

# briefing

## Mexico

### *Religious Freedom Profile*

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## **I. Executive Summary**

Religious freedom in Mexico is a complex subject. While 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), in practice religious liberty violations are a relatively common occurrence. Although the root causes vary, many violations are allowed to occur because of reluctance on the part of the state to involve itself in “religious affairs”. This leads to a culture of impunity for those perpetrating the violations. Despite its highly religious population, Mexico has historically had a complicated relationship with “religion” and in particular the Roman Catholic Church. Its 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 negative impact on religious freedom of the state’s reluctance to involve itself in religious issues 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 authorities often try to enforce community uniformity in terms of practice and belief, compelling members of the community to participate in religious activities, usually Roman Catholic or a syncretistic blend of Catholicism and pre-Columbian beliefs, or face punishment. Violations range in severity, but in the absence of government intervention and a failure to hold the perpetrators to account, all too often escalate to the point of forced displacement and beatings.

The federal and state governments each 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 when conflicts arise. In reality, these offices 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, one being Tabasco State, which has one of the highest non-Catholic populations in the country but few reported religious conflicts or religious freedom violations 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, including Catholic priests and Protestant pastors, under threat 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**

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 Mexico’s constitution and international human rights obligations;

- That 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 human rights law pertaining to religious freedom, training in mediation 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; That the state carry out thorough investigations and prosecute those responsible for: the forced displacements in San Juan Yatzona, Los Llanos, and San Gregorio, the acts of vandalism and disruption at the Mexico City Cathedral, and the Acteal Church Massacre;
- That the governments of Oaxaca and Chiapas ensure the safe return and/or compensation for the victims of forced displacement in those states, including from the communities of San Juan Yatzona, Los Llanos, and San Gregorio;
- That the Chiapas state authorities take swift measures to implement the recommendations of the National Human Rights Commission on the Los Llanos case, issued in November 2010;
- That the Puebla state authorities take immediate and concrete steps to resolve the conflict in San Jose de Axuxco and protect the basic rights of its inhabitants;
- That the government where possible offer protection to church leaders, including priests and pastors, who are under threat from illegal armed groups and carry out thorough investigations into assassinations, kidnappings 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, which provides a kind of local and regional autonomy 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 caveats that these 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 often with 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. 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 this is 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<sup>1</sup> Roman Catholic local leaders and non-Catholics who do not wish to participate in or contribute financially to religious festivals or because they wish to practise a different faith or no faith. Local authorities often justify these abuses, which 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, 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 contributes to a culture of impunity. While CSW has received information regarding over twenty different current cases in the abovementioned states, the five cases below are included in this report as representative:

### **3.1. San Rafael de Tlanalapan, Puebla**

In early 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 Protestant church. Unlike many other similar cases, the situation in San Rafael de Tlanalapan received significant press attention both in and outside Mexico. The media coverage may have helped to push the state government to take action and over the next few weeks, state officials negotiated a resolution to the conflict with Catholics and Protestants.

The two sides arrived at an agreement, facilitated by Puebla State officials, which interestingly could serve as a model for future such situations. 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 Catholic Church took swift action to remove the local priest who many of the villagers accused of instigating the hostilities.

### **3.2. San Juan Yatzona, Villa Alta, Oaxaca**

On 22 July 2007, nine families, approximately 56 people, were forcibly displaced from the village of San Juan Yatzona, in the district of Villa Alta, in Oaxaca by traditionalist Catholics. 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.

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 a mob, instigated by the local authorities, attacking the homes of the Protestants at 11pm during a rainstorm, and forcing 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 \$730).

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<sup>1</sup> In this report "traditionalist" refers to the practise of orthodox Catholicism while "syncretistic" refers to the practise of a blend of Catholicism and pre-Columbian rituals and beliefs.

Since 2007, the group, which includes elderly men and women, has lived in an impoverished area in the outskirts of Oaxaca (the state capital), 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.

### **3.3. San Jose de Axuxco, Puebla**

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 Jesús 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 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 not only a violation of their basic human rights but also constitutes a serious health risk. As of the publication of this briefing, and in contrast to the San Rafael de Tlanalapan case, in the same state, the government has failed to intervene.

### **3.4. Los Llanos, San Cristóbal de las Casas, Chiapas**

In late April 2009, a mob attacked a Protestant church in the village of Los Llanos during a prayer service and beat the pastor. One month later, the same church was attacked and completely destroyed. In September of that 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 the Protestants. 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.

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 and afforded protection by the government, and that their right to religious freedom should be upheld. Interestingly, in its report, the CNDH said that 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.”<sup>2</sup>

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 CHDN’s findings. In August, 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. As of the publication of this briefing, both cases have yet to be resolved.

#### **4. 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.<sup>3</sup> Protestant denominational leaders reported similar trends in their churches to CSW and say that more than 100 church leaders have been kidnapped over the past few years.

Intimidation of religious leaders, particularly those who speak out against the violence or who are actively involved in ministries that support young people looking to leave or avoid a life of violence, drug and alcohol addicts, and victims of human rights violations is increasingly common. 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 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 freedom 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.

#### **5. 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 earlier this year after six or seven people burst into the Mexico City Cathedral during Easter Mass,

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<sup>2</sup> The full text of the CNDH’s findings (Case 71/2010) are available on [www.cndh.org.mx](http://www.cndh.org.mx).

<sup>3</sup> ‘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>.

“shouting anti-life and anti-Church slogans”.<sup>4</sup> The group vandalised the church, defacing an image of Our Lady of Guadalupe.

The individuals responsible were briefly detained but were 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 has not pursued the case.<sup>5</sup> Religious leaders are clear that they believe that 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.

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 largely consisting of women and children gathered in a Catholic church in Acteal, Chenalhó, Chiapas for a prayer vigil. 45 people were killed, including 33 women, and eleven children under the age of ten. Eyewitness reports said that a number of the 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 authors 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. The state’s failure to carefully 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.

## **6. Conclusion**

While the federal and state governments are not generally directly responsible for serious violations of religious freedom, it is their responsibility to uphold the rights laid out in the Mexican Constitution. The separation between church and state does not exempt the state from responding effectively to breaches of its own law. 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 that community. It is the state’s obligation to ensure that its law is practiced and upheld in every part of Mexico, from the Federal District to the most remote highlands of Chiapas and Oaxaca.

In the same vein, 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 the recent agreement brokered by the Puebla State government in the San Rafael de Tlanalapan case. This type of official response to violations of religious freedom should be encouraged as much as possible and replicated in other parts of Mexico.

Where egregious violations have occurred, however, it is not enough to simply mediate a resolution to the conflict. Those responsible for crimes, including those who vandalised the

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<sup>4</sup> ‘Mexican Christian Leaders on Religious Freedom.’ [Zenit.org](http://www.zenit.org) 6 May 2011; <http://www.zenit.org/article-32505?l=english>.

<sup>5</sup> Ibid.



Mexico City Cathedral, 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. The Mexican government is 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 drugs cartels. The protection of those who speak out against instances of corruption and violations of human rights must be made a priority.