



A street scene in Mexico. Photo: CSW

MEXICO

FREEDOM OF RELIGION OR BELIEF

INTRODUCTION

Article 2 of the Mexican constitution affirms that Mexico is a 'pluri-ethnic' nation and affords a number of rights to its indigenous peoples, including the right to implement their own social, economic, political and cultural organisation, and the right to maintain and enrich their language and culture. The Law of Uses and Customs includes the caveat that this must be practised in accordance with Mexican constitutional law, and that human rights and gender equality must be respected.¹ Despite these safeguards, cases of gender discrimination and violations of fundamental human rights, including freedom of religion or belief, occur frequently in areas where the Law of Uses and Customs is applied. There is often little or no response from state or federal governments to violations of freedom of religion or belief (FoRB).

According to the National Commission for Human Rights (CNDH), the number of these violations has risen significantly in recent years. Studies by the National Council for the Prevention of Discrimination (CONAPRED) show that religious discrimination remains a serious and pervasive problem in many parts of the country, with the potential to worsen in the face of government inaction. Although root causes vary, the most important is an entrenched culture of impunity, as the state is averse to involving itself in 'religious affairs' and reluctant to prosecute those responsible for criminal acts linked to religious freedom violations.

Most violations of freedom of religion or belief linked to abuse of the Law of Uses and Customs are concentrated in the states of Chiapas, Guerrero, Hidalgo, Oaxaca, and Puebla, where there are large indigenous populations. Cases have also been reported in Michoacán, Jalisco and Nayarit. A combination of factors means, however, that

cases of FoRB violations are severely underreported. These factors include efforts by local authorities and state governments to minimise the religious aspect of these cases by labelling them as 'family disputes' or social and political conflicts. In addition, rule of law in these areas is low; over the past three decades local populations have grown accustomed to violations of freedom or belief, see them as 'normal', and often fail to report them. Only a handful of Mexican NGOs work on FoRB issues, and their documentation work is often constrained by limited resources and by the security challenges in states like Guerrero, Jalisco and Michoacán.

Despite the chronic underreporting, CSW estimates that there are approximately 150 active cases in the country involving serious FoRB violations, at any one time. This is based on data collected by Mexican religious freedom organisations and journalists, information received by state human rights commissions, and around ten fact-finding visits that CSW has conducted to the affected states over the past five years. Some cases involve one victim while others have upwards of 100. These violations happen at the local level, and the victims can include men, women, small children and the elderly. Since the beginning of 2016 Mexican religious freedom NGOs have documented 16 new cases of serious FoRB violations, affecting more than 200 individuals.² These include three forced displacements.

² When combined with the number of ongoing, unresolved cases from previous years, the total number of cases in the state of Chiapas alone reaches 50.

¹ While the Law of Uses and Customs is only meant to apply to indigenous communities, CSW has received cases involving non-indigenous communities invoking the law to justify FoRB violations.

Historically, the majority of FoRB violations have tended to arise out of conflicts between local leaders who hold traditionalist or syncretistic³ Roman Catholic beliefs, and non-Roman Catholics who do not wish to participate in or contribute financially to religious festivals, or who wish to practise a different faith or no faith. In recent years, changing demographics and an entrenched culture of impunity when it comes to FoRB violations has led to a small but still significant number of cases of non-Roman Catholics attempting to enforce religious conformity in their communities, and persecuting those who do not comply. This suggests that the problem is now so entrenched in these regions that without effective government intervention to protect FoRB, and policies that promote tolerance, the cycle is likely to continue – regardless of which religious group is in the majority.

Governing structures are often localised, giving village and municipal authorities significant power over their populations. In many of these communities, which can be relatively remote, there is no real state presence to monitor the implementation of the Law of Uses and Customs and to ensure that it is practised in accordance with human rights guarantees laid out in state and federal law. While it is the responsibility of state officials to intervene when FoRB violations do occur, they are often disinclined to do so for both practical and political reasons.

PATTERN OF FORB VIOLATIONS

In cases of religious intolerance leading to FoRB violations, the series of abuses tends to follow a similar general trajectory. First the local leaders declare the village to belong to one religion. This not only implies that the members of the community should hold a specific set of beliefs, but that they should also contribute financially to and actively participate in activities related to those beliefs, for example religious processions and festivals. In one example in January, Juan Hernández Alonso, a Protestant man in Ejido Atempa, Calnali Municipality, Hidalgo State was illegally imprisoned overnight after he declined to take up the responsibility of ringing the Roman Catholic church bell and organising the annual Roman Catholic religious festival. One village leader was also threatened with imprisonment when he failed to support the decision to imprison the victim. In another village in Hidalgo, San Pedro, Huazalingo Municipality, more than 58 members of the Monte Horeb Pentecostal Church refused to make financial contributions to or participate in the local Roman Catholic festival, and

