



# The Prosecution of Taiwan Sexuality Researcher and Activist Josephine Ho

Ping Wang

Secretary General, Gender/Sexuality Rights Association., Taipei, Taiwan. E-mail: queerlas@ms21.hinet.net

**Abstract:** In April 2003, following a newspaper report of a hyperlink to a website on bestiality on the Sexuality Databank website of the Center for the Study of Sexualities, National Central University, Taipei, Taiwan, 14 conservative NGOs filed charges against the Center's founder, Josephine Ho, for "propagating obscenities that corrupt traditional values". Ho has been researching sexuality and supporting freedom for marginalised sexual minorities for ten years. In a public statement in response to the charges, she said that the work of scholarly research must not be dictated by prejudice and that differences in sexual values should not be arbitrated by law and should be open for public discussion. As the legal process began in January 2004, Ho's supporters in Taiwan have called for the preservation of the Taiwan Constitutional decree on integrity and autonomy of academic research and freedom of expression on the internet, for the University to resist calls to dismiss Ho from her post, and for respect for freedom of speech and expression and the right to create spaces to educate people about non-normative sexualities. © 2004 Reproductive Health Matters. All rights reserved.

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**W**HEN Chinatimes, Taiwan's second largest newspaper, devoted half a page in April 2003 to sensationalise the presence of a hyperlink to a website on bestiality on the Sexuality Databank of the Center for the Study of Sexualities at National Central University, Taipei,<sup>1</sup> members of the Center thought it was just another controversy that had flared up because of the open, against-the-current and positive stance on sexuality of the Center's founder, Josephine Ho. Instead of addressing their usual complaints to the Ministry of Education or the University where Ho teaches, however, a total of 14 conservative NGOs, led by the censorship group ROC Publications Appraisal Foundation, an organisation that aims to censor the romance and comic book market "to protect the hearts and minds of teenagers and children",<sup>3</sup> followed up the report with formal litigation against Ho in June 2003. The other

NGOs included religious women's groups, such as the Christian Garden of Hope and the Catholic Good Shepherd's Sisters, and a couple of conservative parents' groups, who have often criticised Ho for corrupting social and moral values.

The case filed against Ho in June 2003 was for "propagating obscenities that corrupt traditional values and may cause a bad influence on children and juveniles".<sup>2</sup> For these groups, Josephine Ho's long-term efforts to advocate sex-positive values and education for the young<sup>4</sup> stand for the most dangerous forces that could erode the social fibre. They had congregated, in the words of the chairperson of the Taipei City PTA for Junior High School Students, who announced the complaint in a radio interview, to "teach her a lesson so that others may learn it too".<sup>5</sup>

Professor Ho had been doing a visiting professorship in Tokyo between April and September 2003, and was unable to return to

Taiwan to defend herself, due to the outbreak of SARS in Asia. However, the Gender and Sexuality Rights Association (G/SRAT), Taiwan,\* rallied to the support of its long-time ally and comrade by holding a discussion forum in April 2003 and starting a Chinese petition drive on the internet. Support for the petition poured in from scholars, activists and students in Taiwan as well as from overseas. An international petition was launched in July 2003<sup>†</sup> to further gather support to resist the immense pressure of social and sexual stigma that was threatening to affect Ho's position in the university. As of this writing, the Chinese petition has gathered almost 1,500 signatures, and the international petition has gathered over 800 prominent names. Professional groups such as the World Association of Sexology and the Hong Kong Advocacy of Sex Education have sent in formal letters of support, claiming that they share the same sexual stigma and strong sense of mission that have characterised Professor Ho's work. The Urgent Action Fund for Women's Human Rights\*\* has supplied funding to cover a part of the legal costs. In fact, international support has been so overwhelming and persuasive that the university has softened its severe stance towards Ho, and the prosecuting groups are now complaining that Ho has brought worldwide pressure upon them.

