

briefing

Mexico

Freedom of religion or belief

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Table of contents

1.	Executive summary	3
2.	Recommendations.....	5
2.1.	To the Mexican Government.....	5
2.2.	To the European Union (EU) and member states	5
2.3.	To the United States (US).....	6
3.	Violations linked to the Law of Uses and Customs.....	7
4.	Chiapas.....	9
4.1.	Los Llanos, San Cristóbal de las Casas	10
5.	Guerrero.....	11
5.1.	Tlalquetzalapa, Copanatoyac Municipality	11
6.	Hidalgo.....	12
6.1.	Pahuatlan, Huejutla de Reyes Municipality	13
7.	Oaxaca	14
7.1.	San Juan Ozolotepec Municipality, Miahuatlán District	14
7.2.	San Juan Yatzona, Villa Alta.....	15
8.	Puebla.....	17
8.1.	San Rafael de Tlanalapan	17
8.2.	San Jose de Axuxco	18
9.	Extortion, kidnapping and threats	19
10.	Failure to investigate violations of religious freedom	20
11.	Conclusion	21

I. Executive summary

The Mexican constitution guarantees freedom of religion or belief to all its citizens, and Mexico is party to a number of international agreements including the American Convention on Human Rights (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 freedom violations are a common occurrence in certain regions; according to the National Commission for Human Rights (NCHR), the number of these violations has risen significantly in recent years.¹ During a recent visit to Mexico, officials at the National Council for the Prevention of Discrimination (CONAPRED) told CSW that religious discrimination remains a serious and pervasive problem across the country, with the potential to worsen in the face of government inaction. Although root causes vary, many violations occur with impunity because of reluctance on the part of the state to involve itself in 'religious affairs' or to prosecute those responsible for criminal acts linked to religious freedom violations.

While the country has 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. More recently, 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. This strict distance between state and religion has frequently extended to 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 meant to be exercised in line with human rights guarantees laid out in the Mexican constitution, in practice this does not always occur. Local leaders try to enforce community uniformity in terms of religious belief and practice, compelling members of the community to participate in the religious activities of the majority 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 at the state level, to address violations of religious freedom and to mediate a solution actively. In reality, these officials are often poorly resourced and lack training in the subject, which severely limits their ability to address these situations effectively. The problem is compounded by the fact that the religious affairs office is a political appointment, responding to the governor of the relevant state, and not an integrated office within the permanent state civil service, so the activities of the office are often heavily influenced by political interests.

Finally, increased general violence in Mexico due to the activity of different illegal groups involved in drugs, arms and human trafficking, and extortion rackets, has had a chilling impact

¹ CNDH, 'CNDH investiga presunta violación a derechos humanos por intolerancia religiosa en Oaxaca', 8 November 2013
http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_320.pdf

on religious freedom. The illegal groups see churches as an attractive target for extortion and fronts for money laundering, and their leaders as 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 or 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 the government's 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, are 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 National Commission for Human Rights, individual state commissions for human rights, and the National Council for the Prevention of Discrimination continue their important work monitoring and investigating cases of religious freedom violations and religious discrimination;
- That the National Commission for Human Rights re-designates religious minorities as a category of vulnerable groups;
- That the state actively pursues legal action against all individuals and groups responsible for violations of religious freedom and other fundamental rights, and holds 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 carries out thorough investigations and prosecutes those responsible for the violations committed in all the cases listed in this report;
- That state governments ensure safe return for the victims of forced displacement in those states 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 government, where possible, provides protection to church leaders, including Catholic priests and Protestant pastors, who are under threat from illegal armed groups; and carries out thorough investigations into assassinations and kidnappings of and threats against church leaders, holding those responsible to account.

2.2. To the European Union (EU) and member states

- That, in line with the Guidelines on Freedom of Religion or Belief, the EU regularly engages with the Mexican Government on cases and issues related to violations of freedom of religion or belief, and encourages them to implement the recommendations above;
- That the EU Delegation in Mexico City actively monitors cases of violations of freedom of religion or belief;
- That the EU Delegation in Mexico City works closely with the National Commission for Human Rights, the National Council for the Prevention of Discrimination, and state commissions for human rights on issues related to freedom of religion or

belief, and cooperates in awareness raising and capacity building within government institutions;

