

briefing

Mexico

Religious Freedom and Equality

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I. Executive summary

The Mexican Constitution guarantees freedom of religion and belief to all its citizens, and Mexico is party to a number of international agreements including the San Jose Pact, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). However, in practice religious liberty violations are a relatively common occurrence, especially in certain regions. Although root causes vary, many violations occur with impunity because of reluctance on the part of the state to involve itself in 'religious affairs'. Despite a highly religious population, Mexico has historically had a complicated relationship with 'religion'. Both Roman Catholics and Protestants have suffered severe persecution over the course of the country's history. The government's adherence to an extremely strict interpretation of the concept of a separation of church and state has at times led the government to distance itself from anything involving religion or religious groups, to the extent of failing to protect actively the individual's right to religious freedom.

The state's reluctance to defend religious freedom proactively is in some parts of the country compounded by the Law of Uses and Customs, which gives significant autonomy to indigenous communities. While this is supposed to be exercised in line with human rights guarantees laid out in the Mexican Constitution, in practice this does not always occur. Local leaders often try to enforce community uniformity in terms of religious practice and belief, compelling members of the community to participate in religious activities, usually Roman Catholic or a syncretistic blend of Catholic and pre-Columbian beliefs, or face punishment. Violations range in severity, but in the absence of government intervention and because of a failure to hold the perpetrators to account, they all too often escalate to the point of destruction of property, arbitrary detention, forced displacement and violence.

All state and federal governments have a designated office to deal with religious affairs and it is the responsibility of these offices, particularly on the state level, to address violations of religious freedom and to actively mediate a solution. In reality, these officials are often poorly resourced and receive little support from the state government, which severely limits their ability to address these situations in any effective way. There are some notable exceptions: Tabasco State has one of the highest non-Catholic populations in the country but few reported religious conflicts or religious freedom violations, partly because of a well-resourced and pro-active state department for religious affairs.

Finally, increased general violence in Mexico due to the conflicts between different illegal groups involved in drugs, arms and human trafficking, and extortion rackets, has had a chilling impact on religious freedom. The illegal groups see churches as an attractive target for extortion, and their leaders as potential threats to their influence and aims. Over the past few years the number of religious leaders under threat, including Catholic priests and Protestant pastors, has skyrocketed. Sadly, a significant number have been killed or kidnapped, though precise figures are difficult to obtain because of witnesses' fear of retaliation by those responsible.

2. Recommendations

2.1 To the Mexican Government

- That legal guarantees for freedom of religion and belief are upheld for all, and that where other laws apply, for example in communities governed by the Law of Uses and Customs, these be practised in accordance with the Mexican Constitution and its international human rights obligations;
- That government officials at the state and federal levels responsible for religious affairs, and in particular those in regions where there are frequent violations of religious freedom or conflicts between religious communities, be given regular training in mediation and in human rights law, particularly pertaining to religious freedom, and sufficient resources to carry out their duties;
- That the state actively pursue legal action against individuals and groups responsible for violations of religious freedom and other fundamental rights, and hold them to account for their actions. Individuals and groups who have committed criminal acts should be charged and prosecuted according to the law;
- That the state carry out thorough investigations and prosecute those responsible for the violations committed in all the cases listed in this report, as well as the acts of vandalism and disruption at the Mexico City Cathedral in 2011, and the Acteal Church Massacre in 1997;
- That the governments of Chiapas, Guerrero, Hidalgo and Oaxaca ensure safe return for the victims of forced displacement in those states, including from the communities of San Juan Yatzona, Los Llanos, San Gregorio, Guadalupe los Altos, Yashtinin, and San Juan Copala, and/or compensation including provision for adequate and safe resettlement, when return is not possible;
- That the Chiapas state authorities take swift measures to implement the November 2010 recommendations of the National Human Rights Commission on the Los Llanos case;
- That the Puebla state authorities take immediate and concrete steps to resolve the conflicts in San Jose de Axuxco and in San Rafael de Tlanalapan, and protect the basic rights of its inhabitants, especially those currently under threat;
- That the Hidalgo state authorities investigate all cases of arbitrary detention and violence and prosecute those responsible;
- That the government where possible offer protection to church leaders, including Catholic priests and Protestant pastors, who are under threat from illegal armed groups; and carry out thorough investigations into assassinations and kidnappings of and threats against church leaders, holding those responsible to account.

