

## A CASE STUDY FROM MEXICO

# PERSISTENT HARASSMENT PLAGUES LESBIAN ACTIVISTS

**Keywords:** monitoring and tracking; threats of violence; repeated harassment; abusive comments; stalking; emotional harm; mobile phone; email; blog; reported to rights body; reported to law enforcement; abuser is unknown; many abusers; reported to platform; reported to provider; provider deems no action necessary; queer rights; survivor's age is 31-45

### THE STORY AND THE VIOLENCE

Louisa, 40, and her partner Luzma live in the State of Mexico with Luzma's three children. Louisa is a psychologist who gives therapy and conducts workshops on lesbian rights, and many of these sessions take place in her own home. As a consequence of the work she does, Louisa has suffered from technology-related violence on several occasions. Here we will look at three of them.

When Louisa and her partner first moved to the State of Mexico, Louisa began to promote her work for lesbian rights on free advertising pages online and on social media. She recalls, "People, mainly men, began to call us on the phone at all times of the day and night, asking for sexual services." This situation went on for years. At one point there were repeated calls made to Luzma, telling her that Louisa was cheating on her. Finally, "We received an email at our Yahoo account threatening that they were going to burn down our house," she says. "The threat said, 'We know where you are, what time you meet... We know that you are turning women into lesbians, you are a pig, you are going to rot in hell.'"

The second major act of violence occurred when Louisa was travelling by bus and began to receive intimidating messages on her mobile phone, telling her that she was being watched. She subsequently received several more messages, including one sent

while a group of her friends were visiting. The message read, "We have photos of you and all the lesbians in the group." Of this Louisa says, "I was really scared then. Not just for me, but for the safety of the entire group, and for their anonymity too – not all of the women were openly lesbian."

The third act of violence took place after Louisa set up 12 blogs online comprising articles and discussions about different issues. At the same time, Luzma, who is a journalist, began reporting a case pertaining to corruption in another municipality. One day Louisa received an email saying, "Someone just wrote something on your blog." When she went online she found comments insulting Louisa and Luzma for being "fat, lesbian women" and threatening to rape Luzma's daughter. The comments explicitly referred to the case that Luzma was reporting and stated, "Get your hands off this situation or it's going to be bad for you."

The repeated violence deeply affected Louisa. She recalls, "I didn't want to leave the house. I was terrified and felt guilty. I was the dummy who had put our address on the internet... I wanted to shut myself away from the world." Throughout the various instances of technology-related violence Louisa faced, she felt worried and overwhelmed with responsibility – for both herself and her family, but also for her patients.

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## SEEKING JUSTICE

In the first case, when Louisa received the threat of her house being burned down, she approached the Public Prosecutor's Office. Here *she was told that threats were not legally punishable* in the State of Mexico. While it is true that threats are not listed as a crime, *discrimination is a crime*, and Louisa and Luzma were clearly the targets of discrimination based on their sexual orientation. Though there is no direct mention of sexual orientation in Mexican discrimination law, there is an "other" category listed under the grounds for discrimination, through which the case could have been filed. There is also a General Law on Life Free of Violence for Women, but very few public prosecutors appear to be aware of its existence. Furthermore, *law enforcement is largely unaware that online violence falls under the remit of the penal code* and that what applies offline also applies online. While legislators do recognise the problem of online crimes, *current concerns are focused on child pornography, intellectual property rights and fraud*.

After approaching the Public Prosecutor's Office, Louisa and Luzma went to the National Council to Prevent Discrimination (CONAPRED), who called on local law enforcement to file a complaint and protect the psychological and physical integrity of Louisa and the people who work with her. She recalls, "I think CONAPRED [took action] because they'd just been established, and they ordered the Public Prosecutor to receive the complaint. Even though they'd previously said it was not possible to do so, they did file a complaint [for discrimination]. They even sent an investigator to the house [to interview us]. They got in touch with the offender. They wrote to him explaining that what he had done was a crime, and that it wasn't allowed."

In the second instance of violence, Louisa went straight to CONAPRED. This time they did not support her. Although Louisa did not believe it was the phone companies' responsibility, she called them.

They informed her that *they could not do anything without a police warrant*. Given her last unsuccessful experience at the Public Prosecutor's Office, Louisa did not even attempt to approach them.

In the third instance of violence, Louisa approached the blog platform where she hosted her blogs and where the threats were taking place. The platform apologised and said that they had a policy whereby people had to register in order to post comments, but that these comments had managed to get through without a valid email address. Later, Louisa discovered that registering was optional. Louisa also reported the incident to CONAPRED, highlighting the threat of rape, but CONAPRED did not even answer.

## FINDING AGENCY

When Louisa and Luzma began receiving phone calls to their house, they *disconnected their home phone number* because, as she says, "I was sick of it and I didn't want anyone to be able to call again." Following the threats on Louisa's blog, and when neither assistance from CONAPRED nor other routes to justice seemed possible, *Luzma and Louisa organised a protest* on the same day as the local town festival. The media covered the protest, stating that Louisa's family's security was at risk. The harassment on the blog then stopped. As a result of these experiences, *Louisa takes several measures to protect herself online*, such as *maintaining a closed profile, not providing personal information and waiting for an exchange to be established before giving more information about herself*. Louisa has also made changes to her professional life and *no longer uses her house as a meeting place or for therapy*. Moreover, after attending an APC workshop, she is *aware about contacting intermediaries*, although she only does so for internet platforms rather than mobile or internet service providers. Finally, Louisa is *determined to carry on using these technologies*. She says, "I think the internet is marvellous, and I can't, I don't want to, I *won't* stop using it."



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