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Women's rights, gender and ICTs

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Lori Nordstrom

Publication production

Mallory Knodel

Proofreading

Valerie Dee
Lori Nordstrom

Graphic design

Monocromo
info@monocromo.com.uy
Phone: +598 2400 1685

Cover illustration

Matías Bervejillo

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MEXICO

Fighting online violence against women in Mexico

Association for Progressive Communications (APC)
Erika Smith
www.apc.org

"Hon, which folder did we put that in? 'Crazy people'? Or 'Threats'?"

"No, remember, 'Crazy people' is for people we actually try to reason with. You remember that religious woman who said we'd burn in hell for corrupting girls? She came around finally. It's gotta be in 'Threats'."

Luzma and Louisa,[1] a journalist and a therapist, have been together for almost a decade. Well-known women's rights activists in their community and beyond, between the two of them they have pressured corrupt politicians out of office, defended women against violence, provided support groups for lesbians, and even helped to found an all-women soccer team in their home state in central Mexico.

The therapist, perhaps more tech-adventurous than her mate, began promoting both their activist organisation and her therapy services on public websites early on:

"I wanted everyone to know there was support available for lesbians. I put up announcements of my services for group and individual therapy everywhere I could. I had no idea back then about the implications of posting my address and phone number – how else would people find me, after all? I was so naive!"

Louisa's office is also their home, and she had shared all phone numbers as well as the street address where patients could come for therapy. Menacing SMS text messages and horrible emails came tumbling in, along with constant phone calls from men asking "for lesbians". They created a filing system for different types of emails, including one for "crazy people", with whom Luzma and Louisa tried to dialogue, in some cases convincing anonymous haranguers that lesbianism had nothing to do with "perversion" or the "corruption of girls". Another folder is simply called, "threats":

"We got a lot of religious stuff. But that one, that one – I went green, purple out of fear. I locked all the doors and was afraid to walk outside even to the corner. I just hid trembling under the covers waiting to see when they would come to kill us.

Of course we went to the public prosecutor's office to file a complaint. They told us it wasn't a crime, there was nothing that says that sending an email warning they were coming to rape you and burn down your house with you in it is against the law. And since it wasn't a crime, they weren't going to register the complaint, much less begin an investigation."

In Mexico, a complaint must be filed with the police for the federal cybercrime unit to initiate investigations:

"They said that citizens should understand that the Public Prosecutor's Office is there to pursue crime, not suspicions of a crime, or threats of a possible crime. They said, to threaten is not a crime," says Luzma. *"My concern was that I leave to go to work, and Louisa is alone at the house giving therapy all day. He knew our schedules, when and where we went. He'd been studying us."*

"He sent text messages saying he was watching us having a barbecue in the front yard. He said he had photos of all of us. What do I care about my photo going public? But some of my patients, they are closeted," adds Louisa.

Then Luzma, "who never takes no for an answer," got the bright idea of going to CONAPRED, the National Council to Prevent Discrimination, Louisa reports with pride:

"We got an immediate response, and they contacted the police and human rights office directly. They sent official letters by courier to several departments saying the police had to 'take the necessary measures to safeguard our physical and psychological integrity.' Then the police were actually calling US, asking us to go down and file a report. They came to the house when we couldn't go in. We understand they contacted the person and warned him that charges would be brought against him if he continued. The harassing emails and SMS messages stopped. We never knew who he was."

1 Names and location changed to protect privacy.

Two years later, when facing a similar threat due to Luzma's investigative reporting on an official in a nearby town, Luzma could get no support from either the local police or CONAPRED, who indicated that the situation did not fall under their areas of competence.[2] In this case, not only were Luzma and Louisa under threat, but Luzma's minor daughter was threatened with rape in the messages. Finding no official response, they held a protest which was covered in the media, insisting that their safety was at risk and if anything happened to them, the municipal authority in question should be held responsible. The threats stopped.

The two have received many other threats in all types of electronic formats. Though still ardent activists, eventually they closed their organisation's offices at their home, and even disbanded the soccer team, in part because of these constant attacks. Their home address and personal contact information are a matter of permanent record on the internet.