3. Law of uses and customs

A major contributor to violations of freedom of religion and belief in Mexico is the conflict between constitutional law, which guarantees religious liberty to all citizens, and the Law of Uses and Customs, a kind of local and regional autonomy, in place in parts of the country where there is a high indigenous population. Article 2 of the Mexican Constitution affirms that Mexico is a “pluri-ethnic” nation and affords a number of rights to its indigenous people, including the right to implement their own social, economic, political and cultural organisation and the right to maintain and enrich their language and culture; with the caveat that this must be practised in accordance with Mexican constitutional law and that human rights and gender equality must be respected. Despite these safeguards, violations of fundamental human rights including religious freedom, and cases of gender discrimination, occur frequently in many of these areas. There is often little response from state or federal governments.

The majority of the violations of religious freedom linked to abuse of the Law of Uses and Customs are concentrated in the states of Puebla, Hidalgo, Oaxaca, Guerrero and Chiapas where there is a significant indigenous population. Authority structures are often localised, giving village and municipal authorities significant power over their populations. In many of these populations, which are often 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.

In these cases, the majority of religious liberty violations tend to arise out of conflicts between traditionalist or syncretistic Roman Catholic local leaders, and non-Catholics who do not wish to participate in or contribute financially to religious festivals, or who wish to practice a different faith or no faith. These abuses can range in severity from cutting off water and electricity, and preventing non-Catholic children from attending school, to beatings, forced displacement, and in the most extreme instances murder. Local authorities often justify these abuses with the excuse that it is their right, under the Law of Uses and Customs, to protect their culture.

According to the law, the government is responsible for mediating a resolution to such conflicts; however, it often fails to do so. The geographic remoteness of these populations, language barriers, poverty, and the victims’ low awareness of their rights, along with the historic marginalisation of these communities, all contribute to a culture of impunity.

4. Chiapas

The state of Chiapas continued to have some of the highest numbers of reported violations of religious freedom and acts of religious intolerance in the country. Protestants in various parts of the state including Las Florecillas, San Cristóbal de las Casas Municipality, Cuauhtémoc Cárdenas, Palenque Municipality¹ and El Carrizal, Pantepec Municipality were reportedly denied electricity, water, and access to sanitation. In addition, many were refused access to land and not permitted to farm (the subsistence living of most). In Unión Juárez, La Trinitaria Municipality 24 families had basic services of water and electricity cut off because they refused to contribute financially to the religious festival of La Candelaria. In May 2012, fifteen Protestant families in Venustiano Carranza had their electricity and water cut off. Despite six requests to municipal and state authorities to intervene, the situation remains unresolved at the time of writing. On 28 August in José María Morelos y Pavón, Tumbalá Municipality a number of Presbyterian and Pentecostal families were denied community benefits. Hard-line traditionalist Catholics told the families that the community was “only for Catholics.”² Legal complaints were filed in this case as well, but it remains unresolved.

The number of forcibly displaced also continued to grow. On 22 December 2011 30 Protestants were forcibly displaced from Guadalupe los Altos, Las Margaritas Municipality. In October, the group of Internally Displaced Persons (IDPs) protested at municipal government buildings, demanding that the government intervene to protect their rights.³ On 14 June 40 Protestants were forced to flee from Yashtinin, San Cristóbal de las Casas Municipality after a group of hard-line traditionalist Catholics attacked the Maranatha Church building during a Sunday morning service, shutting the church down and imprisoning some of the Protestants. They were released from prison the following day but told to convert back to Catholicism or they would be burned alive with their wives and children. A group of men armed with machetes proceeded to destroy nineteen homes belonging to the Protestants, burning some of them to the ground. In August, eleven Protestant children from the same community were denied the right to attend school.⁴ The Yashtinin IDPs are currently being housed in a refuge in San Cristóbal de las Casas along with 100 other IDPs, victims of religious intolerance, from various communities including large groups from Los Llanos, San Cristóbal de las Casas and San Gregorio, Huixtán.

