

Tripartite Technical Secretariat of the Open Government Partnership in Mexico

On February 11th 2017 a technical report elaborated by Citizen Lab¹, with the support of Civil Society Organisations (CSOs) such as SocialTIC and R3D regarding the possible participation of different Mexican government offices in the illegal digital surveillance against health rights advocates and researchers in Mexico was published by The New York Times². Since that moment, the member organisations of the Core Group of Civil Society of the Open Government Partnership in our country have been demanding the Secretary of Public Affairs (SFP) and the Board of the National Institute for Access to Information and Data Protection (INAI), counterparts of the Tripartite Technical Secretariat (STT), to act in an effective way upon this delicate matter.

Within this context, on February 16th 2017 one communication was sent to the STT with the request to approach the surveillance matter since this surveillance turns out to be illegal, as a control system and without a judicial law that intercedes; it leaves the citizens in a state of powerlessness and violate their privacy, besides being a practice associated with totalitarian states and being in contravention to the governmental openness that the principles of the Open Government Partnership promote. Through the STT there was a call to urgently undertake an exhaustive, serious, and impartial investigation that could allow to identify those responsible for the illegal surveillance in Mexico. There was a proposal to generate a proactive commitment in the Third Action Plan with the aim to address this problem and search, through the mechanisms proper to the Open Government Partnership, the implementation of actions needed to develop a regulation and practices that establish usage control, transparency, and accountability regarding surveillance actions in Mexico. Until this day no answer, neither public nor private, has been granted on behalf of the SFP, the National Digital Strategy Coordination or INAI.

In addition to that, two of the institutions who were victims to this surveillance have actively participated in the commitment in support of policies regarding combat and prevention of obesity of the Third Action Plan and have followed the Core Group in their meetings with Federal Public Administration that have been taking place to this end since 2016.

¹ "Citizen Lab is an interdisciplinary laboratory based in the Munk School of Global Affairs at the University of Toronto, Canada created to implement research and advanced development in the intersections of Information and Communication Technologies (ICT), human rights and global security.

² CitizenLab Report (February 11th, 2017): <https://citizenlab.org/2017/02/bittersweet-nso-mexico-spyware/>
New York Times Report (February 11th, 2017): <https://www.nytimes.com/es/2017/02/11/programas-de-espionaje-fueron-usados-contra-impulsos-de-un-impuesto-a-los-refrescos-en-mexico/>

Unfortunately, these actions are not an isolated case and reflect a *modus operandi* of illegal surveillance. As a result of these revelations, other civil society organisations and journalists have shown evidence of patterns of similar attacks which are also under analysis by CitizenLab.

Together with the surveillance and the lack of response of our counterparts in the STT, there is also the performance of different federal government offices that aimed to diminish the scope or substantially alter the commitments and lines of action agreed at the work tables and that were the result of extensive co-creative work with more than 300 participants.

Against this background, the member organisations of the Core Group of Civil Society have reached the conclusion that there are no dialogue nor co-creation conditions to continue inside the process of the Third Action Plan, as a result of the lost confidence in our counterparts in the STT. For this reason, we inform you the decision to cease our participation in the Third Action Plan and to discontinue our dialogue with the Tripartite Technical Secretariat.

In the light of the Human Rights crisis that we are facing in Mexico, the high corruption, impunity, violence, social discontent, poverty, and inequality indexes, the country needs to redouble its efforts to fulfill the binding and non-binding International Agreements and Initiatives that Mexico has subscribed to. In this regard, we should point out that the Core Group of Civil Society Organisations has decided to continue to work on promoting a governmental openness agenda in the country aiming to build the necessary conditions for the open government in Mexico to be a strengthened and reliable work platform of public problems solving.

Finally, we want to let you know that we will open a case through Response Policy which will be sent to the Directive Board of the Open Government Partnership.

Artículo 19

CIDAC, Centro de Investigación para el Desarrollo, A. C.

Contraloría Ciudadana para la Rendición de Cuentas A.C.

Cultura Ecológica A.C.

Fundar, Centro de Análisis e Investigación A.C.

GESOC, Agencia para el Desarrollo, A.C.

IMCO, Instituto Mexicano para la Competitividad A.C

Observatorio Nacional Ciudadano

Social TIC A.C.

Transparencia Mexicana