

Universal Periodic Review of Mexico

Stakeholder Submission

by
LaNeta



and the
Association for Progressive Communications (APC)



www.apc.org

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SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW OF MEXICO

Joint Stakeholder Submission¹

Executive Summary

1. This submission is made by LaNeta and the Association for Progressive Communications. LaNeta is a civil society organisation created in 1991 as an electronic communication service for non-governmental organisations, other non-profit organisations and agencies that are linked to their work. APC (which has general ECOSOC consultative status) is an international network focused on ensuring all people have access to an open and free internet access to improve their lives and create a more just world.
2. The UPR must include a review of State performance in relation to the promotion and protection of human rights and fundamental freedoms on the internet, particularly freedom of expression and freedom of association.² In 2011 the Human Rights Committee noted that freedom of expression (including the right to information) includes internet based expression.³ Member States' existing human rights obligations⁴ extend to taking steps to ensure access to the internet and that limitations or restrictions on freedom of expression comply with agreed international standards, including women's human rights.⁵
3. This submission focuses on human rights on the internet, with a particular focus on violence against women, and protection of journalists and human rights defenders. Their situation is made especially acute and is a reflection of increased militarisation and generalised violence in Mexico, with 60,000 to 100,000 murders and 25,000 disappeared⁶. Despite the specific focus of this submission such a deterioration in the overall human rights in Mexico is of grave concern.

Follow-up on recommendations made in the first UPR of Mexico

Freedom of Information and Protection of Journalists

4. In its first review, Mexico accepted a number of recommendations to “Guarantee journalists and media personnel safety and security”⁷, to “Strengthen the rights of journalists and free media⁸ and to “Invite NGOs working on press freedom to a constructive dialogue on how Mexico can stop the violence against journalists and ensure press freedom”⁹.

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² Human Rights Committee, General Comment 34, Freedoms of Opinion and Expression, (21 July 2011, CCPR/C/GC/34).

³ Ibid, para 12.

⁴ The UPR monitors existing human rights obligations: Human Rights Council, Institution-building of the United Nations Human Rights Council (18 July 2007, A/HRC/RES/5/1, affirmed in Resolution A/HRC/RES/16/21).

⁵ Frank La Rue “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression” (26 April 2011, A/HRC/17/27).

⁶ Centro Miguel Agustín Pro Juárez. Transición Traicionada. Los derechos humanos en México durante el sexenio 2006 – 2012. 2013. <http://centroprodh.org.mx/comunicacion/Informe%20Sexenal%20150.pdf>

⁷ A/HRC/11/27 Final report of Working Group on the Review of Mexico, pg 24 (United Kingdom, Peru)

⁸ A/HRC/11/27 Final report of Working Group on the Review of Mexico, pg 24 (Germany)

⁹ A/HRC/11/27 Final report of Working Group on the Review of Mexico, pg 24 (Norway)

5. Mexico is one of the most dangerous countries in the world for journalists. In particular, journalists seeking to draw attention to organised crime, drug-trafficking and corruption are the subject of intimidation, assault and murder. Since 2000 more than 82 journalists have been killed, and many others kidnapped or disappeared, as a result of their work.¹⁰ Violence against women journalists is also on the rise, increasing from five reported cases in 2008 to 31 in 2011.¹¹ Perpetrators are rarely brought to justice, which deepens a culture of fear.¹² Intimidation methods extend beyond direct attacks on content producers to include family members and media outlet personnel, such as cleaning staff.¹³ According to the OHCHR, at least 98% of attacks against journalists and human rights defenders have gone unpunished.¹⁴
6. Mexico is the most dangerous not-at-war country for the practice of journalism - it only follows Pakistan, Iraq and Somalia, all countries at war - the justice system and laws ignore when a communicator asks for help or when his/her remains, together with family, demand justice.
7. Despite international recommendations, Mexico still does not have an official database disaggregated by sex nor considering the specificities women human rights defenders and women journalists face.¹⁵ The Special Rapporteur on human rights defenders noted in her 2011 report that human rights defenders and activists dedicated to women's rights on gender issues in the Americas are those that appear to be the most exposed to assassination and assassination attempt, particularly in Colombia, Mexico, Guatemala and Honduras.¹⁶
8. Violence against journalists and media is also increasing in online spaces. In 2010, organised crime used social media to spread messages of fear and intimidation.¹⁷ In 2011, four people were murdered between September and November in the city of Nuevo Laredo, as a direct result of online reporting about local organized crime and gangs through blogs, websites and social networks.¹⁸ Sexual harassment online of women journalists is exacerbated in online spaces.
9. On May 14th, 2012, a group of four experts from the United Nations and the Inter-American Commission on Human Rights urged the Government of Mexico to effectively implement the 'Law for the Protection of Human Rights Defenders and Journalists', which seeks to "[g]uarantee and safeguard the life, integrity and security of human rights defenders and journalists by creating a mechanism with the authority to implement measures to protect those at risk, as well as at preventing such risks from arising in the future."¹⁹ While the protection mechanism was created in 2012, by March 2013 full implementation has yet to be achieved. There is little dissemination of knowledge of the Mechanism, especially among journalists. Some states refuse to sign collaboration agreements and an absence of prevention protocols has meant that the Mechanism cannot guarantee journalist safety. The Mechanism focuses on protection and ignores prevention, failing

