-nepal-interview-loom-nepal

Many avoid using social media platforms such as Facebook or Twitter, in order to prevent these events.

4.7.6 Nepal: Theme E

Theme E is all about right to privacy, a subject that is increasingly more important in the digital environment, yet is getting in danger in countries like Nepal.

The **E1** question: "*Is right to privacy guaranteed in law and respected in practice?*" helps us to map the Constitutional and legal definition of privacy and right to privacy, the cases of privacy violations and the role of data protection authorities.

The Nepalese Constitution of 2015 guarantees right to privacy (art.28) to all the individuals, without distinction of sex, political or religious beliefs and ethnicity.

The Individual Privacy Act (2018),[160] often abbreviated in "The Act", is a key document for the regulation of privacy, in particular of sensitive groups that may experience the offline discrimination in the digital environment too.

It actually implemented the constitutional right to privacy, having a significant impact on legal usage of personal information.

The criminal code 2074 (2017) affirms that a person who commits a criminal offense (both online or offline) under the Act and the Constitution is liable for punishment of imprisonment of up to three years or fine up to NPR 30,000 (the equivalent of 240€).

The Act (Section 29) defines more clearly the typology of crime that can be persecuted by the law, including:

- making public biometric or genetic identity, gender identity, sexual orientation, sexual relationship, pregnancy or abortion information, or physical disease of an individual;
- breaching privacy relating to reproductive health and pregnancy of a woman;
- publicizing personal documents of an individual, which are maintained by a public agency;
- disclosing or publicizing personal data of an individual;
- breaching the privacy of an individual's character, personal conduct, and behavior;
- taking or selling pictures of an individual;
- using personal information without the consent of an individual;

The reference to specific sensitive groups, as sexual minorities or children, is absent.

As stated before the Nepalese law doesn't take into consideration revenge porn and nonconsensual image sharing through apposite policy of protection.

Speaking about privacy in general terms may lead to a misapplication of the Act, or not exploring the issues related to Internet and privacy infringement experienced by sexual minorities.

As stated before, women and LGBTs are exposed to many risks in the digital environment, such as sensitive and personal data theft, diffusion of their online identities, cyber-stalking and threats by anonymous accounts.

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[160] http://www.lawcommission.gov.np/en/archives/category/documents/prevailing-law/statutes-acts/the-privacy-act-2075-2018

Unfortunately, the tendency to practice self-censorship, practical limitations in the surveys and the lack of awareness about what should be considered a gender-based cybercrime are obstacles for understanding the size of the phenomenon in Nepal.

In 2019 the online journal "The Record" has reported an emblematic title: "Nepal's rape culture has gone online – and our laws are dismal".[161]

The effect of the lack of effective data protection policy and privacy based on gender differences are producing devastating effects for the lives of women and transwomen, who are exposed to an amplification of sexual crimes due to their presence in the digital space.

The infringement of privacy often consists in taking down personal pictures that the users have uploaded on their social media accounts (profile photos for example) and manipulating them through Photoshop (nowadays there are many free or cheap Photoshop apps that don't need specific competencies to be used).

The victim is consequently blackmailed with her deep fake photos in which she appears naked or in an uncomfortable and inappropriate situation.

Content manipulation is used for incrementing the illegal porn industry, juxtaposing the profile photos of the victim on an adult movie actress.

Often online harassers are anonymous so it's not easy to spot them; moreover, denouncing the case may be stressful and traumatic for the victim, who fears to not be believed by parents and friends and that feels ashamed by the outrageous content linked to her (whether it be a real naked photos or the result of Photoshop).

The privacy law should be implemented, adopting a gender perspective and criminalizing revenge porn and all the cybercrimes that are actually an expression of gender-based violence that have migrated from the offline to the online space.

4.7.7 Sri Lanka: Theme A

The country is still far from guaranteeing fundamental human rights to sexual minorities, in particular to the LGBT+ community.

Although the Constitution explicitly talks about right to equality (art.12) for all the citizens, without discrimination of sex, caste, political opinion and religious belief, the Criminal Code still criminalizes same sex relationships.

Asking: "*Is there a legal framework for the enjoyment and enforcement of (women and sexual minorities) human rights which is consistent with international and regional rights agreements, laws and standards, and with the rule of law?*", we immediately understand that there's no consistency between the Constitution and the Penal Code, as well as with the social norms.

The article 365 of the Sri Lankan Penal Code establishes that same sex relationship are illegal and can be persecuted with up to ten years of detention.

Even if many activists are constantly working for changing things, and even if the pressure they exercised on public opinion has disempowered the application of the law, the LGBT+ community still fear repercussion and harassment.

The third gender is not recognized by the State and transsexual people are often discriminated.

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[161] https://www.recordnepal.com/wire/features/nepals-rape-culture-has-gone-online-and-our-laws-are-dismal/

The absence of anti-discrimination laws, the existence of a decency policy for the protection of public spaces (including virtual public spaces) represent an obstacle for the empowerment of women and non-binary people.

In the recent study: "Disrupting the Binary Code: Experiences of LGBT+ Sri Lankans Online", produced by Women and Media Collective in collaboration with APC for the EROTICS project, the Internet is defined as a fundamental tool for sexual minorities in order to find a safe network for sharing opinions and organizing grassroots initiatives.

Private Facebook groups are used by women and pro LGBT+ activists to provide a space where meeting, seeking and sharing trustworthy information, ask for help and raising awareness about important topics related to health, sexual identity and expression, love, education, gaining independence.

The increase in the usage of the Internet by sexual minorities depends on the severe street surveillance promoted by the Sri Lankan Government to "Guarantee coordination with all security authorities to update them with on-line findings at zero time for quick response".[162]

Activists are required to promote association between women and other sexual minorities in ways that prevent them from being harassed by the police; eventually, the Internet is a great chance to overcome these issues, even if the virtual environment has its dark corners too.

Regarding heterosexual girls and women, the situation is not better.

Gender-based violence against young girls and women is increasing dramatically, advancing in cyberspace too.

There are still no specific protection policies addressing gender-based crimes, even if the Ministry of Child Development and Women's affairs have been committed in developing a program of prevention and response of violence against these sensitive social categories.

4.7.8 Sri Lanka: Theme B

Freedom of expression is an issue for sexual minorities in the country: the Freedom of the Net 2019 has defined Sri Lanka as partially free, since a part of the population cannot express freely, according to the law.

If we ask "Is freedom of expression guaranteed in law, respected in practice and widely exercised", we immediately see incongruence between the law and the facts.

The freedom of expression and seeking information is entitled by the Constitution of the Republic of Sri Lanka, under article 10 (freedom of thought and information) and article 14 (freedom of speech and publication).

Nevertheless article 14 admits that freedom of expression may be subjected to restrictions, which can be linked to the protection of morality and public decency.

We can see that the use of decency as justification for applying restrictions on sexual minorities freedom of expression.

Indeed, the High Court explains that the State is entitled to punish those who abuse this freedom by publication, tending to corrupt public morals.

The law actually guarantees freedom of expression for those citizens who conform to the norms, so LGBT+ users are not included.

When it comes to heterosexual women, their rights to seek and share information freely are more theoretical than practical: despite (before the Covid Outbreak) there haven't been

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[162] https://www.police.lk/index.php/item/16-cctv-division

episodes of website shutdowns by the authorities, often female users practice self-censorship in order to prevent harassment and cybercrimes.

Cybercrimes towards young girls and women are rising dramatically in Sri Lanka, without effective intervention of the police, since the current law about cybercrime is very broad and doesn't address specific gender-based violence such as revenge porn.

It is reported that one out of four women in Colombo has experienced harassment and violence both online and offline, whereas the proportion gets wider in the rural areas, where the traditional view of woman is more eradicated and online violence is perceived as an attempt to keep women silent and complacent.[163]

The situation is far more complicated for non-cisgender and non-heterosexual people.

Due to the persecution of homosexual, bisexual and transsexual citizens in this country, it is not possible to report the percentage of people identifying with the LGBT+ community; the social stigma and the idea of being labeled as mental ill (homosexuality is considered a psychological health problem) prevent many people to accept their sexual orientation or identify with a different gender respect to the one assigned at birth.

It is reported[164] that 22% of LGBT+ has never shared personal contents online, in particular regarding the sexual sphere, since they may face various forms of discrimination both online and offline; 18% share LGBT+ related contents but limiting the vision to their closest friends (often non-binary too); 13% share contents only on private targeted groups.

The EROTICS survey reported 62,18% of the subjects have been harassed, verbally assaulted and/or threatened on a regular basis, and that leads them to hide on the platforms too: 28% of the subjects has never mentioned their sexual orientation online; 38% did it only in limited circumstances (for example in the safety of private groups); 4% maintained a gender identity which is different from the one they privately identify with.

