



General Assembly

Distr.: General
20 February 2013

English only

Human Rights Council

Twenty-second session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human rights and freedom of religion or belief in Mexico*

Introduction

The Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), seeks to draw the Human Rights Council's attention to the situation of human rights and freedom of religion or belief (FoRB) in Mexico.

Although guaranteeing freedom of religion and belief to all its citizens in its constitution, in practice religious liberty violations are a relatively common occurrence especially in certain regions in Mexico. Despite Mexico being a 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) and also despite being 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 root causes of these mistreatments vary, many violations occur with impunity because of reluctance on the part of the state to involve itself in "religious affairs". 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.

Reluctance of the Mexican state

The state's reluctance to defend freedom of religion or belief 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. Mexican law strongly emphasizes 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.

Local leaders in Mexico 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 an 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.

* Christian Solidarity Worldwide (CSW), an NGO without consultative status, also shares the views expressed in this statement.

The 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. The majority of the violations of religious freedom linked to abuse of the Law of Uses and Customs 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 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. The 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 marginalization of these communities, all contribute to a culture of impunity. Religious leaders expressed their demand that the government take the initiative to proactively protect religious freedom.

Impact of illegal groups on religious freedom

There has been an increase in general violence in Mexico because of the conflicts between different illegal groups involved in drugs, arms and human trafficking, and extorting rackets, this 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.

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. 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.

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.

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 practiced 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 and they should be encouraged as much as possible and replicated in other parts of Mexico.

The Mexican Government must take steps to destroy a culture of impunity in Mexico, and proactively ensure that these crimes will not be tolerated at all. However, 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. 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.