4.1 Los Llanos, San Cristóbal de las Casas

In late April 2009, a mob attacked the Protestant church in the village of Los Llanos during a prayer service and beat the pastor. One month later, the same church was attacked again and completely destroyed. In September of the same year, the local authorities sent a letter to the governor of Chiapas State explicitly declaring that they had given the Protestants a deadline to leave the village and if they did not do so before the beginning of October, they would use force to expel them. In January 2010 the local authorities informed the Protestants that they were no longer permitted to attend village assemblies, and that they were prohibited from cultivating their crops. In addition, thirteen homes belonging to members of the Protestant church were completely destroyed, leaving around 30 people homeless and forcibly displacing the community.

¹ <http://noticiaspalenque.wordpress.com/2012/01/18/demandan-evangelicos-de-cuauhtemoc-cardenas-respeto-a-sus-derechos-humanos/>

² <http://rotativo.com.mx/nacionales/reportan-presunto-caso-de-intolerancia-religiosa-en-chiapas/108283/html/>

³ http://www.informativodelsur.com/informativo/index.php?option=com_content&view=article&id=321:policia&catid=36:football&Itemid=65

⁴ <http://www.noticieromilamex.com/persecucion-en-chiapas/>

The group filed a complaint with the National Human Rights Commission (CNDH) in late January 2010. In its conclusions and recommendations, issued on 30 November 2010, the CNDH found that the fundamental rights of the Protestants had been violated by the local and state authorities in Chiapas and recommended that they be allowed to return to their homes, afforded protection by the government, and that their right to religious freedom be upheld. Interestingly, in its report, the CNDH said they had found no evidence that the municipal government had taken any action to “guarantee their rights and especially their physical integrity,” after it became aware of the situation, but that in fact “to the contrary, one can presume there was a lack of interest to resolve the conflict arising out of religious intolerance.”⁵

In April 2011, the CNDH visited San Cristóbal de las Casas to follow up on progress on the implementation of the recommendations. Unfortunately, it does not appear that the local or state governments have taken any steps to comply with the CNDH’s recommendations. In August 2011 the community, still displaced and living in a church in the centre of San Cristóbal de las Casas, held a public demonstration to protest the government’s inaction on the case and to demand the right to return to their homes, and protection for their religious freedom. The group was joined by Protestants from the village of San Gregorio, Huixtán, also in Chiapas, who were forcibly displaced in 2010. At the time of writing, both cases have yet to be resolved.

4.2 Acteal

A particularly egregious case which received worldwide attention and condemnation has yet to be satisfactorily resolved by the government. On 22 December 1997 a right-wing paramilitary group with alleged links to the governing political party opened fire on a group gathered in a Catholic church in Acteal, Chenalhó, Chiapas for a prayer vigil. Out of the group of mainly women and children, 45 people were killed, including 33 women and eleven children under the age of ten. Eyewitness reports said that a number of pregnant women were shot or bayoneted in the stomach.

Despite the national and international outcry at one of the most horrific violations of human rights in Mexico’s modern history, justice for the victims remains elusive. Local human rights groups say the perpetrators of the attack, including government officials and members of the military, have never been publicly identified or held to account. While more than 70 individuals were detained and many were convicted of participation in the attack, serious questions about the evidence and trials led to the release of 40 of the prisoners in 2009 and a further six in early 2012. A civil suit has been filed against Ernesto Zedillo, president of Mexico at the time of the massacre, in the United States. The state’s failure to properly investigate the Acteal Church Massacre, and its subsequent seeming inability to hold the true perpetrators to account have contributed to a culture of impunity, collusion and corruption, and have exacerbated tensions between religious communities in the region. Worryingly, there have been recent reports that two of the paramilitary groups thought to have been involved in the massacre, the ‘Red Mask’ and ‘Peace and Justice’ groups, have rearmed and are active again in the region.