Louisa and Luzma's experience parallels that of many other activists, journalists and individual women who have experienced technology-related violence in Mexico: harassment, threats, hate speech, "sextortion", surveillance by intimate partners, cyber stalking, revelation of private images and information – in some cases resulting in job loss.[3] It is unclear who to report the problem to. If women take matters to the police, they frequently cannot even get to the stage of filing a complaint because local officers do not understand that threats, extortion and harassment *online* should fall into the penal or civil code established for such crimes *offline*.[4]

Police are even less clear about how to apply the much acclaimed federal law[5] establishing women's right to live free of violence, and frequently are dismissive about such violence due to their own gender bias. Countless women have been told that until something "actually happens" there is nothing to be done. Very few recognise online violence as part of a continuum of generalised violence against women. Many women would not bother to go to the police anyway, given Mexico's poor record[6] in addressing violence against women, or because they themselves – though in many cases quite terrified by online harassment and threats – do not identify such acts as a "crime". Others do not report out of embarrassment at their own naiveté, or because intimate photos and information are at risk – data they would never want to be in the police's or anyone else's reach. The importance of addressing access to justice to end violence against women is evident in Louisa's comments:

> *"I was terrified, but the learning was greater. It was a huge relief that CONAPRED paid attention to our situation. I truly thought that we'd be killed and no one would know anything about it."*

Legislators recognise there is a problem with online violence, focusing concern on grooming, cyber bullying and trafficking of women and girls. The National Commission on Human Rights acknowledges that Mexico holds second place in the "export" of victims of trafficking to the United States, after Thailand.[7] False promises of modelling, hostess or child care jobs – or simply finding "true" love – lure young girls and women to making face-to-face contact with traffickers only days after meeting online.[8] For organised crime, child pornography and human trafficking for sexual exploitation are second only to the drug trade in profitability – surpassing the illegal arms trade. A representative of the United Nations Office on Drugs and Crime estimated that in 2010 at least 20,000 children were victims of commercial and sexual exploitation in Mexico.[9] Mexico is a principal producer and consumer of child pornography worldwide, occupying first or second place in production depending on the source.[10]

Legislative solutions, however, are protectionist, resulting in bills that directly violate basic human rights covenants, including freedom of expression and children's human rights. Antonio Martínez Velázquez, the Communications and Digital Content officer from Article 19's Mexico office, has flagged such legislation as moralistic: "Basically everything

2 This determination is not surprising – it is important to note that CONAPRED makes recommendations and is a voluntary mechanism, it is not a police unit for hate speech and discrimination.

3 Mexico's map documenting tech-related violence against women: mx.dominemoslatecnologia.net

4 In fact, in June 2012 during the 20th session of the UN Human Rights Council, Mexico signed a joint resolution affirming that the same human rights which apply offline must also be protected online, particularly freedom of expression. See the joint submission to the Human Rights Council by LaNeta and APC: www.apc.org/en/pubs/joint-submission-internet-related-human-rights-iss-0

5 Ley General de Acceso de las Mujeres a una Vida Libre de Violencia

6 As noted in paragraph 18C of the Committee to End Discrimination against Women (CEDAW) 52nd Session "Final Observations" for Mexico in July of 2012.

7 www.oem.com.mx/laprensa/notas/n2893750.htm

8 In an extra-official conversation at a forum in Cuernavaca, Mexico in October 2012, a Mexico City cyber police representative asserted it now takes a trafficker only four days online to convince his target to meet him in person. In 2010, experts speculated it took two weeks (www.genderit.org/sites/default/upload/mexico_ctryrpt_es_tics_violencia.pdf

9 www.noticiasmvs.com/#!/noticias/desplaza-pornografia-infantil-y-trata-de-personas-del-segundo-sitio-a-la-venta-de-armas-onu-158.html

10 In 2013, news sources cited the Red Internacional por el Fin de la Prostitución Infantil y Tráfico de Niños con Fines Sexuales as reporting Mexico in first place in child pornography production (www.oem.com.mx/laprensa/notas/n2919357.htm). However, a 2009 ECPAT International report put Mexico in second place, a statistic which continued to be cited even as late as November 2012. Either statistic is alarming.

has to fit into categories of good and bad, and what is not good must be bad." Allowed speech becomes fenced in to that which is "politically correct".