LGBTs practice self-censorship too, and the main reason (64% of the respondents) is linked to the criminalization of homosexuality in the country; hence, people keep silent because they fear the Government may discover their sexual orientation.

Other factors that make the users limiting their participation online are:
- Social stigma and discrimination following the coming out (26%);
- Fear of receiving harsh comments (19%);
- Possibility to face physical violence in the offline space (18%);
- Fear of losing their jobs or experiencing mobbing (18%);
- Not being sure that posting LGBT related topics is legal (6%).

There is no evidence of episodes of censorship and shutdowns by the State, even if the Human Rights Watch have been reporting a massive Internet surveillance from November 2019, due to the fight against terrorism and subversive groups, which has negatively impacted the freedom of speech of many rights activists, feminists and pro LGBT+ included.

Due to restrictions in accessing information, it's not clear in what measure the Government applies its surveillance to social media accounts, websites and networks in general.

The recent pandemic crisis has contributed to empower the surveillance system both online and offline.

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[163] http://www.ft.lk/other-sectors/Access-to-justice-for-women-in-Sri-Lanka-A-true-WIN-WIN-story/57-675605
[164] https://womenandmedia.org/erotics-study-disrupting-the-binary-code-experiences-of-lgbt-sri-lankans-online/

4.7.9 Sri Lanka: Theme E

The issues related to the right to privacy, **theme E**, share common characteristics with India and Nepal.

Infringement of privacy is widespread amongst women and LGBT+ users, which are often exposed to non consensual image sharing, revenge porn, catphishing, blackmailing, cyberstalking and verbal harassment.

The theft of pictures from the accounts of women and non-binary people is not always due to sexual assault; in many cases, photos are captioned with death threats, gossip, abusive sentences or personal information (such as age, hometown, schools, workplace…).

The difficulty to address these crimes depends also to the fact that the caption or the messages are in Tamil or Sinhala, languages that are not recognized by social media like Facebook; eventually, the platform doesn't identify the content as violating community standards (in particular if the language is used in a rhetorical way or in its dialectal variant).

The lack of data protection and privacy policy leads women and LGBT+ to use anonymity when surfing on the Net.

According to EROTICS findings:
- only 55% of respondents share their profile image and real name, where as
- 19% surf anonymously because it considers its sexual orientation to be illegal;
- 16% don't want its family or friends to discover about its sexual orientation;
- 15% is afraid of its colleagues opinion and reaction;

Many LGBTs, in particular, don't perceive the Internet and social media as completely safe, because of the privacy issues that usually arise on a regular basis.

44% of the respondents said that they have been victims (or known victims) of nonconsensual image sharing, as well as of personal data sharing regarding their sexual and gender orientation.

32% has been (or known) a victim of non consensual pornography, with the circulation of explicit images, videos or conversations.

13% have experienced (or witnessed) law enforcement officials checking the mobile phones, laptops, Internet accounts, etc. without their consent.

4.8 Internet Universality Indicator: Accessibility

The ability to properly access and use the Internet is the fundamental prerequisite that a person must have in order to enjoy the virtual experience.

Generally, the Indian subcontinent is characterized by a great social divide and technological divide: usually the urban net penetration is wider than the rural net penetration, and the principal broadband infrastructure is set in the big city centers.

We already mentioned in the previous chapters that the term accessibility is linked to physical and effective barriers (not owning a computer, not affording an Internet connection) as well as to digital skills (owning a computer but not being able to use it or to seek useful information).

The Category A helps to address the digital gender divide, which is often linked to factors such as education, economical disadvantage, linguistic barriers, bias and gender inequalities.

I used this category in order to understand why specific groups of people do not access Internet, the limits of the regulatory framework of each country, the possible areas of intervention.

I concentrated on theme B since it develops around the concept of connectivity and usage, highlighting factors as affordability, physical barriers, cultural bias and digital (il)literacy.

4.8.1 India: Theme B

India is one of the most connected countries in Asia, with the Internet delivered mainly by 9 different undersea fibres and a total of 718 million subscribers.

Nevertheless, there are evident disparities in the usage of the Internet amongst the population.

Asking the question: "*What proportion of the population uses the Internet, with what frequency, and is this proportion growing?*", regarding **theme B (connectivity and usage),** we can immediately understand that there's a huge social divide and gender divide.

The Internet World Stats (2019)[165] reported that:
- India is the second country for number of users, right after China, and that its total Internet penetration is about 54% .
- 70% of the active users access the Internet daily, at least once per day;
- the majority of active users are people younger than 35.
- the urban net penetration is 106% respect to rural penetration, which is only 29,83%.

Nevertheless, the number of rural subscribers has been increasing rapidly in the last months, due to better connectivity and digital programs for empowering disadvantaged people through the digital skills (as the governmental campaign "Digital India", by the prime Minister Narendra Modi).

Regarding gender differences, it is estimated that 38% of the total Internet users are female, whereas 62% are men; since 2016, there's been a 10% increase in the usage of the Internet by the female population.[166]

Despite the little improvement, the disparity in the access and usage of the Internet is still perpetuating in India, and it's more evident in the rural areas, where only 28% of women access the Internet at least once per week.

The Mobile phones have had a positive impact on the usage of the Internet by female users: in 2018 only 19% of Indian women were aware of mobile Internet, whereas in 2019 they were 42%.

If we take into consideration those who have never used the Internet in a lifetime, the data is dramatic: In India there are 219 million women that are completely unconnected.

When it comes to LGBT+ users, it's not clear to map the number of people belonging to sexual minorities that actually access and properly use the Internet.

In India there are 2,5 million homosexual people (2012, but nowadays they may be more after the decriminalization) and 4,8 million of transgender people (2018) recorded.

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[165] https://www.internetworldstats.com/top20.htm
[166] https://www.statista.com/statistics/750999/india-share-of-internet-users-by-gender/

Since the most effective pro LGBT+ initiatives have developed in the virtual space, it is right to claim that a huge portion of Indian sexual minorities use the Internet on a regular basis.

It is right to say that the Indian queer movements have taking advantage from Internet: Smita, a queer feminist and member of the pro-transgender group "Sakhi",[167] stated that: "*Transwomen who were silenced by hetero-patriarchal norms and shunned by women's groups found solace in this system of anonymous writing provided by chat rooms and social media online*".

However, it is reasonable to say that the portion of LGBTs that use the Internet as a vehicle self-expression and seek information belong to the middle-high classes of society, where they could receive proper education, technological training and digital skills.

Let's think about hijras, the most broad transsexual Indian subculture.

This portion of the LGBT+ Indian community is usually very poor, belonging to the lowest castes, living in harsh conditions that lead most of them to be sex workers.

Since they cannot afford basic sources for their needs, many cannot own a computer, a mobile phone or proper broadband connection, and lack (digital) literacy at all.

Actually, the Thompson Reuters Foundation reported (2020) that the Hijra community is actually an invisible community, exposed to daily harassment, violence and discrimination; the closure of this subculture makes very difficult to gather data about their habits, their lifestyle and, of course, the Internet usage.

There are several obstacles, bias, taboos that prevent Indian women and LGBT+ to access and use Internet.

Asking the **question B.4**: "*What barriers to access are identified by users and non-users of the Internet?*", it is possible to address the main issues that sexual minorities encounter.

The first barrier that women (whether they be heterosexual or non binary) are called to face is the physical barrier:

the ownership of computers or technological devices as smartphones.

The Hindu, a national newspaper, reported a Pew Research of 2018, claiming that only 15% of women own a smartphone.

A gap that has widened, reaching 19% (in 2013 it was 9% of gender gap).

A clear sign that technological development is benefiting more men than women.

The lack of affordability is due to the unequal condition of Indian women, since only 42% are part of the national workforce.

Moreover, if the gender gap is accompanied by an economical and social gap, the situation becomes more complicated.

Indeed, in 2017 only 24% of Indian households have an Internet facility; only 15% of rural households have Internet services.

Since 66% of the population lives in rural areas, we can deduce that a great portion of people are not connected.

So the right to digitality for rural women in India is denied also because of physical barriers. The situation is getting worse after the pandemic crisis and the lockdown, that obliged people to stay at home and receive education through technological devices: the digital divide is actually preventing many people from receiving proper education, denying poor girls the chance to improve their situation by attending school.

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[167] https://feminisminindia.com/2018/06/29/queer-history-queer-women-india/

Another great barriers that women (and in some cases homosexual males) are supposed to face is the lack of digital literacy.

The Cyber Peace Foundation (2020)[168] said that less than a third of Indian women owns basic digital skills and is unaware of the potential that this technological tool carries with it.

The majority of women that know how to access and use the Internet is established in big centers, such as New Delhi; whereas only 12% of rural women can use Internet.

An element that prevent many heterosexual women to access the Internet, according to Women Will,[169] is the lack of awareness about the benefit of the Internet.