⁵ The full text of the CNDH’s findings (Case 71/2010) are available on www.cndh.org.mx

5. Guerrero

In 2011 a number of cases of religious intolerance were registered with the Guerrero Commission for Human Rights (GCHR). These included fourteen cases in Ahuacotzingo and Zitlala, two cases in Tepecoacuilco and Ixcateopan, and multiple cases of forced displacement in the regions of Costa Chica and La Montaña. On 11 April 2011 conflict broke out in Cochoapa El Grande in the region of La Montaña, when traditionalist leaders accused Protestants of “dividing the community.” Five Protestants were imprisoned for “attacking” the law of uses and customs. In addition, local hard-line Catholics refused to allow the body of an elderly Protestant to be buried in the village cemetery. Days later, after legal complaints were filed, the family was allowed to bury the body.

In 2012, violations of religious freedom were reported in Coatlalco, Cualác Municipality, El Capulín, Tlacoachistlahuaca Municipality, and Acalmani, Iguala Municipality. On 29 April 2012 in Acalmani a six-year conflict between Protestants and Catholics escalated when hard-line Catholics attempted to force the Protestants to participate in Catholic rituals. The same day in El Capulín, a Mixteco community, four Protestants including a wheelchair-bound pastor were beaten publicly by hard-line traditionalist Catholics after the Protestants declined to participate in a festival in honour of the patron saint of the locale. The leader of the Union of Evangelical Peoples of Guerrero (UPEG) and the state sub-secretary for religious affairs, Jorge Gonzalez Rivero, convened a meeting in early May to resolve the dispute. However, this was postponed when the Catholic leaders from the village did not attend. A second attempt at a meeting on 16 June was unsuccessful when Gonzalez Rivera did not attend, citing bad weather.

6. Hidalgo

On 30 March, four Protestant pastors were imprisoned in Pahuatlán, Huejutla de Reyes after they and around 300 members of their churches refused to contribute financially to the Catholic festival honouring the patron saint of the village. The village delegate, Antonio Cruz, had demanded that each person contribute 350 pesos (approximately €20). The Protestant pastors attempted to resolve the dispute through legal channels, pointing out that there was no legal obligation for any Mexican citizen to contribute to or participate in a religious festival. They made an appointment with the government human rights office in Huejutla, but were imprisoned in Pahuatlán before the meeting took place. They were later released; however the situation remains tense, particularly for the Emanuel First Baptist Church in Pahuatlán which has been the target of repeated threats.

In June, church leader, Pastor Jose Carpio Lara, told the Christian news agency Milamex that in addition to the situation in Pahuatlán, Huejutla de Reyes, Protestants in Totonicapa and Cuamecaco, San Felipe and Huazlinguillo, Huautla had come under threat. Pastor Carpio Lara stated that Protestants in those areas had been subjected to arbitrary detention and forced displacement, and that traditionalist Catholics had threatened to destroy church buildings.

On 8 July, a group of Protestants was forced to flee after coming under attack from a mob of around twenty traditionalist Catholics in Santa Anita I, Aquismon, San Luis. The group threw bottles, stones, pieces of glass and sticks at the Protestants, leaving some wounded and the pastor's truck badly damaged. One arrest was made following the attack.