as a result were banned from government work and social schemes.⁴

If members of the community in question belong to another religion, or to no religion at all, and do not wish to be forced to participate in the religious activities of another group, the local leadership usually begin to apply sanctions to the minority individual or group. These generally begin with fines, cutting off basic services such as water and electricity to the homes of the minority, barring their children from attending school, and prohibiting the burial of their dead in the public cemetery. In some cases the minority is also stripped of their civil and political rights, including the right to vote or to receive government benefits designated for certain communities. In one example in early April, five Protestant families in Barrio San José, Teopisca Municipality, Chiapas state had their water cut off and over 80 other Protestant families were forced to pay relatively large fines to avoid having their water cut off, after they declined to make an obligatory financial contribution to a local Roman Catholic festival. One month later the village authorities decided to cut off the water to the homes of 15 additional Protestant families, despite the fact that they had paid the fine demanded by the authorities. In another example, village authorities in Yashtinín, San Cristóbal de las Casas municipality, Chiapas State, refused to allow the burial in the public cemetery of an elderly man who had been violently displaced along with 12 Protestant families in 2012.

These sanctions can be applied for months or even years without government intervention. One Protestant Christian man in the state of Hidalgo has had his water cut off for 13 years because of his refusal to renounce his faith. In another case 127 Protestants, including children, in the village of Unión Juárez, La Trinitaria Municipality, Chiapas were without water or electricity for two years, until the case was finally resolved by the state government in February. In every case, at some point, if there is no government intervention to uphold the rule of law, these situations will escalate to violence, arbitrary detention, sexual assault, confiscation or destruction of property including churches and homes, and will usually culminate in forced displacement.

The case of the Dulce Presencia de Dios Church illustrates this trajectory. Nine families belonging to the church in the village of Gabriel Leyva Velázquez, Margaritas Municipality, Chiapas state, first came under pressure to renounce their Protestant beliefs in April 2015. On 15 December 2015 village Commissar Reynaldo Jiménez Hernández and Municipal Agent Francisco Jiménez Santiz organised a village assembly at which the Protestant adults were pressured to sign a document renouncing their beliefs. Seven of the Protestants were illegally

³ The term 'traditionalist' refers to Roman Catholics who practise a stricter, more orthodox version of the faith, while 'syncretistic' refers to Roman Catholics who practise a form of Roman Catholicism heavily influenced by pre-Columbian religious beliefs and rituals. There are also sometimes conflicts between the two types of Roman Catholics at the local level.

⁴ The local authorities, under the leadership of Leonardo Lucero León, Tomas Vázquez Vite, and Noé Félix Méndez also refused to receive the Protestants' regular contributions for basic services such as electricity and water, and prevented them from physical participation in village projects, for example cleaning the roads. As the village leaders have threatened to cut the group's water and electricity, this may be a pretext to justify the implementation of these threats.

imprisoned for two days, and all the families were forced to pay a fine. At a follow up meeting on 4 January, armed village leaders again attempted to force the families to renounce their faith. When they were unsuccessful, they burned their homes and forced the 34 Protestants to flee. On 2 March the belongings of the victims were dumped in front of the Municipal President's office in Las Margaritas. Many of the belongings had been destroyed. This was interpreted by the victims as a warning not to return, and they remain displaced.

GOVERNMENT RESPONSE

According to the law, the state government is primarily responsible for dealing with such conflicts; however, it rarely takes swift action to do so. State government officials overseeing religious affairs are political appointees and often lack any understanding of human rights, let alone freedom of religion or belief. Many have been accused of trying to 'eliminate' or lower statistics of violations of freedom of religion or belief, by labelling them 'political and social' not religious problems. In the Gabriel Leyva Velázquez case, municipal, state and federal officials all received repeated requests for urgent precautionary measures starting in November 2015, but took no action. Following the displacement, state officials claimed that the case was not religious in nature, ignoring the attempted forced conversions.

As in this case, situations are often allowed to escalate to the point of violence before state officials take steps to address the conflict in question. When they do, the strategy of these officials is often to negotiate extra-legal agreements in which the minority group is forced to comply to some extent with the demands of the village leadership. Charges are rarely, if ever, filed against those responsible for criminal acts including acts of violence.

It should be noted that each state also has an official human rights commission that acts as a kind of government watchdog body. There is a corresponding national human rights commission as well. While these human rights commissions, despite being chronically under-resourced, often do excellent work investigating human rights violations including FoRB violations, and publishing reports and recommendations, these are more often than not completely ignored by the government bodies that should be implementing them. In 2015 the Oaxaca State Ombudsman⁵ made repeated public calls to the state government to implement its recommendations on multiple cases involving severe violations of freedom of religion or belief, yet nothing was done. In late January 50 Protestant Christians from the Huichol indigenous group were forcibly displaced from the community of Tuxpan de Bolaños, Bolaños Municipality, Jalisco State, despite the fact that the Jalisco State Human Rights Commission said it had repeatedly informed and requested action from the state government in the months prior to the mass displacement. The group remains displaced.

