

**Universal Periodic Review – 17<sup>th</sup> Session**  
**CSW – Stakeholder Submission**  
**MEXICO**

### Introduction

1. Christian Solidarity Worldwide (CSW) wishes to draw attention to Mexico's domestic human rights situation over the period 2009-2013 with respect to its international obligations.
2. 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 San Jose Pact, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).
3. However, in practice violations of freedom of religion or belief 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 human rights violations 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.

### Scope of International Obligations

4. Mexico is party to a number of international human rights 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).
5. **Recommendation: That Mexico ensures it fulfils its international human rights obligations, and that these are not just observed in domestic law but also in policy and practice by all branches of the state.**

### Constitutional and Legislative Framework

6. The Mexican Constitution guarantees freedom of religion or belief to all its citizens. However, a major contributor to violations of freedom of religion and belief in Mexico is the conflict between constitutional law, which guarantees freedom of religion or belief 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.

7. 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 areas(?), 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 practiced in accordance with human rights guarantees laid out in state and federal law.
8. In these cases, the majority of freedom of religion or belief violations tends 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 violations 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 violations with the excuse that it is their right, under the Law of Uses and Customs, to protect their culture.
9. 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.
10. **Recommendation: For Mexico to ensure that legal guarantees for freedom of religion or belief are upheld for all of its citizens, and that where other laws apply, for example in communities governed by the Law of Uses and Customs, that these be practised in accordance with the Mexican Constitution and Mexico's international human rights obligations.**

### Right to Freedom of Religion or Belief

11. Mexico'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 perpetrators to account, they all too often escalate to the point of destruction of property, arbitrary detention, forced displacement and violence.
12. 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.

13. Finally, increased general violence in Mexico due to 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 witnesses fear retaliation by those responsible.

*Extortion, kidnapping and threats*

14. A significant portion of the income of the drug cartels battling for power and territory across Mexico comes from extortion, and many of these 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 Josué Ramírez Santiago, a Protestant pastor in Michoacán, 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. 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.
15. Intimidation of religious leaders is increasingly common - particularly those who speak out against the violence or who are actively involved in supporting 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 coercion to cooperate with, or turn a blind eye to, illegal activities and corruption are 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.
16. Because of the high level of fear engendered by the brutal and very public tactics employed by the illegal groups to intimidate the population, church leaders and other victims of 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.

*Failure to investigate violations of freedom of religion or belief*

17. 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.
18. 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. 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.

- 19. Recommendations: That Mexican 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 freedom of religion or belief, and sufficient resources to carry out their duties;**
- 20. That Mexico actively pursue legal action against individuals and groups responsible for violations of freedom of religion or belief and other fundamental rights, and hold them to account for their actions. Individuals and groups that have committed criminal acts should be charged and prosecuted according to the law;**
- 21. That Mexico carries out thorough investigations and prosecute those responsible for violations of freedom of religion or belief, including the acts of vandalism and disruption at the Mexico City Cathedral in 2011, and the Acteal Church Massacre of 1997;**
- 22. That Mexico ensures that the state governments and other branches of the state are fulfilling their obligations to protect and promote freedom of religion or belief, and prosecuting those who are in breach of the law in this regard;**
- 23. That Mexico, where possible offers 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.**