¹⁰<http://www.freedomhouse.org/article/protecting-journalists-and-human-rights-defenders-mexico>

¹¹CIMAC. "Violencia contra las mujeres periodistas: México 2010-2011".

¹²<https://www.amnesty.org/en/news/mexico-freedom-expression-still-under-attack-six-journalists-killed-2012-05-21>

¹³<http://www.jornada.unam.mx/2013/03/03/politica/012n2pol>

¹⁴Informe Anual Human Rights Watch 2013, México chapter

¹⁵ Final observations from the Comité para la Eliminación de la Discriminación contra la Mujer, México, Comité para la Eliminación de la Discriminación contra la Mujer, 52º período de sesiones, 9 a 27 de julio de 2012/ 24/ p. 9 http://132.247.1.49/PAPIME306511/pdfs/Anex2_ObservcsfinalesCocedaw.pdf

¹⁶<http://consorciooaxaca.org.mx/wp-content/uploads/2013/03/PronunciamientoDefensorasMesoCSW-FINAL-2.pdf>

¹⁷<http://globalvoicesonline.org/2010/05/12/mexico-fear-and-intimidation-in-electronic-media/>

¹⁸<http://www.wired.com/dangerroom/2011/11/mexican-blogger-decapitated/>, <http://www.freedomhouse.org/report/freedom-net/2012/mexico>

¹⁹<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12155&LangID=E>

to guarantee journalist and human rights defenders' safety. Furthermore, the Mechanism does not include a gender perspective nor does it have specific protocols for women human rights defenders and journalists.

10. A new risk posed to online bloggers and journalists is the privacy of online information. In 2012 the Geolocalization Law that came into effect, enabling law enforcement agencies, including potentially low-level public servants, to gain access without a warrant and in real time to the location data of mobile phone users. In 2011 three news agencies were forced offline by cyberattacks, and personal information and reporters' notes were stolen from their server.²⁰

Violence against women

11. In its first review, Mexico accepted recommendations made by Indonesia and Sweden to “Continue efforts to eradicate and address cases of violence against women”.²¹ Mexico also accepted the recommendation made by Belgium to “Set up structural measures to address systematically violence and violation of fundamental rights, of which women and human rights defenders are victims”.²²
12. As part of ongoing violence and in its most extreme expression, the murders of women in Ciudad Juárez, Chihuahua and in other states of Mexico continue. The National Citizen's Observatory on Femicides registered 3,976 cases of disappeared women and girls between January 2011 to June of 2012 in 15 states, with 54% of disappearances occurring in the States of Chihuahua and Mexico, half aged 20 or younger.²³ At least 10,000 women and girls have been violently murdered over the last ten years. Most of these cases are not brought before the courts.²⁴ Because of this, the families of victims and organisations working in solidarity with them mobilise on the internet. Many initiatives are very active online, such as Nuestras Hijas de Regreso a Casa (Bring Our Daughters Home)²⁵ or Justicia para Nuestras Hijas (Justice for Our Daughters).²⁶
13. The emergence of technology related forms of violence against women is part of the continuum of violence against women that “occurs in all countries, contexts and settings... is one of the most pervasive violations of human rights” and is a “manifestation of the historically unequal power relations between men and women and systemic gender-based discrimination”.²⁷ Cyberstalking, online harassment, image manipulation, and privacy violations have increasingly become part of intimate partner violence and sexual harassment compromising women and girls' safety online and offline in many countries, including Mexico. Women human rights defenders including LGBTQI activists and journalists face additional attack due to their participation in public online