The recently vetoed cyber bullying proposal from the State of Nuevo Leon is an excellent example of such emerging legislation regarding the internet, as its vague wording not only advocated censorship, but also criminalised speech and made internet service providers responsible parties, as well as suggesting jail sentences for those participating in "offensive" activities via electronic media – activities which the bill never clearly defined, making interpretation and application of the law entirely subjective. "It meant having less speech in order to guarantee a vague and subjective understanding of what might offend an individual," Velázquez points out. He has raised similar concerns regarding the Supreme Court decision to outlaw words like "maricón" and "puñal" (both of which are derogatory terms in Mexico for homosexual men) as hate speech.[11]

In fact, Luzma is a journalist in one of the most dangerous countries in the world to practice her profession: more than 75 journalists have been killed in Mexico from 2000 to August 2013.[12] CIMAC, the Women's Communication and Information Agency, has documented 115 cases of specific aggressions against women journalists, noting an alarming increase in the last three years, and analysing the different forms of violence that women journalists face – beginning with defamation and sexualised violence and including 13 cases of femicide. Similar tactics are used against women human rights defenders, as Luzma and Louisa well know. The Special Rapporteur on human rights defenders noted in her 2011 report that human rights defenders and activists dedicated to women's rights or gender issues in the Americas are those that appear to be the most exposed to murder and attempted murder, particularly in Colombia, Mexico, Guatemala and Honduras.[13] Despite international recommendations, Mexico still does not have an official database disaggregated by sex, nor one that takes into account these specific threats faced by women human rights defenders and women journalists.[14]

In a general climate of increasing violence in Mexico and the urgency of addressing organised crime, there is pressure to dismiss and further normalise violence against women – even more so in cases of tech-related violence. Similarly, limitations on citizens' mobility, privacy and freedom of expression are put in a counterbalance with militarisation and surveillance to ensure public safety. The necessary exercise of putting legislation to the test and due process are at risk of being forgotten.

Interestingly, although Luzma's and Louisa's experience was a bit of a trial by fire, important practice emerges from it:

- They documented and made back-up copies of threats, at least the email ones.
- They reported the problem to authorities – to police, to human rights entities and also to the service providers that the threats were posted on, appealing for action based on the providers' terms of service.
- When one authority did not respond, they went to another authority. They insisted on making the system work, despite its weaknesses.
- When no authority responded, in the second case, they went on public record in the media with the problem, and on the internet.
- They also followed one of the basic tenets of freedom of expression: fight offensive words not with censorship but with more words – and in at least one case, they convinced religious conservatives to change their views about lesbianism.

Finally, they try to learn as much as they can about online safety, and share what they learn. We met in a workshop about tech-related violence, which is where they discovered their situation was not an isolated case.

> *"We learned a lot from that first experience. I became more aware about online safety and I began to look at online 'advertising' differently. But especially I learned you should never stop knocking on doors. If one authority won't do anything, then you have to make a move. We wouldn't have been able to do this without our feminist background. That's one of the things that feminism has taught me: that you can change the world – it's not just the terrain of men or extraordinary people. And I can change the internet. What is on the internet? A bunch of bull, so we put in our own 'bull' – I try to get my ideas out everywhere, in online magazines, Facebook, blogs. I try to write as much as I can on all sorts of issues – lesbianism, diversity – trying to get out a different vision of the world on the internet."* ■

11 www.animalpolitico.com/blogueros-altoparlante/2013/04/24/los-punales-de-la-suprema-corte/#axzz2Y6nLSCXU

12 Article 19 map of journalists murdered in Mexico: secure.flickr.com/photos/77679119@N02/9352532083/sizes/k/in/photostream

13 consorciooaxaca.org.mx/wp-content/uploads/2013/03/PronunciamientoDefensorasMesoCSW-FINAL-2.pdf

14 132.247.1.49/PAPIME306511/pdfs/Anex2_ObservcsfinalesCocedaw.pdf