The majority of women in India think that there are not relevant and helpful content online, or don't know how to seek for it; the 2020 Women Will survey showed that 31% of Indian women not accessing the Internet are not interested in anything that there's in the Internet at all.

Moreover, they don't think that the Internet will help them become more independent, optimistic and active outside (which is what connected women claim).

Nevertheless, respect to the previous generations, the young and youngest women that are not using the Internet affirm that they are interested in learning to use it in the future, and are more receptive than older women who adapted to a traditional role.

If the Internet is being perceived as a useful tool to become self-employed, financially independent and more aware of helpful content, a great barrier that prevents women from developing digital skills will be removed.

The situation is different for non binary women and homosexual men.

The LGBT+ community has always been aware of the potentiality of the Internet for developing their true gender identity, building up their self-esteem, finding a supportive environment and creating rights movements in order to influence the public opinion.

The main barrier that prevent them to access and use the Internet is the pressure of their families and friends or colleagues: even if India decriminalized homosexuality and recognizes the third gender, people are not comfortable confronting with their primary groups, which are often influenced by social and gender biases.

There's a great difference between LGBTs living in urban areas and those living in rural areas.

If lack of broadband connection, affordable devices or digital illiteracy is not enough, rural non binary people face many discrimination and violence[170]: lesbian women are often exposed to the "corrective rape" by family members or villages inhabitants; gay men can be murder during a "honor killing"; transgender people are pressured to go to psychiatric hospitals (in the poorest areas they are forced to be "exorcized" by priests and shamans) and intersex children are forced to go under surgery (or to hide from anybody else).

Consequently, many LGBTs avoid using the Internet because the cost of being discovered would be too high.

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[168] https://www.cyberpeace.org/digital-literacy-and-women-1/
[169] https://www.womenwill.com/insights/india/
[170] https://www.livemint.com/Sundayapp/sAYrieZdZKEybKzhP8FDbP/Being-LGBT-in-India-Some-home-truths.html

4.8.2 Nepal: Theme B

The country has witnessed an increase in Internet penetration in the last years, reaching 35% (2019).

Some of the main reasons that permitted this improvement may be the presence of mobile phones at affordable prices and the increase of digital literacy (66%).

The annual growth in the number of Internet users is 3,2% whereas the number of social media users has increased by 7,6% between 2019 and 2020.

It's not easy to understand in what percentage Nepali women and LGBTs have access to the Internet, since governmental websites don't provide gender-disaggregated data concerning Internet usage, mobile phone ownership, social media accounts, etc.

There are some elements, though, that prove the slowly but constant increase in the access by female users:

- in the 2020 the percentage of female accounts on Facebook is 40,4%;
- in 2019 it was 39%, whereas in 2018 it was 37%;
- 44,8% of the Instagram accounts are held by females, with an increase of 3,8% since 2018.

Interesting to notice that Linkedin, a popular social network for finding jobs, is counting 25,05% of female users (an information that wasn't present in until the 2019).[171]

The recent outbreak of Covid 19 has actually given to Nepalese women a great opportunity: to access and use the Internet for economical reasons, like selling homemade products.

At the beginning of 2020, the fintech app Khalti, one of the dominant digital payment platforms, had promoted a digital empowerment project for women.

The reason was that only 17% of the platform users were women in 2019, even if digital payment is a great tool for females to become more independent.

The project consists in digital lessons via videos, quizzes and tasks that led to the train of 70 thousands of female users, a number that has been constantly increasing during the pandemic crisis and the lockdown.

Techwired reported[172] that this initiative is believed to have a strong impact in destroying stereotypes and allowing women to pay bills, use the Internet properly and know how to buy or sell products online.

Despite some positive changes, the gender digital divide in Nepal is huge.

Unfortunately there are no trustworthy data regarding the usage of the Internet by non-binary people in Nepal, since the national census will include a count of LGBTs for the first time in 2021.[173]

The EROTICS project by APC (2016) reported that the youngest portion of the Nepalese population (people born in the 80s, 90s and early 00s) are very active online, using the online platforms for expressing and diving deep into their gender identities and sexualities, and to stay in touch with friends that have migrated in western countries.

They are aware of the dangers online, and sometimes are actually harassed; nevertheless the Internet is perceived as too important for their personal expression to be avoided.

[171] https://www.slideshare.net/DataReportal/digital-2019-nepal-january-2019-v01
[172] https://techwireasia.com/2020/06/how-fintech-khalti-is-empowering-women-in-nepal-with-mobile-payments/
[173] https://www.businessinsider.com/nepal-to-count-lgbt-population-in-census-for-1st-time-2020-2?IR=T

In particular, LGBT+ networking is very active in this country, since it usually represents the only space where users and activists can meet, share opinions, collaborate and create a grassroot mobilization.

The majority of young LGBTs seek support online, trying to break old taboos and accept their true nature.

Often the digital gap is due to social and economical gap, even if people who are labeled as transgender, homosexual or bisexual may not be able to access the Internet for gender biases (lack of literacy after dropping schools, fear of online discrimination, etc.).

The Nepalese sexual minorities face several obstacles that prevent them from accessing the Internet.

As for India, we shall ask: "*What barriers to access are identified by users and non-users of the Internet*" (question B.4).

Generally speaking, the barriers are similar to those faced by Indian women and LGBTs, with some peculiarity.

Nepal is mostly rural, with a poor broadband connection that can't reach villages on the hills.

Moreover, the school system is very inefficient and lacks a digital curriculum: a survey conducted by the Women development advocacy center (2016) affirmed that only twenty-two schools out of thirty have a computer teacher, only three have a power backup and usually there is one computer for fifty students.

The difficulty in accessing the Internet is shared by a large number of people, despite the gender.

But when physical barriers are overcome, women and LGBTs are supposed to face other difficulties.

For example, heterosexual women claim that they lack leisure time in order to learn how to use the Internet and then enjoy the virtual experience: this lack of time is due to the traditional view of the woman, who is supposed to take care of the family, provide the members with water and food (which is often self-produced or cultivated) and isolate herself during the menstruation, with no contact with the world (even through technology).

Since Nepalese women are often polygamist and marry more than one man, they are supposed to take care of a broader family, with many husbands and a high number of children.

In this situation, the lack of leisure time is accompanied by an increased control and surveillance by the husbands, that may supervise their Internet usage.[174]

The Covid 19 outbreak has worsen the situation, since the citizens have been required to stay home; Nepalese women who could find some spare time to use the Internet have been obliged to serve the husband(s), facing often verbal and physical harassment more than ever.[175]

Regarding difficulty on accessing the Internet by LGBTs there is not much information providing a clear depiction of the situation.

LGBTs who are not able to access it probably suffer from a lack of literacy and digital literacy, which is bound to the social discrimination that they must face: lesbian women and

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[174] https://www.vsointernational.org/news/blog/domestic-burden-young-wives-in-nepal-face-violence-for-falling-short

[175] https://thediplomat.com/2020/06/how-covid-19-worsens-gender-inequality-in-nepal/

transgender women in particular are constantly discriminated in schools, or refused to be educated and obliged to choose the homeschooling (not a great alternative, since 30% of the population is completely illiterate).

Moreover, LGBTs who came out are forced to leave their families and communities to avoid harassment, and must find a job in the big cities, without any kind of support.[176]

The social discrimination, the lack of education, the bias that affect them during the job recruitment lead non binary Nepalese to a very difficult economical situation, for which they can't afford basic needs.

The almost total absence of cybercafés or public free broadband connection worsen everything.

4.8.3 Sri Lanka: Theme B

The number of Internet users in this country slowly but constantly grows: in 2020 there has been an increase of 4,1% in Internet penetration, with 399 thousand more subscribers, leading to 47%.

The number of social media users grew by 8,1% in the past year.

Regarding digital gender equality, there's still a huge gap in the use of social media which is far from being bridged: only 32,8% of Facebook users are females, respect to 67,2% of males; there has been no sensible increase from the past year (32,1% in 2019).

The Linkedin subscription, though, has increased from 37% to 40,4% between 2019 and 2020.

Nevertheless, progresses seem to have stalled, despite the governmental programme hosted by the Ministry for Women and Child Affairs.[177]

Mapping the presence of LGBT+ users in Sri Lanka is very difficult, since the Government still criminalizes homosexuality and non-binary identity expression.

The Sri Lanka Country Policy and Information Note reported (2018)[178] that the number of LGBTs could be up to 5% of the population.

The perpetuation of self-censorship and anonymous surfing by non-binary users makes impossible to provide trustworthy data.

The abovementioned Country Policy establishes that a large part of the LGBT+ community uses the Internet for joining private support groups, where they can avoid (or at least limit) online harassment.

It is reasonable to think that a large part of Sri Lankan LGBT+ doesn't take advantage of the Internet, because they may lack digital literacy following the refusal of receiving proper education.