Upon her return to Taiwan in September 2003, Professor Ho was warmly received at a press conference, held in her honour by G/SRAT. Groups such as the Coalition of Sex Workers and Supporters, the Persons with HIV/AIDS Rights Advocacy Association and the Gay, Lesbian and Bisexual Hotline, as well as liberal social, academic and political figures, urged her to continue struggling for the rights of marginal sexualities. This was her first public appearance since the Chinatimes article was published. Her statement made three main points: (1) the work of scholarly research is not to be dictated by

religious fervour or moral prejudice, (2) differences in sexual values are not to be arbitrated by law, but should be open for public debate and discussion, and (3) Taiwan should not go backwards on its road to social freedom and democracy. Ho expressed her dismay at being prosecuted for her fight for knowledge about sexuality and her struggle for sexual freedom for the past ten years, and reiterated that she would not succumb to legal threats.

In the two fact-finding hearings held in September and November 2003, which would inform the decision whether or not to prosecute Ho, the lawyers for the prosecuting groups emphasised how easily children could access the horrendous photos on the website about bestiality. Josephine Ho explained the necessity of the databank and information collection for her scholarly research in sexuality, as well as the complicated structure and serious nature of the information on the website in question. Evidence of her scholarly standing and the layout of the website were also presented. Still, the prosecutor decided on 5 December 2003 to formally charge Ho with "disseminating obscenities," which may be the first case in which a scholar has been charged for including a hyperlink on a web page.

The case has been widely reported (see, for example, the Chronicle of Higher Education's special report,<sup>6</sup> Josephine Ho's on-line chat with its readers<sup>7</sup> and internet activist Katrien Jacobs' interview with her<sup>8</sup>). During the on-line chat, Ho said:

"Whether something is 'obscene' or not is yet to be decided by the law, and the Taiwanese supreme court has already decreed in previous cases that a judgement on obscenity issues is to be determined by the context in which the so-called obscenity appears. There have been cases where medical books were censored because they displayed human sexual organs, not to mention sex manuals used by many therapists. Of course, there were also cases where heterosexual images were not considered obscene but as 'natural' human sexuality, and gay sex images were considered obscene because they were unnatural acts."<sup>7</sup>

The first court date was set for 16 January 2004. More than 100 scholars, activists and students gathered in front of the court to demonstrate their support for Josephine Ho and

\*G/SRAT was founded in 1999 by women who have participated in the women's and LGBT movements of Taiwan since the late 1980s, and is now at the forefront of the struggle for sexual and gender human rights in Taiwan.

<sup>†</sup>At: <<http://www.gsrat.org/eng/petition.htm>>.

\*\*A US-based human rights organisation that responds to international women's rights activists who face unanticipated situations demanding immediate intervention.



CHIEN-CHI CHANG / MAGNUM PHOTOS

Nescafé ice cream promotion campaign, Taiwan, 2001

their insistence on freedom of information. A list of names of all those who had signed the petition, which stretched for more than 40 meters, was presented. Josephine Ho made a statement in which she expressed the hope that like the trials of feminist educators and activists supporting contraception, who were arrested and charged with dissemination of obscenities at the turn of the last century in the West, her case would also become an occasion for social education and liberating activism. At this first hearing, the prosecutor and the defence attorney exchanged views on the points and evidence in dispute. The judge ruled that both parties should present more relevant evidence in regard to the hyperlink in question at the next hearing, which was set for 20 February 2004.

Professor Ho is being targeted for a decade of sex-positive activism, including writing and speaking in support of, as well as struggling with, gays and lesbians, sex workers, inter-generational couples, transsexual and transgender subjects, betel nut beauties<sup>6\*</sup> and others. As a result of her efforts and her willingness to

take up such stigmatised issues in public, most notably the Taipei licensed prostitutes struggle from 1997 to 1999, and more recently the fight against police entrapment of minors and sexual services arranged over the internet, her name has become a household word. However, she has consequently also become the target of an escalating conservative backlash that has culminated in this prosecution.