²⁰<https://knightcenter.utexas.edu/blog/three-news-websites-hacked-mexico>

²¹A/HRC/11/27 Final report of Working Group on the Review of Mexico, pg 21

²²A/HRC/11/27 Final report of Working Group on the Review of Mexico, pg 22

²³Informe conjunto presentado por organizaciones del asociación civil mexicana para la segunda ronda del Examen Periódico Universal a México, 4 de marzo, 2013. Pg 13

²⁴www.eluniversal.com.mx/notas/530233.html

²⁵www.mujeresdejuarez.org

²⁶justiciaparanuestrashijas.blogspot.com

²⁷Based on E/CN.6/2013/4 para.15, Draft agreed conclusions, CSW 57

spaces²⁸ This area of violence against women is little-documented and there is little recourse for women who experience VAW mediated by technology.

Internet access

14. The Government of Mexico is to be commended for its support for the adherence to human rights standards on the internet at the Human Rights Council. On 29 June 2012, during HRC 20, the Government of Mexico signed a joint resolution affirming that the same human rights which apply offline, also be protected online, particularly freedom of expression²⁹ and recognising that the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms. Civil society welcomed this stance by the Government, but is concerned to see the Government take active steps to realise its affirmation in practice particularly in relation to internet access and freedom of association within Mexico.
15. Information and communication technologies (ICTs) are a key tool to share information and strengthen community action against violence. Mexicans have used many different kinds of media to remain united against violence. The internet and mobile phones have been important allies to different sectors of the population, allowing them to exchange information about drug cartel violence and to protect local communities in dangerous situations. Digital media have also served as a channel for the collective expression of civic discontent, and to mobilise citizens.³⁰
16. Internet penetration in Mexico has increased from approximately 20 percent of the population in 2006 to 36 percent by early 2012.³¹ However penetration outside of urban centres is extremely low, with infrastructure and cost major obstacles to access.³²

Recommendations:

17. We recommend the State of Mexico:
 - (a) Urgently address the current levels of impunity and lack of journalist and human rights defenders safety.
 - (b) Agree to take steps to strengthen the new protection authority Mechanism to ensure protection for journalists and media, including online content and developers. This necessitates addressing impunity, the development of violence **prevention** strategies to fully guarantee journalist and human rights defender safety, the inclusion of a gender perspective and protocols for women human rights defenders and journalists, as well as strategies for protecting privacy and anonymity of online content producers.
 - (c) Improve the evidence base on all forms of violence against women and girls (VAWG), including femicide/feminicide, in order to enable the development of effective, evidence-informed policies and programs addressing VAWG.

²⁸Fascendini & Fialovia, *Voices from Digital Spaces: Technology Related Violence Against Women*, Dec 2011.

²⁹ HRC Resolution: A/HRC/20/L.13

³⁰Vega, A.F. and Merino, J. (2011) *Ciudadanos.mx: Twitter y el cambio político en México*, Debolsillo, Mexico City.

³¹<http://www.amipci.org.mx/?P=articulo&Article=71>

³²<http://www.freedomhouse.org/report/freedom-net/2012/mexico>

- (d) Enact legal reform to ensure national laws addressing VAWG are in accordance with the Belém do Pará Convention and international agreements such as CEDAW and the Beijing Platform for Action, and guarantee effective implementation of existing laws that are in accordance with the Convention and international agreements.
- (e) Recognise violence against women and girls that is committed, aggravated and abetted by ICT as an emerging form of violence against women in monitoring, prevention and response mechanisms to end violence against women, including in public policy and if possible expanding the implementation of anti-VAW laws to respond to these forms of violence against women and girls.
- (f) Engage with and support civil society actors, human rights defenders and minority groups on issues related to human rights online, including protection of freedom of expression and freedom of association.
- (g) Ensure constitutional protections make it clear that freedom of expression in Mexico includes internet related expression, in accordance with the Human Rights Council Resolution on freedom of expression and the internet and General Comment 34 on Article 19 of the Human Rights Committee.³³
- (h) Agree to consider establishing national multi-stakeholder processes for internet governance and internet related human rights issues including internet access and development.

³³Frank La Rue “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression” (26 April 2011, A/HRC/17/27) at page 21, note 3.