In order to deepen the previous concept, let's ask what barriers the Sri Lankan women and non binary people perceive in accessing and using the Internet.

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[176] S.Green. " Gender and Sexuality in Nepal: The Experiences of Sexual and Gender Minorities in a Rapidly Changing Social Climate". 2015, Independent Study Project (ISP) Collection

[177] https://www.gsma.com/mobilefordevelopment/programme/connected-women/mobile-internet-in-sri-lanka-the-numbers-do-not-add-up/?utm_source=Latest-Blogs#ref2

[178] Home Office. Country Policy and Information Note Sri Lanka: Sexual orientation and gender identity and expression. 2018.

Sri Lanka adult literacy rate has reached 92% in 2016, making it the country with the highest levels of adult education in south Asia.

Nevertheless, the gender gap in the technological sector is wide: only 30% of graduated women work in the ICT sector; Sri Lanka is not immune from the world wide spread social bias for which women are not likely to understand STEM subjects easily and have great performance in this field.

This bias is so rooted in the rural areas that Sri Lankan girls refuse to learn how to use the Internet and technology because they think they will not be able to gain digital competencies and that a digital education will be a waste of time.

Of course, this is only one of the main obstacles that women face.

Often, Sri Lankans girls perceive a social stigma in doing things that will make them "mix with the boys"; the stigma may result in being labeled as less feminine or, worse, to harsh discrimination, threats and violence.

Women are full of prejudices and avoid the digital space not because they believe it won't be useful, but in order to avoid exposure to criticism, sense of failure and mistreatments.

Another barrier that women find difficult to overcome is the language barrier: in Sri Lanka there are several indigenous languages and three official languages which are Sinhalese, Tamil and Sri Lankan Creole Malay.

English is well spoken by 10% of the population, mostly in the big centers, whereas a large part of the rural population can speak only Tamil and local dialects.

The lack of helpful content in the official languages, as well as the minority languages, prevent many people from enjoying cyberspace.

Women, in particular, don't find relevant content in the Internet because the majority of feminist, health, sexuality related content are written in English or other European languages.

Linguistic obstacles can be solved with an empowerment of educational curricula and, of course, with the mobilization of grassroots groups that could translate relevant content or produce them on their own.

When it comes to LGBT+ users in Sri Lanka, the situation turns out to be far more dramatic.

We have already mentioned the difficulties, online and offline, that Sri Lankans LGBT+ face daily, since the country hasn't decriminalized homosexuality yet.

LGBTs are often obliged to surf anonymously, to create fake accounts (with no real name and real pictures) or to embrace the risk and hoping that they won't be discovered and harassed.

Although the online activists have contributed to improve the social acceptance, reducing police violence against several sexual minorities, Sri Lanka is experiencing a new wave of repression which is linked with the surveillance policy.

Since the 2019, the government has applied a social media block in the whole country, following the bomb attacks during the Christian Easter.

The social media block can be applied anytime the government wants to monitor the situation, preventing terrorists and dissidents from organizing themselves or creating grassroots protests.

This arbitrary shut down, accompanied by an intensified surveillance by the cyber-security system, is harming the freedom of expression of many LGBTs, that fear to be spied on and then denounced with the charge of "indecency".[179]

Although many activists are claiming that this empowerment of state control over the Internet will prevent more and more LGBTs from accessing the Internet, there is not trustworthy data to prove the impact of this decision yet.

4.9 Internet Universality Indicator: Multi-stakeholder

"*Does the government actively involve other stakeholder groups in developing national Internet policies and legislation?*" is the key question that we should ask in order to understand how the governments of India, Nepal and Sri Lanka are actively promoting the participation of different groups of interests in policy-making decisions related to the Internet.

The **theme B**, concerning National Internet Governance share this indicator with the **theme C**, concerning International and regional Internet Governance.

The above mentioned themes are used to develop a critical analysis of the national laws and policies, in order to understand how the governments address the participation of multiple actors in the political debate as well as in the decision making process.

Multi-stakeholderism is crucial for creating an open, right-oriented and equal virtual environment, as reported by the UNESCO Internet Universality Principles.

4.9.1 India: Theme B

The lack of women political candidates is an obstacle for their representation in government; in 2019, only 14% of the parliaments were women, despite 9% of female candidates.

India is thirsty for women in charge, but the lack of confidence and the social bias prevent many of them from pursuing the political careers.

Since 1947, there have been only three female Ministers of Communications and Information Technology in India.

In the last years, in order to fight gender digital gap and adequate to western societies standards, the Ministry of Women and Child Development of India has promoted a national policy for the empowerment of the Women (2001).[180]

In this policy, the main goals highlighted are:
- Creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential;
- Equal access to participation and decision making of women in social, political and economic life of the nation;
- Mainstreaming a gender perspective in the development process;
- Building and strengthening partnerships with civil society, particularly women's organizations;

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[179] https://www.wired.com/story/sri-lanka-bombings-social-media-shutdown/
[180] https://wcd.nic.in/womendevelopment/national-policy-women-empowerment

- Women's equality in power sharing and active participation in decision making, including decision making in political process at all levels will be ensured for the achievement of the goals of empowerment;
- Strengthening programmes for raising the involvement of women in science and technology.

Despite positive changes having occurred after the adoption of this policy, the road is still long.

The pressure made by feminist activists and groups of interests has finally led, in 2018 following the case of *State of West Bengal v Animesh Box,* to the criminalization of revenge porn and non consensual image sharing.

A great achievement, even if the law is sometimes inconsistent and cannot be applied in many contexts, for example to mobile phones.

Basically, Internet policy does not take into consideration mobile phones when it comes to cybercrime: a sign that the requests of women are left unheard, since women users are slowly closing the digital divide by using mostly smartphones, which are more affordable, personal and private.

Moreover, in order to prosecute and punish the transgressor, the victims are required to save screenshots, to not erase the proof or to do any form of self-protection (such as deactivating the social media account) before the trial.

The needs of female users are still not understood and respected by the government, that is failing its duty of protection all the users and prevent online discrimination based on gender identity.

Regarding other sexual minorities, the recent decriminalization of homosexuality and the recognition of the third gender have represented great achievements for the Indian LGBT+ community.

Nevertheless, there are no explicit policies of protection and empowerment of non binary users, whose digital needs remain unheard.

Their involvement in the decision making process is actually non existence.

4.9.2 Nepal: Theme B

The stakeholder participation in this country is reported to be discouraged, if not denied, even if the federalism claims to put the citizens at the centre of law-making as its shaper and maker.[181]

The Nepalese constitution clearly states, in its preamble, that the sovereign power of the state resides in the people, and their participation is crucial for formulating effective and meaningful policy.

Since the involvement of citizens in the decision making process is very limited, we can guess that women are not sufficiently heard by the government.

Women are underrepresented in the Nepalese government and in political parties.

Of course there have been many progressives in the last years: thanks to 33% gender quota, many women now have become representatives in the Constituent Assembly, occupying the positions of chief justice and president.

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[181] https://thehimalayantimes.com/opinion/law-making-process-far-from-participatory/

Nevertheless, women and rural women in particular are constantly facing several obstacles (lack of education, social bias, negative self-perception, discrimination) that prevent them from pursuing a political career.

The consequence is visible in the lack of attention for women needs, in particular regarding a safe Internet environment.

For example, revenge porn and non consensual image sharing are not still considered crimes.

The activity of feminist organizations in the territory, such as the Feminist Dalit Organization, is helping more women to find their voice, using the digital space and the social networks as political instruments for spreading their ideas and influence the public opinion.

Again, LGBTs remain unheard, and find difficult to be political represented: there are several political parties that object the participation of LGBT+ community in the decision making process, so the Internet does not follow specific policy of protection for sexual minorities.[182]

4.9.3 Sri Lanka: Theme B

During the Internet Governance forum of 2017, the Sri Lankan Secretary to the Ministry of Telecommunication and Digital Infrastructure, Wasantha Deshapriya, affirmed that: "[…] a multi-stakeholder model of Internet governance is fundamental for guaranteeing human rights", welcoming also the "watchdog" role of the civil society.

In this forum, which developed around thematic cyber-security and digital rights for women, emerged the necessity to incentivize the participation of girls and women for creating Internet policy that addresses gender issues that derive from the use and abuse of the digital space.

The Forum also highlighted that women are the key stakeholder in the Internet Governance, since their experience with the Internet may be different and bring new necessities and needs.

Despite this encouragement, women are still underrepresented in the political scenario, and not taken into consideration during the decision making process for offline and online situations.

Sri Lanka is the lowest among South Asian countries on women's representation in political life, for the percentage of women in parliament has never exceeded 6% since the 1930s.

This fact leads to negative consequences for women, who cannot claim their rights and participate in a gender mainstreaming policy for regulating the Internet and preventing online violence and harassment towards sexual minorities.