Professor Ho is a prominent and influential scholar at National Central University. She has

\*Betel nut beauties are teenage girls who dress in scanty, sexy clothes and sit in well-lit, transparent booths decorated with mirrors where they prepare packages of betel nuts, beverages and cigarettes for mostly male, working-class customers who drive by. The Taiwanese government, at the urging of conservative religious women's groups, has been pressuring the girls to put on more clothes and stop such "lewd" and "obscene" behaviour. Josephine Ho has done research among the girls and spoken for them on many occasions, including on CNN in 2002.

published 17 books in the fields of sexuality studies and is well known among Asian feminists outside of Taiwan. The legal actions against her will have a far-reaching impact not just on research and teaching on sexuality, sexology and sexuality-related issues and subjects on campus, but also on the emerging lesbian, gay, bisexual, transsexual and sex workers' movements in Taiwan, as well as the increasing policing and censorship of sexuality on the internet. The use of legal action against one of the most outspoken advocates of sexual minorities and dissident sexualities is symbolic of efforts to dishearten those taking public action against sexual inequalities in Taiwan.

A closed, intolerant society does not contribute to pluralism and deviates from the course of democratisation in Taiwan. As academic researchers and internet users, we have urged

our fellow citizens to respect the internationally recognised human rights of freedom of speech and freedom of expression, and to respect the right of others to express their views on culture and to create spaces where people can be rationally educated about non-normative subjects. We urge National Central University to withstand conservative groups' efforts to intervene and supervise academic research and refuse to remove Professor Ho from her post. An outstanding researcher and educator is the most precious asset of a university and should never be sacrificed to appease attempts to censor its staff. We have also urged the court system to honour the Constitutional right of freedom of speech, teaching, writing and publication.<sup>10</sup> Integrity and autonomy of academic research and internet freedom of expression must be preserved, at all costs.

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#### Résumé

En avril 2003, après un article sur l'hyperlien vers un site sur la bestialité dans la banque de données en ligne sur la sexualité du Centre pour l'étude des sexualités, Université centrale nationale, Taipei, Taiwan, 14 ONG conservatrices ont porté plainte contre la fondatrice du Centre, Josephine Ho, pour « avoir propagé des obscénités qui corrompent les valeurs traditionnelles ». Depuis dix ans, Mme Ho fait des recherches sur la sexualité et milite pour la liberté des minorités sexuelles. Dans une déclaration publique, elle a affirmé que le travail de recherche universitaire ne devait pas être dicté par les préjugés, que les

#### Resumen

En abril de 2003, después de un reportaje de prensa acerca de un hipervínculo a un sitio Web sobre el bestialismo que aparece en el sitio Web del Banco de datos sobre la sexualidad creado por el Centro para el Estudio de Sexualidades, Universidad Central Nacional, Taipei, Taiwán, 14 ONGs conservadoras presentaron cargos contra la fundadora del Centro, Josephine Ho, por "propagar obscenidades que corrompen los valores tradicionales". La Sra. Ho lleva diez años investigando la sexualidad y apoyando la libertad para minorías sexuales marginadas. En una declaración pública en respuesta a los

différents sur les valeurs sexuelles ne devaient pas être arbitrés par la loi, mais par un débat public. Avec le début du procès en janvier 2004, les défenseurs de Mme Ho ont demandé que le décret constitutionnel de Taiwan sur l'intégrité et l'autonomie de la recherche universitaire et de la liberté d'expression sur Internet soit maintenu, que l'Université ne cède pas aux pressions lui demandant de renvoyer Mme Ho, et que la liberté de parole et d'expression et le droit de créer des espaces d'information sur les sexualités non normatives soient respectés.

cargos, ella dijo que el trabajo de investigación erudita no debe ser dictado por prejuicios y que las diferencias en valores sexuales no deben ser arbitradas por la ley y deben permanecer abiertas para debate público. Desde que el proceso jurídico empezó en enero de 2004, los defensores de la Sra. Ho en Taiwán han hecho un llamado para conservar el decreto constitucional de Taiwán sobre la integridad y autonomía de la investigación académica y la libertad de expresión por Internet, para que la Universidad resista los llamados a despedir a la Sra. Ho de su puesto, y para que se respete la libertad de expresión y el derecho de crear espacios para educar a la gente sobre las sexualidades no normativas.