7. Oaxaca

In 2011 the Oaxaca Human Rights Commission (OHRC) registered ten cases involving religious freedom violations. These included cases of forced displacement, discrimination, threats, abuses of authority, fines, arbitrary detention and the refusal of basic services including water, electricity and access to education. 21 families were recorded as forcibly displaced from Reaguí, Cacalotepec and Estancia de Morelos. Between January and 28 April 2012, the OCHR had registered three new cases of religious intolerance. Religious intolerance is a particular problem in the regions of Coicoyán de las Flores, San Carlos Yautepec, La Trinidad Zaachila, San Ildefonso Villa Alta, and Santa Cruz Xoxocotlán.⁶

The state of Oaxaca has one of the highest numbers of IDPs in the country; localised religious intolerance is one of the principal reasons for the high rate of displacement⁷. Unfortunately, as in other states, there has been little effective state response to address the displacement, and victims are often left vulnerable to further human rights violations. In January, five IDP women travelled to Tlaxiaco to protest and request help after they and their children were violently thrown out of their homes at 4am by police in Valle del Rio San Pedro, San Juan Copala. The five women, Sofía Martínez Martínez, Susana Marino Cruz, Hermelinda Pérez Martínez, Eva Gómez Santos and Amada López Reyes are part of a settlement of 66 Protestant women and children who had been forcibly displaced from different communities in San Juan Copala in 2008 and were living together in rudimentary huts in extreme poverty in Valle del Rio San Pedro. The members of the group, which includes children and elderly women, were all originally expelled from their communities because of their religious faith and are unable to return.

In some cases, despite favourable court decisions, the government has still failed to take action to uphold religious freedom. In May the Fifth District Court issued a decision requiring the state to take action in the case of Pastor Imeldo Amaya Gabriel, a Protestant who was expelled from the village of San Andrés Yaa, Villa Alta in the region of Sierra Norte on 5 July 2010. Despite previous court rulings in favour of Pastor Amaya Gabriel, the government has not taken any action to enforce these decisions and to ensure Pastor Amaya Gabriel's safe return to his community. During the forced expulsion, the Protestant church and the stairs leading to the pastor's home were partially destroyed.

In October a local human rights group, the Christian Ombudsman for Human Rights (DECRISDH) filed a request with the OCHR to take action in the case of Juan López Santos. The community of Santiago Vargas in San Carlos Yautepec Municipality had stripped López Santos of his rights as a citizen in August because of his refusal to participate in a Catholic religious festival. López Santos, a small scale farmer, was specifically prohibited from working in his fields. On 13 August radical traditionalist Catholics hung a chain across the access drive to López Santos' home, preventing him from moving his vehicle, in an attempt to forcibly prevent him from cultivating his land.

7.1 San Juan Yatzona, Villa Alta

The case of San Juan Yatzona was covered in CSW's 2011 report but remains unresolved. On 22 July 2007, traditionalist Catholics forcibly displaced nine families, approximately 56 people, from the village of San Juan Yatzona, Villa Alta, Oaxaca. The group of Protestants, who belong to a Pentecostal denomination, were given the choice to renounce their faith or leave the village. They say the situation escalated over a period of months, with no intervention on the part of the government.

⁶ <http://www.diariodelamixteca.com/oaxaca/intolerancia-religiosa-mal-que-persiste-en-oaxaca.html>

⁷ <http://www.pagina3.mx/principal/1664-en-oaxaca-casi-3-mil-indigenas-desplazados-en-4-anos.html>

The local authorities first cut off the Protestants' water, then prevented them from attending to their coffee cultivations, boycotted their goods, and refused to give Protestant children certificates of graduation at the local school. The persecution culminated in the local authorities instigating a mob which attacked the homes of the Protestants at 11pm during a rainstorm, and forced them out of the village with nothing more than what they were wearing. A handful were allowed to remain after they publicly renounced their faith and paid a fine of approximately €600.

Since 2007 the group, which includes elderly men and women, has lived in an impoverished area in the outskirts of Oaxaca (the capital city of the state), collecting rubbish in order to survive. Local authorities at first forbade them from selling their land and goods left behind in the village, but after pressure from the state government said they would allow the Protestants to sell. However, members of the group told CSW that despite the promise to the government, the local authorities are prohibiting anyone from buying the Protestants' goods and land, leaving them in the same position.

