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When Mexico Let Big Brother Spy

By Emilio Godoy



MEXICO
CITY, Sep
13 2013
(IPS) -

Edward Snowden's revelations have given rise to criticism of the governments of many countries, including Mexico. Credit: The Guardian/Glenn Greenwald and Laura Poitras

Non-governmental organisations are urging the United Nations Human Rights Council to demand explanations from the Mexican state for the weak protection it provided its citizens from large-scale spying by the United States.

On Oct. 23, the U.N. Human Rights Council will review Mexico's human rights record at its Universal Periodic Review, during its 17th session, to be held Oct. 21-Nov. 1 in Geneva.

The other countries to be reviewed in the session are Belize, Central African Republic, Chad, China, Congo, Jordan, Malaysia, Malta, Mauritius, Monaco, Nigeria, Saudi Arabia and Senegal.

"The issue is on the radar now more than ever due to Edward Snowden's revelations and the recent developments," said Carly Nyst, head of international advocacy at Privacy International (PI), a UK-based registered charity that defends and promotes the right to privacy across the world.

She was referring to Snowden, the low-level employee of Booz Allen Hamilton who blew the whistle on the U.S. National Security Agency's (NSA) global electronic surveillance.

"The U.N. is slowly acknowledging the implications of the surveillance," she told IPS. "Mexican civil society has the best opportunity to ask the Council to hold its government accountable."

In March, PI presented the report "The Right to Privacy in Mexico", warning of the risks of government meddling in this country's electronic communications.

"Despite Mexico's efforts to strengthen and embed protection of personal data both in its constitutional and legislative framework, there are concerns over certain surveillance practices and laws that have come into force since Mexico's last UPR," the report says.

"However, there is in general a lack of information and transparency surrounding the purchase and use of surveillance software by the Mexican government," it adds.

The British newspaper the Guardian reported in June that the NSA was collecting the telephone records of millions of customers of the Verizon phone company, both within the United States and between the U.S. and other countries.

The source of that information was Snowden, who is wanted by Washington on charges of espionage and has been granted temporary asylum in Russia.

Since then, a river of ink has flowed on the U.S. surveillance of private communications around the world, including Mexico.

Mexico has also acquired software to monitor telephone calls, email, chats, social media activity and browsing history.

"The [U.N. Human Rights] Council could hold it accountable for failing to react," said Cédric Laurant, one of the four founders of the Mexican NGO Son Tus Datos (It's Your Information), which has been advocating protection of privacy since 2012.

"It would be good if it did so. It would be good if pressure were put on the Mexican government," he told IPS.

In its report to the Human Rights Council, Mexico makes no mention of protecting privacy or personal information.

The Federal Law on the Protection of Personal Data, which went into effect in 2010, guarantees privacy and regulates the collection, use and disclosure of personal data, applying to both private and public entities.

But the law's guarantees were undermined when a Law on Geolocalisation entered into force in 2012. This legislation allows the government to gather, without notification and in real time, geographic data from cell-phone users.

In its March report "You Only Click Twice: FinFisher's Global Proliferation", the Citizen Lab – an interdisciplinary laboratory at the University of Toronto, Canada – identified command and control servers for intrusive surveillance technology called FinFisher, sold by Gamma International UK Ltd, in a number of countries, including two in the networks of private Mexican phone companies.

After the report was released, two Mexican organisations, Propuesta Cívica and ContingenteMX, asked the Federal Institute of Access to Information (IFAI) in June to investigate the use of the FinFisher spyware.

U.S. journalist Glenn Greenwald reported on Sept. 1 that the NSA monitored the communications networks of Brazilian President Dilma Rousseff and Mexican President Enrique Peña Nieto, including telephone, Internet and social network exchanges, during their election campaigns.

Only then did the Mexican government react sharply, calling on the U.S. administration of Barack Obama to conduct a thorough investigation, although in a less strongly worded statement than the one issued by the Brazilian government.

"I'm not sadly surprised, because governments have one perspective when it's about the citizens and another about the politicians," Nyst said.

"It's important Mexican society takes this opportunity and targets the government so that it doesn't create more insecurity. We're not going to get rid of surveillance, but we can ask for more transparency and accountability," she added.

PI, which also drew up reports on Senegal and China, is preparing a legal offensive against Gamma International for exporting FinFisher.

It is working with Mexican civil society organisations to get the IFAI to take in-depth action on intrusive surveillance by the government and private parties.

The issue will also be raised at the 35th International Conference of Data Protection and Privacy Commissioners, to take place Sept. 23-26 in Warsaw with the participation of civil society.

PI warns that "without adequate safeguards, such legislation, which endows government authorities with broad surveillance powers, compromises Mexican citizens' right to privacy, and is in any event an inappropriate and disproportionate response to the intended purpose."

It also recommends ensuring "that the use of surveillance software is strictly regulated and monitored by the Department of Defence and overseen by judicial and other independent authorities."

In addition it calls for ensuring "that appropriate mechanisms and reviews are put in place to guarantee that use of surveillance software is and remains necessary, legitimate and proportionate...[and demonstrating] transparency with respect to the purchase and use of surveillance software by government authorities."

Civil society "can demand to be allowed active participation in legislative processes, and ways for different sectors to be represented. They can send letters to the Mexican state, the presidency, Congress, as people do in the United States," Laurant said.