- That the EU Delegation in Mexico City develops and maintains ties with civil society groups working on the issue of freedom of religion or belief, and works with them in awareness raising and capacity building on the subject within Mexican civil society;

2.3. To the United States (US)

- That, in line with the International Religious Freedom Act, the US regularly engages with the Mexican Government on cases and issues related to violations of freedom of religion or belief and encourages them to implement the recommendations above;
- That the US Embassy and consulates in Mexico actively monitor cases of violations of freedom of religion or belief, feeding these back to the State Department for use in its reports and designation of Countries of Particular Concern;
- That the US Embassy and consulates in Mexico work closely with the National Commission for Human Rights, the National Council for the Prevention of Discrimination, and state commissions for human rights on issues related to freedom of religion or belief, and cooperate in awareness raising and capacity building within government institutions;
- 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;

3. Violations linked to the Law of Uses and Customs

A major contributor to violations of freedom of religion or belief in Mexico is the conflict between constitutional law, which guarantees religious freedom to all citizens, and the Law of Uses and Customs, a 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 are significant indigenous populations. Cases have also been reported in Michoacán, Jalisco and Nayarit. Authority structures are often localised, giving village and municipal authorities significant power over their populations. In many of these populations, 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.

Historically, the majority of religious freedom violations have tended 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 practise a different faith or no faith. Worryingly, however, it seems the practice of majority enforcement of religion is now spreading to non-Roman Catholic majority communities. Though numbers are still relatively low, over the past year CSW has received information on cases of Protestant majorities targeting Roman Catholic minorities or other Protestant denominations, and cases where certain Protestant denominations have signed pacts with local Roman Catholics to exclude a third group, usually another Protestant denomination. In all these cases, abuses can range in severity from cutting off water and electricity, and preventing the children of the targeted group from attending school, to beatings, forced displacement, and in the most extreme instances murder. Local authorities, who are usually directly involved in carrying out these violations, often justify the 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 take swift action to do so. Such situations are often allowed to escalate to the point of violence before government officials take steps to address the conflict in question. In addition, charges are rarely, if ever, filed against those responsible for criminal acts including vandalism and acts of violence. State governments have been accused of trying to 'eliminate' or lower statistics on violations of religious freedom by labelling them 'political' problems. This, in addition to 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, and the cycle of religious intolerance continues.

4. Chiapas

Over the past twelve months, the state of Chiapas continued to have some of the highest numbers of reported violations of religious freedom in the country. In May, the president of the State Congressional Committee for Religious Affairs stated that there were more than 22 cases of religious intolerance² in the state.³ In September, Carlos Martínez García, a well known journalist who is recognised as an expert on violations of religious freedom in Mexico, estimated that the number of violations - including mass forced displacement - was closer to 50, and concentrated in the municipalities of Las Margaritas, La Trinitaria, Altamirano, Ocosingo, Comitán, San Cristóbal de las Casas, Huixtán, Venustiano Carranza, Chilón, Tila, and Chenalhó.⁴

Local contacts told CSW that all types of violations, including blocking the access of religious minorities to water and electricity, the exclusion of minority children from school, acts of violence and forced displacement, remain common in municipalities across the state. A number of long term cases of forced displacement remain unresolved, largely because of the inaction of the government. One of the most emblematic cases is that of Los Llanos, where Protestants originally forcibly displaced in 2010 were turned away with extreme violence this year after they attempted to return to their homes in accordance with recommendations on the case issued by the National Commission for Human Rights. The case is detailed below.

In a worrying development, CSW learned that in the past year, religious freedom violations committed by Protestants, now the majority in some villages and municipalities, targeting Roman Catholics or other Protestant denominations, are on the rise. Carlos Martínez García reported that on 21 August in the village of Puebla, Chenalhó Municipality, Presbyterian youth physically attacked the Roman Catholic parish priest and other individuals who were with him, including an official from the state religious affairs office. This event followed a decision by the Presbyterian majority village council to sanction the local Roman Catholics for having supposedly failed to receive permission to remodel their church building. The new construction was destroyed and part of the land was confiscated. Five days after the attack on the priest, thirteen Roman Catholic and two Baptist families fled to Acteal Municipality under threat of more violence from the Presbyterians.⁵

In another twist, CSW was told that in some localities, groups who together form a majority, usually Presbyterians and Roman Catholics, have joined together and formalised agreements to exclude other denominations or religious groups from their communities. These expressions of intolerance towards religious minorities, by those who were often formerly the victims of religious freedom violations, seem to represent a new phase in a larger and much longer cycle of impunity, where the state's failure to intervene means that majority rule and imposition of religion has become the accepted norm.