Since homosexuality is still a crime in Sri Lanka, the non binary community is completely not represented and cannot participate to the policy making discourse.

Thanks to the pressure made by online LGBT+ activists, the violence against non binary people has been addressed and denounced, leading to softening the persecution against sexual minorities.

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[182] https://www.bangkokpost.com/business/361485/asia-s-most-gay-friendly-country

Hopefully, the unstoppable grassroots initiatives and organizations (The National Transgender Networks, Equal Ground, etc.) will influenced the public opinion and lead to the decriminalization of homosexuality.

4.10 Internet Universality Indicators: Cross-cutting

The final category included in the Internet Universality framework draws together five themes containing cross-cutting indicators, concerning gender equality, children, sustainable development, trust and security, legal and ethical aspects of internet.

The **theme C** is particularly interesting and can help to broaden the debate around digitality in the area of analysis concerning **sustainable development.**

India, Nepal and Sri Lanka are all committed to achieve the United Nations Sustainable Developments Goals between the 2015 and the 2030, which include reducing inequalities, providing education of quality and enhancing gender equality.

Question C6, concerned with the impact of the Internet on particular development sectors, can help us to understand: "*What proportion of public service facilities have Internet access?*".

The presence of Internet access in primary and secondary schools, in public libraries and in health clinics can be a great chance for disadvantaged groups, as sexual minorities, for enjoy the online space and seek helpful information without repercussions.

A limitation to this paragraph is due to the poor base of data disaggregated by sex (including a non binary perspective) regarding access and benefits derived from the use of the Internet in public spaces.

Nevertheless, public spaces have often been reported to be a great chance for women and other sexual minorities, that may overcome several issues linked to usage of the Internet (being surveilled, not affording connection or devices, lacking help and support while surfing, etc.).

Hence, the presence of web-based public services may enhance the participation of sexual minorities in the digital environment.

The three spaces taken into consideration are:
- Public libraries;
- Schools;
- Healthcare centers.

4.10.1 India: Theme C

Public libraries in India are one of the most helpful services where people, regardless of gender and education level, can access the Internet.

The UNESCO Public Library Manifesto defines the public library as "*the local gateway to knowledge, provides a basic condition for lifelong learning, independent decision-making and cultural development of the individual and social groups*".[183]

In India they have recently had a countrywide spread, consisting of central libraries in every state, district libraries, urban public libraries at the cities and rural public libraries at the villages.

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[183] M. Ghosh. "Public Libraries in the Internet age: Indian scenario".

Even if they are mainly supported by national and local governments, there are also several non-governmental organizations that support them.

The majority of libraries are concentrated in the big centers, whereas only a small percentage of them covers the rural areas.

It's not a coincidence that in the Delhi state, where public libraries penetration is 80%, is reported to be the state with the highest level of literacy in the whole India.

An interesting research[184] explained that the majority of users (81% of the respondents) access the Internet from public and college libraries.

38% of respondents were women.

According to this research:

- 43% of women accessing the Internet from public libraries search for general information;
- 20,22% are looking for job opportunities online;
- 21,45% access online journals;
- 37% find relevant content.

The main problem when accessing the Internet from public services like libraries regards speed: 56% of the respondents (without distinction between male and female users) reported that Internet speed is often slow, and make difficult the finding of useful content in limited time.

Moreover, 39% of the respondents (unfortunately, there's no distinct data between male and female), claimed that they perceive a privacy problem that prevents them from searching for sensitive content.

Moreover, there's a huge difference from the quality of urban libraries and rural libraries, making the public libraries scenario not uniform.

70% of rural public libraries are mere reading rooms without many books and no technological infrastructure or trained staff.[185]

There's a lack of National policy regarding the presence of ITC in the public libraries, which should be recognized as a safe space for disadvantaged people to seek information or operate online transactions.

According to a gender friendly perspective, empowering the public libraries system could help digital illiterate women and LGBTs to develop their skills, or to benefit from the Internet usage in a safe place without the family or village surveillance.

The principal educational agency, after the family, is **school.**

School can be a precious source for girls and LGBTs, who can take advantage of their education and training to pursue a career, a better job, economical independence and move to big cities centers, where citizens are supposed to be more open minded.

Moreover, school is often the only place where kids can learn how to use the Internet, develop digital skills and access it for finding relevant content.

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[184] Naik, Lokesha and S, Dr. Kishore Kumar, "Why users need Internet in college libraries? A Study of college libraries in India" (2019).Library Philosophy and Practice (e-journal).

[185] Ibidem.

In a digitalized world, where digital competencies are fundamental for a good curricula, the Department of School Education of the Ministry of Human Resource Development of India has launched (2004) a programme for promoting the ICTs in schools.

The project, further implemented in 2010, provided secondary and high schools with laptops, computers and technological devices.

The presence of the Internet and technological devices at school permits to 91% (2014) of students to access the digital space daily, mastering digital skills and seeking for useful information and education-related content (such as colleges and courses with placement).[186]

Rural schools have hardly ever a technological tool and a poor broadband connection; nevertheless, teachers usually use their mobile phones to show images and videos, explain their functions and help students to learn how to surf online.

India is also developing a network of online courses that can be attended both in class, with the aid and supervision of a teacher, and at home; a great opportunity for women who cannot attend the university or other kind of courses.[187]

The great impediment that female students may encounter in approaching ICTs is not the lack of technological devices, but the idea for which girls are not likely to develop digital skills easily like males do.

Regarding the presence of Internet connection in **health clinics** or **hospitals**, India is committed to reform the health sector through ICTs, as reported by the Union Health Minister J.P. Nadda (2018).[188]

Indeed, the implementation of technology in clinics and hospitals have improved the healthcare delivery for patients, who can use laptops and computers located in the waiting rooms for searching for information, prevention, diagnosis or for payment and booking appointments.

4.10.2 Nepal: Theme C

The Nepalese **Public Libraries Network** is pretty inefficient in the whole country.

There are about 1,200 public libraries across Nepal, and most of them are located in rural areas.

Their conditions, though, are reported to be miserable: they often have only old newspapers, very few books and no computers and broadband connection.

The Asia Foundation's Books for Asia officer in Nepal, Shameera Shrestha, stated that Nepal is actually missing the chance to bridge the digital divide by promoting the educational role of Public Libraries.[189]

In the last few years, volunteers and members of the local community have been providing libraries with books and computers, welcoming people to bring their mobile phones and smartphones in order to learn how to use them properly.

A safe, free space could be a great opportunity for rural women too, that would overcome the physical and educational barriers that prevent them from accessing the Internet.

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[186] https://www.livemint.com/Politics/PSq0aCdEQTkbFa3LwghGSM/93-students-in-India-access-Internet-everyday.html

[187] https://medium.com/@dgmarkagency/advantages-and-disadvantages-of-online-education-in-india-15a8d4ed4f5e

[188] https://www.business-standard.com/article/pti-stories/india-committed-to-reforming-health-sector-using-ict-nadda-118021900790_1.html

[189] https://asiafoundation.org/2011/09/07/qa-nepal-library-director-discusses-nations-literacy-challenges/

Regarding Internet access and digital devices in Nepalese **schools**, the main issue is linked to the inefficient Internet broadband connection in the country.

Rural schools hardly ever count on a stable connection, and sometimes the remote village schools don't receive the signal at all.

There is no official data about the number of computers and digital devices per school; nevertheless, it is reported that the students dramatically outnumber the computers in the schools, and sometimes technological devices are not present at all.[190]

The healthcare sector is benefiting from the technological advancement in Nepal: since the 2010 a Governmental project has been connecting at least twenty-five districted hospitals, mostly located in the inaccessible Himalayas, to specialist consultants in the capital Kathmandu using satellite technology.

In Fact, The healthcare system in Nepal is very problematic, since a large percentage of inhabitants live in remote villages.

For this reason, the health Ministry has set up high-speed Internet connections, for providing sufficient bandwidth for video conferencing.

The telemedicine is a new approach that has been saving and improving the lives of a large number of patients, that can now text or video-call their doctors in the specialized hospitals for being assisted.

4.10.3 Sri Lanka: Theme C

According to the **National Library and Document Services Board** (NLDSB), Sri Lanka has approximately **1,500 public libraries**, excluding the private and school libraries.

Their conditions are generally very bad, due to the lack of professional employees, funds and maintenance.[191]

Thanks to digitality, however, libraries in Sri Lanka are living a new era of prosperity: the introduction of Information Technology is modernizing the services and meeting the needs of the readers (and users).

The Internet in the libraries is reported to have helped spreading knowledge and information, provided a safe place for people to seek relevant content and to bridge the gender digital divide, since disadvantaged people and sexual minorities can take advantage of technological tool without the family surveillance.[192]

Harinarayana and Raju (2010) said that Sri Lankan libraries are slowly adopting a web-based approach, for which users can access interactive pages, social networks, blogs, video making and sharing platforms; hence, they are contributing to transform people in prosumer, producer and consumer of information and contents.