Over the past year state governments have taken some action to resolve a handful of FoRB cases, but there is still a general failure to address such cases in a more systematic and proactive way. In January 2015 seven communities suffering long term violations of freedom of religion or belief signed an agreement with the Chiapas state government in which the authorities committed themselves to resolve these seven cases, setting themselves deadlines for each case, with a final deadline of 6 April 2015 for full implementation of the agreement. This agreement was reached after a group of forcibly displaced Protestants from Buenavista Bahuitz, Las Margaritas Municipality held a month-long sit-in in front of the state government palace in Tuxtla Gutiérrez in November 2014.⁶

However, to date only two of the seven communities have seen any movement by the state government to fulfil its promises to the communities. One of those resolved is the case of Union Juárez, mentioned earlier in the report. The Buenavista Bahuitz group returned home after three years of forced displacement, under an agreement negotiated by the government, but under conditions that continue to severely restrict their freedom of religion or belief. The other groups continue to wait for the government to take action to fulfil its promises; in the meantime, the situation for some of the groups has grown considerably worse since they signed the agreement with the government to resolve their cases.

Positive government actions are not always followed up by the monitoring needed to ensure that FoRB is upheld, after the government resolves and effectively closes a case. The case of Casto Hernández Hernández and Juan Placido Hernández, both illegally imprisoned and then displaced from the community of Chichiltepec, Tlanchinol Municipality, Hidalgo State in March 2015 appeared to come to a positive resolution after an 11-month legal battle.⁷ In an agreement negotiated by the local prosecutor's office the village authorities formally admitted that they had violated the two men's rights, agreed to allow the two men to return to their homes and to uphold FoRB for all in Chichiltepec. The two victims, in return, agreed to drop the charges they were pursuing against the village authorities. Since their February return, however, the two men say that the local authorities have not kept their promise to uphold FoRB for all and that the state government has taken no action to ensure the full implementation of the agreement.

⁶ See CSW's trip report from April 2015 for a copy of the agreement <http://docs-eu.livesiteadmin.com/dc3e323f-351c-4172-800e-4e02848abf80/2015-05-mexico-visit-report-for-public-use-compressed.pdf>

⁷ It should be noted that the two men had legal representation paid for by a grant from the US NGO Freedom House. With this, it is unlikely that the case would have received any attention from the government at all.

⁵ In Oaxaca state, the state human rights commission is called the 'State Ombudsman'.

CONCLUSION

Serious violations of religious freedom targeting religious minorities have occurred on a widespread basis since the 1970s in states where the Law of Uses and Customs is applied. Almost 40 years on, it is impossible to justify the government's failure to address the issue in any comprehensive way. Instead, expulsions continue, religious tensions continue to be exploited for political and economic interests, and social instability continues to grow. Endemic corruption in the government and the growing presence of criminal groups involved in trafficking of humans, drugs, and protected biological resources, only add to this problem.

It is CSW's view that the state governments are unable or unwilling to address ongoing and severe violations of religious freedom. Many victims have now waited years for justice only to see their cases ignored or even archived by the government officials responsible for helping them. Given the serious nature of the violations, the severe physical and economic insecurity in which the victims are living, and the length of time that has passed in many of these open cases, CSW calls on the federal government to engage with state governments, as a matter of urgency, to find an effective resolution to outstanding and current cases of religious freedom violations, and to begin to build a culture of tolerance and respect for fundamental human rights including religious freedom, at every level from the local villages to the governor's office. In the same way, investigations into attacks on religious leaders must be carried out swiftly and thoroughly and those responsible must be brought to justice, in order to break down the culture of impunity and ensure that civil society, including religious organisations, is protected under the rule of law.

RECOMMENDATIONS

To the United States

- Regularly engage with the Mexican government on cases and issues related to violations of freedom of religion or belief in line with the International Religious Freedom Act
- Ensure that the US embassy and consulates in Mexico actively monitor cases of FoRB violations, feeding these back to the State Department for use in its reports and designation of countries of particular concern
- Set aside State Department funding for projects to promote FoRB, fight impunity and build a culture of rule of law
- Ensure that the US embassy and consulates in Mexico work closely with the National Human Rights Commission, the National Council for the Prevention of Discrimination, and state human rights commissions on issues related to FoRB, and cooperate in awareness-raising and capacity-building on FoRB within government institutions
- Ensure that the US embassy and consulates in Mexico develop and maintain ties with civil society groups working on the issue of freedom of religion or belief, and work with them in awareness-raising and capacity-building on the subject within Mexican civil society at the national and state level, with a particular focus on states where there is a high incidence of FoRB violations.

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CSW is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

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