² The terms 'violations of religious freedom' and 'acts of religious intolerance' are often used interchangeably in Mexico.

³ *Acontecer Cristiano*, 'Se confirma intolerancia religiosa contra evangélicos en Chiapas', 18 May 2013 <http://www.acontecercristiano.net/2013/05/se-confirma-intolerancia-religiosa.html>

⁴ *La Jornada*, '¿Repunta la intolerancia religiosa en Chiapas?', 4 September 2013 <http://www.jornada.unam.mx/2013/09/04/opinion/018a2pol>

⁵ *ibid.*

4.1. Los Llanos, San Cristóbal de las Casas

In late April 2009 a mob attacked the Protestant church in the Tzotzil 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 31 people homeless and forcibly displacing the community.

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.”⁶

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 June of this year, the group of 31 attempted to go back to Los Llanos, accompanied by supporters and journalists, despite the failure of the government to respond to their requests to guarantee their safety and right of return. Their attempt to return was met with violence, when, a kilometre outside of Los Llanos, the group found that the road was blocked and they were surrounded by Roman Catholics, who proceeded to stone them. Two Protestant pastors, supporters of the displaced, were reportedly taken hostage and separated from the larger group by the Roman Catholics. The two men were tied up, stripped of their clothing, beaten, and had gasoline poured on them. They had their hands and feet shackled and were forced to walk the one kilometre to the village centre of Los Llanos, where the Roman Catholics threatened to burn them alive. The entire group was held in the centre of the village until state officials arrived and freed the group; after negotiating an agreement in which the Roman Catholics agreed not to beat or mistreat the prisoners or to force them to pay a fee for their liberation, and the Protestants agreed not to press charges.⁷

⁶ The full text of the CNDH’s findings (Case 71/2010) is available on www.cndh.org.mx

⁷ Protestante Digital, ‘Católicos golpean y casi queman a evangélicos que volvían tras tres años de exilio’, 26 June 2013 <http://www.protestantedigital.com/ES/Internacional/articulo/16795/Catolicos-golpean-y-casi-ue-man-a-evangelicos-ue>

5. Guerrero

A number of violations of religious freedom registered in 2011 with the Guerrero Commission for Human Rights (GCHR) are still awaiting resolution. CSW has requested information on the outcome of the GCHR's investigations, but has yet to receive a response. The registered cases include fourteen cases in Ahuacuotzingo and Zitlala, two cases in Tepecoacuilco and Ixcateopan, and multiple cases of forced displacement in the regions of Costa Chica and La Montaña. In 2012 more violations of religious freedom were reported in Coatlico, Cualác Municipality, El Capulín, Tlacoachistlahuaca Municipality, and Acalmani, Igualapa Municipality.

In March, Hermelinda Luna Santiago, a Baptist from Piedra Blanca in Atlamajalcingo del Monte Municipality, filed a complaint to protest the inaction of the authorities to address religious freedom violations in her village. Luna Santiago, a single mother of eight, stated in her complaint that her water and electricity services were cut after she stopped paying a 'community tax' imposed exclusively on non-Roman Catholics. The family had already paid a total of 42,000 pesos (approximately £2,000) since her conversion and adhesion to the Baptist Church in 2002, but in January Luna Santiago refused to pay an additional 375 pesos (approximately £18). While government officials attempted to resolve the situation by holding a joint meeting with the Commission for the Defence of Human Rights (CODEHUM), Luna Santiago, and municipal and community leaders; the meeting had to be postponed when the Roman Catholic and community leaders from Piedra Blanca responsible for the tax and the blocking of Luna Santiago's services failed to appear.⁸

5.1. Tlalquetzalapa, Copanatoyac Municipality

A case involving unjust imprisonment and forced displacement took three months to resolve, after those responsible for the violations of religious freedom failed to attend a first attempt by the state government to organise meetings to resolve the conflict.