Anyway, the majority of public libraries are located in big centers and university cities, such as Colombo and Kelaniya; rural areas are not provided with good public libraries, rather with small rooms with some books and no or weak Internet Connection.

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[190] K. B. Maski Rana: "ICT in Rural Primary Schools in Nepal:Context and Teachers' Experiences". 2018, University of Canterbury.

[191] https://roar.media/english/life/in-the-know/shelved-no-more-status-of-public-libraries-in-sri-lanka

[192] C.N.D. Punchihewa."How do Sri Lankan University Libraries Employ Web 2.0 Tools in Providing Web-Based Library Services? : a Comparative Study". 2018, Journal of the University Librarians Association of Sri Lanka,Vol.21.

Nevertheless, empowering the public library system in the country towards its digitalization may help to bridge the digital divide amongst disadvantaged groups, in particular those that don't own a mobile phone or do not feel free to access the Internet in their homes.

Sri Lanka really invests in education, providing free access to **schools** from the primary to tertiary levels.
From 2006, the Ministry of Education has integrated ICT education in the curricula: in 2017 the urban population had a computer literacy of 39,2% whereas the rural population reached 21%.
This gap is due to the uneven distribution of students, and the fact that the Government provided ICT facilities only to 50% of schools in nine districts.[193]
Internet access in schools is fundamental to guarantee digital literacy to young Sri Lankans; moreover many of them access the Internet mostly during classrooms, laboratories and spare time between lessons.
It is reported that 83% of students between 15 and 17 access the Internet at school (in labs or libraries for example).[194]
Girls take more advantage of free access in public spaces as school, which is perceived as safe and trustworthy: 82% of females between 15 and 17 uses the Internet in schools, whereas only 5,8% access it in its home.

Regarding the presence of Internet access in **healthcare centers** and **hospitals**, Sri Lanka has been moving towards a telemedicine approach, implementing the Internet service in the structures.
As for Nepal, Sri Lanka has recognized the importance to improve the telecommunication between urban and rural hospitals, in order to give aid to patients that live in remote regions: videoconferencing between two doctors or between doctor and patients, web-seminars, virtual diagnosis are all interesting solution to provide healthcare to the poorest part of the population.
Nevertheless, this system is still problematic for many reasons:[195] many members of the hospital stuff, as well as the patients, may not feel comfortable with the technological approach or lack the digital competencies to use laptops, Ipads and other devices.
Moreover, a large number of rural hospitals lack broadband connection or technological tools, and may not benefit from it.
There's no evidence in the perception of digital healthcare between males and females, and no data are available in order to map gender differences in the usage of the Internet at the hospital.

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[193] https://www.srilankabusiness.com/blog/ict-education-in-sri-lanka.html
[194] W. De Silva, P. Kodikara, R. Somarathne "Sri Lankan Youth and their Exposure to Computer Literacy". 2009, University of Colombo, Sri Lanka.
[195] D. Jayasinghe, R. M. Crowder, G. Wills. "Model for the Adoption of Telemedicine in Sri Lanka". 2016, Sage Publication

4.11 Conclusion: ROAMX, contributions and limits

With the present work I want to highlight the results emerged during the critical analysis. The three countries share some common issues, like the attachment to the patriarchal division of roles and the gap between urban and rural areas.
The last decades have brought new opportunities, and the work of international empowerment programmes (as EROTICS by APC) has helped the local organizations and grassroots initiatives to become more structured and coordinated.
The action of those organizations is bridging the gap between national institutions and disadvantaged communities, that now can speak their truth and influence the decision making process.
Many progresses have been done, but the situation is still very unfair for women and LGBTs, in particular in Sri Lanka, where homosexuality hasn't be decriminalized yet.
The application of the ROAM-X framework has been precious: the index is well organized and structured, its application is very intuitive and the division of each indicator in themes has facilitate the research.
It actually permitted me to:
- Identify sources and source material;
- Gather data from national and international sources;
- Disaggregate data between different groups within the population;
- Spot social and psychological phenomena deriving from the users' Internet experience.

All the elements to evaluate the Internet are presented in the framework, following questions that should always been asked before developing an Internet policy: Are the basic rights respected? Is it open and transparent? Is it accessible? Does it encourage the participation of many and different stakeholders? Are cultural, educational and gender elements taken into consideration?
The variety of indicators for each theme permits to analyze many aspects of the digital environment, so I gathered exhaustive information for my questions of research.
I chose the categories, the theme and the indicators that were more similar to my hypothesis and questions.
The first question I asked myself before starting the research was: "What does right to digitality mean and why is it becoming an inalienable right?".
Diving deep into **category R theme B** (freedom of expression) and **E** (right to privacy) gave me the chance to answer my question, in general terms and following the Indian subcontinent study.
The second question: "Are digital rights properly and actually guaranteed to all users, despite their sexual orientation and personal ways to approach to the gender they identify with?", was answered through the application of **category R theme A** (regulatory framework), and **category A theme B** (connectivity and usage).
The third question: "How do violation of privacy, revenge porn and other infringements of digital rights influence someone's life and experience with Internet?" was answered through the materials, information and reports that have been gathered during the researched and actually benefitted the contribution of the indicators considered.
Even though this framework has many positive aspects, it actually presents some limits.

In effect, concerning the fourth and last question: "Is it possible to elaborate apposite policies to protect sexual minorities rights online and on which bases these norms must be develop? Why?", the ROAM-X indicators didn't help me much.

According to what emerges from the present work, the indicators lead the researchers during the critical analysis of the documents and guides them while gathering the appropriate data (in terms of quantity and quality); but it doesn't provide suggestions that can be used for developing proposals of Internet Governance policies.

Personally, the ROAM-X is helpful for understanding and describing the state of the Internet at a global or local level, but it doesn't permit to elaborate practical recommendations and interventions.

As highlighted during the analysis, the constant reference to the Sustainable Development Goals can be seen as an indication for developing effective policies.

5

Conclusions – questions and answers

This paper opens with four preliminary questions that I have highlighted before diving deep into the phenomenon of gender digital divide according to a non binary perspective, with specific focus on the Indian, Nepalese and Sri Lankan areas.

The present work has been very useful in order to answer the above mentioned questions and provide a broad understanding of digitality as a fundamental right of the new millennium.

The four questions I presented were:

1. What does right to digitality mean and why is it becoming an inalienable right?
2. Are digital rights properly and actually guaranteed to all users, despite their sexual orientation and personal ways to approach to the gender they identify with?
3. How do violation of privacy, revenge porn and other infringements of digital rights influence someone's life and experience with Internet?
4. Is it possible to elaborate apposite policies to protect sexual minorities rights online and on which bases these norms must be develop? Why?"

These questions rose up on my mind during my first readings about the raising importance of the new technologies in everyday lives and the brand new concept of digitality.

The four questions are actually intertwined, and they can't be answered separately.

In order to provide clear and structured conclusions, I decided to organize the answers in distinct paragraphs, even if during my research I never focused only on one single questions, but every information brought new details for all the questions.

The first question I asked to myself was actually the last, chronologically speaking, to be answered, since it can be seen as the synthesis of the research.

We now know that right to digitality means the effective possibility to take advantage and benefit from the technological advancement and all the opportunities provided by the Internet and the digital environment in general, without the exclusion any citizen based on social and economic disadvantages, bias and cultural norms and gender identity.

Digitality means being completely involved in the social, economical and political changes that derives from the use of new technologies, and is directly linked to the right of receiving proper technological education and digital literacy.

It is safe to affirm that digitality can be considered an inalienable right, since the impossibility to access and use the Internet leads to discrimination, lack of information, lack of basic and helpful skills that can guarantee a good employment; difficulties in becoming more independent, in seeking for relevant contents that cannot be easily found offline; barriers in developing the personal gender identity, to become politically and socially engaged, to be part of the crowd sourcing and citizen journalism phenomena and to be a real *netizen*.

When the right of digitality is denied, following legal decision (for example the ban of LGBT+ contents in Sri Lanka) or due to abuse that arises online towards specific groups, the user (or non user) can be affected by several issues, that lead to severe repercussion.

Throughout this dissertation, we realized that people who do not access or properly use the Internet :

- Have far less possibilities to find a good job;
- Cannot participate to the political debate that arises on social media, blogs and other digital platforms;
- Can suffer from depression, sense of isolation, impossibility to question their identity and the cultural norms that prevent them to accept and express their true self;
- Are less informed on relevant topics;
- Cannot benefit from a private and safe digital space (closed Facebook groups, anonymous chat forums, etc) where share opinions or problems that cannot be shared with relatives and friends offline;
- Cannot find support and know how to denounce abuses and discrimination that they have experienced offline;
- Tend to accept more the current situation, even if they don't like it;
- Are unaware of the existence of non-governmental organizations, grassroots associations and other institutions that operate both online and offline;
- Tend to be more economical dependent on their families or dominant mates.