It is worth noting that an expulsion of five families took place in the same village in 1984, with no response from the government. The group says this emboldened the local authorities to forcibly displace the non-Catholics once again in 2007. There are concerns that the state's weak response to the most recent case will lead to more forced expulsions.

8. Puebla

8.1 San Rafael de Tlanalapan

In September 2011, CSW received reports that local leaders, traditionalist Catholics, had threatened to lynch approximately 70 Protestant Christians if they did not leave the village of San Rafael de Tlanalapan. According to reports, many of the Protestants fled the village or took refuge in the Alto Aposente Church. Unlike many other similar cases, the situation in San Rafael de Tlanalapan received significant press attention in and outside Mexico, which may have helped to push the state government to take action. Over the next few weeks state officials negotiated a resolution to the conflict.

The two sides arrived at an agreement, facilitated by the state, which had it been effectively implemented could have served as a model for similar conflicts. Catholic and Protestant leaders committed themselves to promoting a culture of religious tolerance and respect, while government officials reaffirmed the state's responsibility to protect and uphold religious freedom. In addition, the Protestants agreed to move the site of their church to another part of the village in order to minimise tensions. It should also be noted that the hierarchy of the Catholic Church took swift action to remove the local priest, whom many of the villagers accused of instigating the hostilities.

Unfortunately, problems have persisted over the past year as a group of traditionalist Catholics have continued to harass and threaten the Protestants. On 14 May 14 Juan Carlos Ovando Coeto and Alicia Coeto Romero, the son and wife of Pastor Josue Ovando, leader of the Alto Aposente Church, were beaten by auxiliary police in San Rafael Tlanalapan. A request for protection for Pastor Josue Ovando has been filed, along with an official complaint regarding the police attack on his wife and son.

8.1 San Jose de Axuxco

Tensions in the village of San Jose de Axuxco in Puebla State arose in May 2011, when members of the local Baptist church refused to contribute financially to a Roman Catholic religious festival. One member of the community, Juan de Dios Olmos Montiel who was collecting money from all residents of the village for the religious festival, threatened and assaulted Juan Ramon Hernández, a member of the Jesus el Buen Pastor First Baptist Church, and also made threats against Aniceto Balderas Hernández, the legal representative of the church.

Olmos Montiel went on to file a complaint against the members of the Baptist church because of their refusal to pay for the religious festival. The local authorities agreed to punish the Baptists by cutting off their access to water used for watering their fields. This had a devastating impact on the Baptists' crops, leaving many of them in severe financial difficulties.

In the absence of any government intervention, and because of the continued refusal of the Baptists to contribute to the religious activities, the situation escalated. In August, the local authorities cut off the Baptists' supply of potable water. This is of course not only a violation of their basic human rights, but also constitutes a serious health risk. At the time of writing the government has failed to intervene.

9. Extortion, kidnapping and threats

A significant portion of the income of the drug cartels battling for power and territory across Mexico comes from extortion, and many of the groups see churches as attractive targets. Church leaders who refuse these demands on moral grounds often face severe repercussions: in 2010 two priests were kidnapped and killed, and in April 2011 a Protestant pastor in Michoacán, Josué Ramírez Santiago, was kidnapped by masked men while leading a Sunday morning church service. According to a survey carried out by the Catholic Media Center, in 2010 more than 1,000 priests were targets of extortion attempts and 162 of those had received death threats.⁸ Protestant denominational leaders reported to CSW similar trends in their churches, and say that more than 100 church leaders have been kidnapped over the past few years.

Intimidation of religious leaders is increasingly common - particularly those who speak out against the violence or who are actively involved in ministries that support drug and alcohol addicts, victims of human rights violations, and young people looking to leave or avoid a life of violence. Individual Christians who resist attempts at coercing them into cooperating with or turning a blind eye to illegal activities and corruption, are also frequently targeted. CSW recently visited the site of a church which was burnt down in Acapulco after a church leader refused to facilitate an illegal transaction.