On 10 March, Julián Hermelindo Olivares Casilda and José Ramírez Cardona, both Nahuaspeaking Pentecostal Protestants, were imprisoned by local authorities in Tlalquetzalapa, Copanatoyac Municipality after they declined to accept religious appointments decided by the municipal commissariat; to the post of 'mayordomo' or director of religious activities, in the case of Olivares Casilda, and to the Catholic Directing Board, in the case of Ramírez Cardona. Olivares Casilda and Ramírez Cardona told the commissariat that because of their Protestant beliefs they were unable to take positions overseeing Roman Catholic religious activities, but would continue to contribute financially and through labour to community religious festivals. Despite this offer and explanation, the municipal authorities imprisoned the two men as punishment. Two more Protestants, Alfredo López Ramírez and Rafael Naves, were imprisoned a few days later.⁹ Fifteen other Protestants were threatened and told they should leave the village.¹⁰ The imprisoned men were eventually released but only on the condition that they and their families leave Tlalquetzalapa.

⁸ *El Sur*, 'Los conflictos por intolerancia religiosa en los municipios de Copanatoyac y Atlamajalcingo del Monte siguen sin solución', 21 March 2013: M12.

⁹ *ibid.*

¹⁰ Revolución Tres Punto Cero, 'En Guerrero, católicos atentan contra 15 personas por practicar otra religión', 15 March 2013 <http://revoluciontrespuntocero.com/en-guerrero-catolicos-atentan-contr-15-personas-por-practicar-otra-religion/>

In June, a resolution was finally negotiated by state government officials. The men and their families were allowed to return, and the Protestants and the Roman Catholics signed an agreement that established “respect for their individual guarantees concerning freedom of religious belief, non-discrimination, autonomy and self determination for indigenous peoples, free movement, contributions to public costs and other constitutional rights; as well as to have the same rights consecrated in the Magna Carta in respect to the use of land, public services, government programs and others.”¹¹ As part of the agreement, the Roman Catholics agreed to ‘support’ the Protestants in regard to the physical and psychological damage they had suffered. No criminal charges were filed against those responsible for the damage or false imprisonment of the four men.

6. Hidalgo

Over the past twelve months, Protestants in Hidalgo have frequently been targeted with fines and threats for declining to participate in Roman Catholic religious festivals. In November 2012 a couple in Los Puentes, Huautla Municipality, was fined 15,000 pesos (approximately £718) by the village assembly for participating in a non-Roman Catholic religious service. The assembly based their decision on a local law adopted in March 2007 that stipulates that non-Roman Catholic groups and practices are prohibited in Los Puentes.¹² Also in November 2012, 24 Protestants in La Nopalera, Alfajayucan Municipality were forced to participate in Roman Catholic religious festivals; while in Vista Hermosa Municipality, locals decided to block access to the Protestant church in order to ‘stop its growth’.¹³

In July, five Protestant evangelists in San Miguel Tlazintla, Cardonal Municipality were forcibly detained for hours and then forced to pay a fine of 20,000 pesos (approximately £960) for attempting to carry out missionary work ‘without permission.’ Later the same month, 15 Protestant families in San Clemente, in the same municipality, were pressured to cooperate in the patron saint festivals of El Santo Niño de Praga despite a pact signed in 2005 that affirmed mutual respect and freedom of worship. When the group declined to participate, their services, including water and electricity, were cut off.¹⁴

The state government in Hidalgo State involved itself in efforts to resolve some of the conflicts. In La Rinconada, Tasquillo Municipality, four Protestant families whose land had been confiscated and whose services, including water and sewage, had been cut off 17 years ago, saw these restored. While this was a positive though tardy attempt by the government to address religious freedom violations, government-mediated agreements like that in Huejutla, outlined below, which fail to protect religious freedom, give continued cause for concern. Statements such as that by Francisco Moreno Baños, the sub-secretary of the government in Valle del Mezquital, one of the most severely affected regions of Hidalgo, that

¹¹ Pueblo Guerrero, ‘Castigo a cetegistas haraganes: diputado’, 12 June 2013 <http://www.pueblo-guerrero.com/2013/06/12/index.php>

¹² *La Jornada*, ‘El artículo 24 constitucional y sus interpretaciones’, 13 November 2013 <http://www.jornada.unam.mx/2013/11/13/opinion/024a1pol>

¹³ *Crónica*, ‘Superan intolerancia religiosa en Valle del Mezquital’, 5 August 2013 <http://www.cronica.com.mx/notas/2013/773327.html>

¹⁴ *ibid.*

religious conflicts in the area can be considered to be 'de-activated',¹⁵ are overly optimistic at best.