Moreover, denying the right to digitality to yet disadvantaged groups, such as women and LGBTs, exacerbates existing gaps that are being bridged with great effort.
The Internet is actually a great tool for overcoming barriers in accessing information about sexual minorities, for receiving education through online courses and masters, for running an independent economical activity and for joining those virtual tribes that can help and encourage sexual minorities to refuse the patriarchal system and the heteronormativity.
Nowadays the right to digitality is one of the most remarkable achievements for sexual minorities, despite there are still many problems to face: gender inequality persists online too, so it's necessary to implement the protection policy to erase the obstacles that prevent sexual minorities to enjoy a positive and stimulating experience with the Internet.
Looking at the Indian subcontinent area, right to digitality is not an accomplished goal yet: beside the economical divide that establishes a huge disproportion in the Internet access and usage between rural and urban areas, the cultural norms and the traditional views of the role of women is affecting them in a dramatic way, segregating heterosexual females and LBTs in a disadvantaged and retrograde position.
The UNESCO ROAMX framework actually helped me to find documents and reports to analyze, in order to understand how national and international policies manage the concept of digitality and in what terms they describe it as a fundamental right of the contemporary societies.
The Internet Universality Indicators didn't lead to a complete and exhaustive answer, yet they guided me in the selection of the appropriate and most useful information to confirm the hypothesis of research.
Critically analyzing the legislative documents according to the indicators I chose to apply permitted me to realize that the majority of countries (included India, Nepal and Sri Lanka) realizes the importance of the Internet and multi-stakeholderism.
Whereas the consultation of reports by non-governmental and inter-governmental institutes gave me the chance to spot the gap between law and its effective application.

As said before, this first question can be actually seen as a synthesis of the thesis, consequently all the categories applied provided further information, confirmations and explanation to it.

In fact, the category Rights led me to the collection of laws, policies and reports where the right to digitality is explained, guaranteed and implemented; also, it helped me to understand the multifaceted meaning of the term digitality, included which digital rights it incorporates.

The category A (accessibility) permitted me to describe the benefits of accessing and properly using the Internet, nurturing the assumption for which digitality is important in someone's life, in particular for sexual minorities.

Moreover, category A helped me to find connection between the exercise of right to digitality and other fundamental (online and offline) rights, such as right to be educated, to expression, to protection.

The categories M (multistakeholderism) and X (children and security for the general overview, public Internet facilities for the Indian subcontinent study) helped me to understand how national and international governments and institutions are actually committed in guaranteeing right to digitality through participation, policies for the protection of sensitive users, digital literacy programmes for disadvantaged people and sexual minorities, renewing the idea of digitality as an unalienable right.

The second question: "Are digital rights properly and actually guaranteed to all users, despite their sexual orientation and personal ways to approach to the gender they identify with?", has been widely answered throughout the thesis.

Sri Lanka is the only country, amongst the area of analysis, that legally conceptualizes the discrimination towards LGBTs and prohibits them to share relevant contents online as a logical consequence of the law against homosexuality and "indecency".

Whereas Nepal and India actually guarantee freedom of expression, right to privacy, right to be educated and to be respect to all the citizens (and *netizens*) regardless of gender; nevertheless, there couldn't be more inconsistency between law and practice.

As stated in the previous chapters, both the Governments of India and Nepal fail to protect sensitive users from the online violence that derives from the abuse of the Internet and the proliferation of cybercrimes; moreover, Nepal still lacks a proper Revenge Porn Law, and this missing point complicates the denounce by victims of attacks, harassment and blackmailing online.

In particular, the many rural areas of this are still deeply bound to traditional and religious norms, and tend to practice old honor crimes against "deviant" people (homosexuals, transsexuals and women who refuse the patriarchal system) that lead users to practice self-censorship in order not to be discovered and punished.

Despite the weight of social and cultural norms, and all the issues linked with their infringements, Indian, Nepalese and Sri Lankan female and LGBTs users are constantly finding new "bottom up techniques" to stay safe online.

A set of grassroots strategies to overcome the Internet policy ineffectiveness.

Though, the abuse online can be very detrimental for sexual minorities, and governments cannot count on the capacity of users to protect themselves in autonomy.

Again, UNESCO ROAMX was fundamental in order to collect the data of analysis, setting common threads for the general overview and the Indian Subcontinent area.

The theme A of the different categories, which consists in the analysis of the regulatory framework and existent Internet related policies at a national and international level, was the most helpful and complete in order to partially answer this question.

I use the term partially because, as stated before, law is often misapplied and the rights that are guaranteed in theory are not always respected in practice.

India, Nepal and Sri Lanka's Constitutions guarantee freedom of speech, equality before the law and claim to punish every form of discrimination based on gender, race, social category, religious ideology, etc.

Sri Lanka prosecutes non-binary people under the law against homosexuality and indecency, contradicting the article 12 of its Constitution, that recognizes equal protection from gender discrimination.

Consequently, we can assume that Sri Lanka still criminalizes the LGBTs community, and does not provide protection policies neither offline or online for its members.

Regarding gender equality, according to the traditional binary perspective, Sri Lanka guarantees the same rights to both men and women.

Nevertheless, as showed in the chapter four, it takes to consult national reports about the state of women and girls to realize that the country is far from guaranteeing digital rights to them.

India and Nepal shows a worrying level of inconsistency between law and its effective application: Indian and Nepalese media have been denouncing the failure of their states in actually guaranteeing access to the Internet and providing protection to women and LGBTs for years.

The third question: "How do violation of privacy, revenge porn and other infringements of digital rights influence someone's life and experience with Internet?" was answered in the second chapter and broadened in the fourth to include and specify the repercussions of cybercrimes and discrimination on the Indian subcontinent users.

I can be summed up in this scheme:

- **Lack of security**: people who have experienced, directly or indirectly, infringement of privacy perceive the Internet as less safe and tend to use anonymity to protect themselves;
- **Self-censorship**: people who fear to become victim of revenge porn, non consensual image sharing, deep fake and other sexual or psychological harassment that are linked with privacy infringement are more likely to avoid sharing personal information, get involved in delicate debates and tend to prefer fake accounts to preserve their integrity;
- **Depression and sense of guilty**: users who are directly hit by a cybercrime may develop psychological issues linked to the idea of being exposed, humiliated, blackmailed and negatively judge by a large number of users. The pressure is comparable to have been harassed or threatened offline, and the negative repercussion may lead to severe mental and emotional breakdowns, as well as suicidal thoughts and attempts.

Moreover, in traditional and unequal countries such as India, Nepal and Sri Lanka, the existing consequences may be worsen by social bias and prejudices regarding women and LGBTs, that often make them move from the position of victim to the position of accused.

For this question I referred mostly to the ROAMX category R theme B (freedom of expression) and category A theme B (connectivity and usage) which have been used to map the difficulties, barriers and bias that users perceive when approaching to the Internet and their consequence on their mental health.

Experiencing, directly or indirectly, online discrimination, revenge porn, non consensual image sharing and other forms of online violence that target sexual minorities can negatively affect the relationship with the Internet.

Women and LGBTs in the Indian Subcontinent countries often feel anxious when using the Internet, tend to practice self-censorship twice (heterosexual women) and three times more (LGBTs) than heterosexual males and fear to be legally prosecuted for the content shared online.

As per western society citizens, South Asian users experience higher levels of stress and depression due to the impossibility of expressing their gender identity even on the digital space, since they overestimate the chance of being supervised or denounced.

The last question is the most interesting and complex and can be seen as the explanation of the adoption of a feminist framework for a gender equal Internet.

As said before, the UNESCO ROAMX didn't help me much on finding the answer to this dilemma, since its recommendations appeared to vague and didn't add something more relevant to the existing debate around developing a better Internet Governance Policy.

So I looked at another model.

"Is it possible to elaborate apposite policies to protect sexual minorities rights online and on which bases these norms must be develop?" can be answered with a very simple, yet powerful, statement: "Yes, it is: using a feminist framework".

Why a feminist framework?

Quoting the APC research project EROTICS, let's ask: "Why not?".

Several gender mainstreaming strategies have been adopted in order to redefine the Internet protection policy, to adequate the online standards to the needs of sensitive users, in particular those who have more to lose in a negative and traumatic experience online.

Recognizing that all the users are not equal is the first step to provide digital equality to all.

There are some users that are more likely to suffer from Internet abuse, and there are non-users who cannot access the Internet for several reasons beyond lack of affordability.

This is as a matter of fact.

So the national governments, the International organizations, the private agencies should be committed in develop gender friendly policy that make distinction between users and satisfy their peculiar needs.