Because of the high level of fear engendered by the brutal and very public tactics of the illegal groups to intimidate the population, church leaders and other victims of these violations of religious liberty are extremely reluctant to speak out. While this makes it difficult to measure precisely the extent of these abuses, both Catholic and Protestant leaders have told CSW that this is one of the most serious problems facing the Church at the current time, and its impact on religious freedom has been alarming.

⁸ *Report on the increasing violence against priests in Mexico* Fides 18 March 2011; <http://www.fides.org/aree/news/newsdet.php?idnews=28606&lan=eng>

10. Failure to investigate violations of religious freedom

Mexican law strongly emphasises the separation of church and state. While this approach can be useful in cultivating an environment of tolerance for diverse beliefs and practices, in Mexico the concept has at times been abused, and used as an excuse to avoid addressing flagrant violations of religious liberty. The Catholic Church strongly protested in 2011 after six or seven people burst into the Mexico City Cathedral during Easter Mass, “shouting anti-life and anti-Church slogans”. The group vandalised the church, defacing an image of Our Lady of Guadalupe.

The individuals responsible were briefly detained but later released, and have not faced any legal repercussions for their actions. Despite a strong multi-denominational reaction, involving a formal joint statement by seventeen different church groups calling on the government to guarantee religious freedom and to hold to account those who violate this right, the state did not pursue the case.⁹ Religious leaders are clear that they believe this case is part of a larger pattern of state inaction and failure to prosecute those responsible for violations of religious freedom, under the guise of the separation between church and state. They expressed their demand to CSW that the government take the initiative to proactively protect religious freedom.

⁹ *Mexican Christian Leaders on Religious Freedom* Zenit.org 6 May 2011; <http://www.zenit.org/article-32505?!=english>

II. Conclusion

While the federal and state governments are not generally directly responsible for committing serious violations of religious freedom, it is their duty to ensure that the rights laid out in the Mexican Constitution are upheld for all its citizens. The separation between church and state does not exempt the state from responding effectively to breaches of its own law, even when these crimes are committed under the pretext of religious beliefs. In the same way, the right to protect one's culture cannot be used as an excuse to abuse the fundamental rights of or take advantage of individual members of one's community. It is the state's obligation to ensure that its law is practised and upheld in every part of Mexico, from the Federal District to the most remote highlands of Chiapas and Oaxaca. Positive developments and models must be recognised as such. Two important examples can be seen in the highly active governmental department for religious affairs in Tabasco State, and in the agreement brokered by the Puebla State government in the San Rafael de Tlanalapan case (which, though poorly implemented, is in and of itself an important precedent). These should be encouraged as much as possible and replicated in other parts of Mexico.

However, it is not enough to simply mediate a resolution to the conflict, as can be seen in the case of San Rafael de Tlanalapan where egregious violations have occurred. Agreements must be monitored and constructively enforced. Those responsible for crimes, including those who vandalised the Mexico City Cathedral and destroyed other religious buildings, those who have forcibly expelled or beaten members of their communities, and those behind the Acteal Church Massacre must be held to account in a court of law. Violations of religious freedom are not and should not be a special category of crime that is exempt from prosecution. The Mexican Government must take steps to destroy a culture of impunity in this area, and proactively ensure that these crimes will not be tolerated.

Finally, it is clear that with the difficult and complicated security situation facing the Mexican Government, it will not be easy to guarantee the safety and protection of all religious leaders when threats come from illegal groups and criminal gangs. CSW acknowledges the Mexican government's efforts in actively fighting the illegal groups responsible for the extortion of, threats against and attacks on Catholic and Protestant church leaders; however, more steps could be taken to root out the corruption and collusion in state security forces that have contributed to the rise of the cartels. Stringent protections for those who speak out against instances of corruption and violations of human rights must be made a priority of the government at the highest levels.