6.1. Pahuatlán, Huejutla de Reyes Municipality

On 18 December 2012, 38 Protestant Baptists in Pahuatlán, Huejutla de Reyes Municipality were tied up and trapped in the community auditorium for days by around 300 Catholics who accused them of failing to contribute to community religious festivals. The group was forced to sign declarations renouncing their faith and promising to do away with the Emmanuel Baptist Church. The group was freed two days later, but received threats that led to 165 people fleeing the village, fearing for their safety. An agreement was negotiated through the mediation of government officials to allow for the return of the Baptists, but religious leaders expressed concern that the agreement did not include any commitment to respect religious freedom. The agreement also included a troubling clause that commits the Protestants to paying what they owe for 'community works' which seems to refer to the community religious festivals.

No charges were filed against those responsible for the false imprisonment of the 40 Baptists or the threats that caused the flight of the 165. The mayor of Huejutla, Alfredo San Roman Duval, justified the attack on the Protestants, telling journalists, "The problem is that they don't pay the contributions [to religious festivals] which are customary in all communities. Because of *Usos y Costumbres* [the Law of Uses and Customs], they have to participate in the work, they have to sweep, block, help and they have said no...If they don't do it they know that they will have to face the consequences. If they want to continue living here, they have to participate [in the religious festivals]."¹⁶

This is not the first time that Protestants in Pahuatlán have been victims of false imprisonment, extortion and threats by majority Roman Catholics. On 30 March 2012 four Protestant pastors were imprisoned, after they and around 300 members of their churches declined 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 £16). 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. On this occasion 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 remained tense, particularly for the Emmanuel Baptist Church which continued to receive threats and which was subsequently the target of the December attack.

With continued impunity for those responsible for criminal acts, and apparent government endorsement of obligatory financial contributions to Roman Catholic festivals as outlined in the agreement mentioned above, it seems likely that the situation in Huejutla will remain unstable.

¹⁵ *ibid.*

¹⁶ *El Milenio*, 'Huejutla paga \$50 mil para destrabar conflicto religioso', 25 December 2012

7. Oaxaca

The state of Oaxaca has one of the highest numbers of Internally Displaced Persons (IDPs) in the country, and localised religious intolerance is one of the principal reasons for the high rate of displacement¹⁷. Unfortunately, as in other states, there has been little effective state response to address cases of forced displacement, and victims are often left vulnerable to further human rights violations.

In some cases, despite favourable court decisions, the government has still failed to take action to uphold religious freedom. In May 2012 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 2011 the Oaxaca Human Rights Commission (OHRC) registered ten cases involving religious freedom violations. These included cases of forced displacement of religious minorities, discrimination, threats, abuses of authority, fines, arbitrary detention and the refusal of basic services including water, electricity and access to education. Twenty-one families were recorded as forcibly displaced from Reaguí, Cacalotepec and Estancia de Morelos. Between January and 28 April 2012, the OHRC had registered three new cases of religious freedom violations. Religious freedom violations are 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.¹⁸ Many of these cases remain unresolved.

7.1. San Juan Ozolotepec Municipality, Miahuatlán District

One of the most egregious violations of religious freedom culminated in November in San Juan Ozolotepec Municipality, which local authorities have declared to be a 'Protestant-free' area. Tensions within the community rose early this year but escalated dramatically because of government inaction. Threats against local Protestants affiliated with the Independent Pentecostal Christian Church were first reported in May, when church members made a public declaration calling for state government intervention in reaction to threats from the municipal president, Pedro Cruz González. The church members said that Cruz González had threatened to burn them and throw their bodies into a canyon if they did not renounce their faith. Not only did government officials fail to respond effectively, the state official responsible for religious affairs reportedly advised that the Protestants pay the 7,000 pesos (approximately £335) fine for 'not being Roman Catholic', telling them that this would help them to avoid problems.¹⁹

In July, a member of the church, Vicente Aragon Hernandez, was imprisoned by Cruz González. Municipal leaders indicated that this was punishment for speaking out publicly

¹⁷ Pagina 3, 'En Oaxaca, casi 3 mil indígenas desplazados en 4 años, 20 January 2012

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

¹⁸ Diario de la Mixteca, 'Intolerancia religiosa, mal que persiste en Oaxaca', 28 April 2011

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

¹⁹ AcontecerCristiano, 'Católicos amenazan con quemar vivos a evangélicos sino dejan su fe', 5 May 2013

<http://www.acontecercristiano.net/2013/05/catolicos-amenazan-con-quemar-vivos.html>

about the situation in San Juan Ozolotepec. In the face of the state government's failure to intervene, the situation took a violent turn when in November Cruz González made a public order to "demolish the temple, lynch, imprison and torture" the members of the Pentecostal church.