Some good guidelines can be offered by the Feminist Internet Principles, a set of recommendations that can be consulted in order to develop new policy and implement the existent ones.

These principles are organized in seventeen fields, that are relevant for women and other sexual minorities experience online:

- Access: "*enabling more women and queer persons to enjoy universal, acceptable, affordable, unconditional, open, meaningful and equal access to the internet*";[196]
- Information: access to relevant information for women and queer personas without restrictions;
- Usage: reclaiming ICTs as platforms for expressing individuality and creativity;
- Resistance: struggling patriarchy and heteronormativity;
- Movement building: connecting people and territories with grassroots initiatives;
- Governance: putting more feminists and queers at the decision-making tables;
- Economy: proposing new paradigms for an open, cooperative and empowering economy;
- Open source: experimenting with technologies for creating a safer and secure space;
- Amplify: giving voice to women and queers and share new narratives;
- Expression: defending the right to sexual expression;
- Pornography: providing a distinction between non consensual pornography and consensual expression of sexuality;
- Consent: enabling women and queer to make informed choices about what they want to share online;
- Privacy and data: supporting the right to privacy and control over personal data, without restrictions that arise from uncontrolled surveillance;
- Memory: exercising the control over personal history and memory on the Internet;
- Anonymity: defending the right to stay anonymous;
- Children: protecting underage users, guaranteeing them privacy as well as access to positive content regarding health, sexuality and development;
- Violence: addressing the issue of online harassment and technology-related violence.

These principles constitute a framework that can benefit stakeholders and groups of interest when participating to the decision making process, addressing the subjects to take into consideration when developing an inclusive Internet policy.
Only addressing gender related issues and promoting an inclusive vision, it is possible to create a safe and open online space, that resonates with offline accomplishments and that contributes to bridge any form of gender gap (whether it be online or not).

In conclusion, this research provides the most relevant information in order to address the role of digitality in someone's own development, and the importance to guarantee right to digitality to all the users, without any form of discrimination, in particular gender based discrimination.
The gender mainstreaming process can't be complete if it ignores a large percentage of people who belong to the sexual minorities: homosexuals, transgender, intersex, bigender and agender people face both common and different difficulties and challenges as heterosexual women do, so it is necessary to take them into consideration in the gender divide debate.

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[196] https://feministinternet.org/en/principle/access

The example of the South Asian gender mainstreaming actions is the proof that different communities that share some common objectives can benefit from an active collaboration and cooperation, leading to a more equal society for everyone.

"Nobody's free until everyone's free".

- Fannie Lou Hamer, American activist

Appendix

Interview with Valentina Pellizer, coordinator of the EROTICS South Asia Project

M: Hi Valentina, nice to meet you and thank you for accepting my invitation.

The project of EROTICS is really interesting and I have some questions for you in order to clarify some aspects.

First of all: Why did you decide to focus on these three countries (India, Nepal and Sri Lanka) for the 2017 project?

VP: Well, first of all the project did not start in 2017 with the three above mentioned countries, because it was actually set in 2008.

We conducted a global survey in order to map the relationship between sexuality and the Internet. We gave space to those countries where many people, as women, disabled users, LGBT+ members are silent or kept silent.

Since India was one of the countries included in the global survey, we continued to focus on the area and we broaden the network to other south Asian countries such as Nepal and Sri Lanka, which are part of the Indian Subcontinent.

We expanded the connection between the main Indian feminist organization, Point of View, and the local communities and groups; while we started to build a network in Nepal and Sri Lanka too.

You know that APC is interested in understanding and bridging the gender divide, to give voice to the less advantaged people.

The project established a dynamic relationship between partners and allies, starting from India and then including the nearest countries.

When we started the project in 2008, and then renewed it in 2017, we asked ourselves: "Which voices are we missing?".

After focusing on India, adding Nepal and Sri Lanka was the most logical way to continue the project.

Soon we will add Bangladesh too, expanding the networks in all the south Asian region.

We immediately collaborated with the local organizations committed in empowering the digital rights movement and the feminist movement, since they are the bridges to make a connection with the local population.

So this is why India, Nepal and Sri Lanka: to set a collaboration and an ongoing cooperation with the existent and emergent local organization, developing and strengthening the network and the partnership in an area full of *voiceless*.

M: Did you encounter any limitations (difficulties in gathering information, in reaching the poorest part of the sample, etc.) during the EROTICS research?

VP: Yes, we did.

When working with a local partner, you must be aware of the fact that it is the host of the conversation; this means that it chooses the questions, the topics and you must understand it.

There aren't always organizations that are representative of some disadvantaged people, so we had to work and talk with people and groups of individuals who weren't well organized or structured.

One of the greatest limitations was the linguistic obstacle.

The partner usually conducts the conversion in the local language, but there are many ethnics and linguistic minorities, and people sometimes understand or express themselves only in the local dialects.

We used some bridge languages (English, Spanish, etc.) to interview people and partners, but they often don't even speak those. This makes the conversation difficult, and it's not easy to reach rural people without a form of translation.

Moreover, since a large number of socially disadvantaged people do not have Internet connection (or live in a place where the signal is nonexistent), we were supposed to do the interviews face to face, using papers and pens.

This prevented us from reaching many people, even because a survey must respect a timeline, and when you work like that you can't contact the same percentage of people you could contact online.

We really wanted to give voice to the less represented people, but there were many issues to consider: lack of human resources to overcome the linguistic barrier, lack of instruments, lack of time.

Moreover, after the research, we were supposed to nurture the dialog we had started, and this needs time and commitment too.

When you encounter these difficulties, reaching all the people is almost impossible.

M: After three years since the beginning of the project: "Expanding EROTICS networks in South Asia", which are some remarkable achievements in the area? Have you accomplished some of the main goals?

VP: There are many: some more visible in the policy development; some less visible but very interesting at a local level.

Helping the local partner to strengthen their relationship with the different communities led people to become more aware of their rights, and to link the expression and development of sexuality in Internet to other issues like disability and economic growth.

Now there are more initiatives to translate relevant information in local languages.

We also helped strengthen the collaboration between bigger and smaller groups and associations

EROTICS enhances the organizations to explore deeply the role of the Internet for the social development of sexual minorities: having local actors that feel confident with the Internet is crucial to reach the most isolated people; they are continuing the project and investing in technology.

The project is also permitted to understand the relation between local and global.

The local activities and achievements are not very visible and not considered so relevant but it's indeed fundamental to reach the national and international institutions and to participate in decision making process.

This is how we bring local differences, peculiarities and need to international debate.

Moreover the renewed centrality of sexuality in Internet is bringing a new aesthetic in the online space.

The core of the EROTICS project regarded sexuality in all its forms; talking about this topic as one of the fundamental part of the feminist and LGBT+ debate is leading to a dismantle of taboos and prejudices in conservative and patriarchal countries too.

The imagination that people use is often based on visual images and symbols, it is not only spoken, so we helped people and organizations to express their sexuality and relation with gender through art, photography and video-making too.

EROTICS starts from the power of sexual and sensual interest, the idea of exploring someone's own sexuality and others sexuality too. We are interested in how people feel when it comes to sexuality, when they are being part of a group.

M: Do you think that a feminist framework for Internet governance policy may positively affect users who do not face particular discrimination (hetero males for example)? How?

VP: Definitely it does, because a world that is less judgmental is better for everybody.

Sexuality influences everyone, and we should not perceive it as something full of rules and limitations.

Like we must adhere to a specific gender assigned at birth and follow a strict path because we are either male or female.

We shouldn't lose the concept of fluidity which helps us to valorize the differences everyone bring with their way of being and their personal identity and individuality.

A feminist lens brings new possibilities, the idea of being multi-faced and not obliged to fit into a structured and severe model.

A fluid sexuality in the Internet empowers diversity, helps people to become who they really are, to question social norms and to accept the several expressions of gender, sexual orientation and roles in society.

You can be white, male and heterosexual person and still reject the stereotype about this label and assume behaviors that were once attributed to women; or support the gender mainstreaming cause, the LGBT+ rights and the black transgender community.

We need to practice and recognize diversity, in order not to isolate anybody and lose the chance to gain new understanding, creativity and resources.

The presence of different contents in the online space and the participation of all users and stakeholders without discrimination is an undeniable source of information; more, the prerequisite for an open space of exchange and debate.

The role of images in delivering values is important, since images are powerful and effective connectors.

There's a vital link between images (photos, videos, movies, outfits, paintings and sculptures, etc.) and culture.

We won't ever be aware of other cultures and subcultures if we don't enhance the free and safe participation of all users and all forms of manifestation both offline and online.

When privileged people (wealthy, white, male, acculturated, etc.) understand their privilege, they use it to reach others, to empower the voice of the less advantaged, to bring knowledge around an issue and facilitate the reciprocate comprehension.

M: Thank you very much, it has been a helpful and stimulating conversation.

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