On 5 November Reverend Leopoldo Alonso, leader of the Independent Pentecostal Christian Church in San Juan Ozolotepec, and three members of his church, Manuel Martínez Silva, Miguel Silva Reyes and Plácido Aragón, were taken prisoner on the orders of Cruz González, who had ordered the destruction of the Pentecostal church the day before. The four men were freed on 8 November after government officials, accompanied by state police, travelled to the municipality to intervene. [Photos of the men](#), who were admitted to the local hospital, showed signs that they had been severely beaten. While state officials were successful in negotiating the men's release, the victims and their families quickly fled the area because of concerns for their safety.

It is of concern that the freedom of the four men was achieved only after state officials informed Cruz González that he could face criminal charges if he continued to hold them without legitimate charges. To date, no one has been charged with the illegal imprisonment, torture or destruction of property, leading to concerns that the government-negotiated solution will only be temporary as far as keeping the peace.

The National Commission for Human Rights [opened a complaint](#) into the San Juan Ozolotepec case, which implies that the NCHR identified the failure of federal officials to uphold religious freedom and protect the community as one of the factors in the violence.²⁰

7.2. 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 had escalated over a period of months, with no intervention on the part of the government.

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 targeting of the Protestants culminated in the local authorities' instigation of 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 10,000 pesos (approximately £460).

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

²⁰ The NCHR only involves itself in cases where a representative of the federal government is believed to be responsible for human rights violations, including by failing to respond or take action to protect the rights of the victim.

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

Violations of religious freedom continue to be relatively common in the state of Puebla, despite a statement to CSW in November by the Puebla Commission for Human Rights that they have “no cases of religious freedom violations registered” in the state. Serious cases from previous years not only remain unresolved but have escalated and caused the forced mass displacement of religious minorities, as exemplified in the case of San Rafael de Tlanalapan, detailed below.

On 22 May the auxiliary president of San Felipe Toctla, Acteopan Municipality cut off basic services, including water and electricity, and threatened to expel the children of local Protestants from school. The situation remains unresolved.²¹ In August in Cuayuca, Andrade Municipality, the Puebla Human Rights Commission found the mayor had violated the right to petition and freedom of religion by failing to address and resolve the arbitrary refusal of a permit to build a Jehovah’s Witness temple in the village.²² A public complaint was filed in August in San Miguel Tianguistenco, Santa Rita Tlahuapan Municipality, regarding the fact that local authorities were forcing non-Catholics to pay 30,000 pesos (approximately £1,435) for the ‘right’ to be buried in the municipal cemetery. Catholics paid 500 pesos (approximately £24). Similar problems were reported in Santa Maria Texmelucan and San Rafael Ixtapaluca. In September, the Secretary General of the Government said that these violations had been brought to a halt.²³ Unfortunately the problems in Santa Rita Tlahuapan Municipality do not appear to be fully resolved. An agreement negotiated by the Secretary General, exempting Protestants in the village of Santiago Coltzingo from being forced to make financial contributions to Roman Catholic religious festivals, was criticised by local leaders for committing the Protestants to other forms of participation in the festivals.²⁴

8.1. San Rafael de Tlanalapan

Approximately 70 families continue in a state of forced displacement from San Rafael de Tlanalapan Municipality in Puebla, since hostilities against the Protestants incited by the local Roman Catholic priest started in September 2011. On 14 May 2012 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 was filed, along with an official complaint regarding the police attack on his wife and son. Unfortunately, it appears that state protection was not provided, as in summer 2013 the pastor’s wife and son were victims of yet another beating carried out by security guards at the residential area in San Martín Texmelucan Municipality where they had sought refuge. In addition to the displacement of the 70 Protestants, religious minorities in San Rafael de Tlanalapan continue to be targeted, as deceased non-

²¹ *Fafhoo Noticias*, ‘PUEBLA: Autoridad deja sin agua y luz a evangélicos por no participar en fiesta religiosas’, 21 August 2013 <http://www.fafhoonoticias.org/2013/08/puebla-autoridad-deja-sin-agua-y-luz.html>

²² CDH Puebla, ‘Pide CDH Puebla a edil abstenerse de violentar derechos de petición y libertad religiosa’, 19 August 2013 <http://www.cdhpuebla.org.mx/index.php/sala-de-medios2/comunicados/2013/741-comunicado-92-2013>

²³ *Municipios Puebla*, ‘Denuncian casos de intolerancia religiosa en Santa Rita Tlahuapan’, 1 August 2013 <http://municipiospuebla.com.mx/nota/2013-08-01/san-mart%C3%ADn-texmelucan/denuncian-casos-de-intolerancia-religiosa-en-santa-rita>

²⁴ *Municipios Puebla*, ‘Frena SGG casos de intolerancia religiosa en Tlahuapan’, 1 September 2013 <http://municipiospuebla.com.mx/nota/2013-09-01/san-mart%C3%ADn-texmelucan/frena-sgg-casos-de-intolerancia-religiosa-en-tlahuapan>

Catholics are barred from burial in the municipal cemetery, leading to even more Protestants leaving the area.²⁵

The attacks on Protestants in San Rafael de Tlanalapan made international news in September 2011 when local leaders, traditionalist Catholics, threatened to lynch around 70 Protestant Christians if they did not leave the area. 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 both within 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. In the agreement 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, as part of the accord, 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.

8.2. San Jose de Axuxco

CSW has monitored the case of San Jose de Axuxco since 2011. Unfortunately it has yet to be resolved. 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 2012 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. As of the time of publication the government has failed to intervene.

²⁵ *La Razón*, 'Intolerancia religiosa desplaza a 70 familias'
<http://www.razon.com.mx:8008/spip.php?article186760>

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. In addition, churches are often perceived by the illegal groups as useful fronts for money laundering. Church leaders who refuse to cooperate on moral grounds often face severe repercussions and this, in turn, has a chilling effect on the free exercise of religion. In one example, the parish of Vista Hermosa in the state of Michoacán was effectively closed in October, after bishops decided against assigning a new priest to the parish because of warnings from illegal groups that they would target any new priest.²⁶

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.²⁷ The situation remains grave. In April 2013 the Mexican Catholic Bishops' Conference publicly denounced continuing threats, usually communicated by phone, against priests and other church leaders.²⁸ A second appeal to illegal groups to cease targeting churches for extortion and money laundering was made by the Bishop of Aguascalientes in October. Last December Father Santiago Álvarez was a victim of forced disappearance in the region of Jiquilpan, Michoacán, and in March, a priest in Cuernavaca was the target of an attempted assassination. Most recently, in November, the Bishop of Michoacán was relocated for his own protection after plans to target him by the Knights Templar narco-group were intercepted by government authorities. Also in November, another priest, Father Carlos Ornelas Puga, was reported forcibly disappeared in the state of Tamaulipas. Protestant denominational leaders report similar trends in their churches; 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 activities 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. One Protestant pastor told CSW in November that a woman in his church who left a criminal group after converting to Christianity, had received threats from the group that she or her children would be targeted because of her conversion. The group warned that the pastor was also a target because of his involvement as her church leader.

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.

²⁶ *El Observador*, 'Cierra parroquia de Vista Hermosa, Michoacán, debido a amenazas', 10 October 2013 <http://elobservadorenlinea.com/2013/10/cierra-parroquia-de-vista-hermosa-michoacan-debido-a-amenazas/>

²⁷ Fides, 'Report on the increasing violence against priests in Mexico', 18 March 2011 <http://www.fides.org/aree/news/newsdet.php?idnews=28606&lan=eng>

²⁸ *Proceso*, 'Denuncia la CEM amenazas contra sacerdotes; pide afrontar inseguridad', 11 April 2013 <http://www.proceso.com.mx/?p=338759>

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 freedom. 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 the Virgin 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 commit crimes targeting communities on the basis of religion, the state did not pursue the case.²⁹ 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 proactively protects religious freedom.

²⁹ Zenit, 'Mexican Christian Leaders on Religious Freedom', 6 May 2011 | <http://www.zenit.org/article-32505?l=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 protecting traditional religious beliefs. In the same way, the right to defend 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.

It is not enough simply to 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 the destruction of religious buildings, acts of violence, exclusion and forced displacement, 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.