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RELIGIOUS FREEDOM AND FREEDOM OF EXPRESSION IN MEXICO

RELIGIOUS FREEDOM IN MEXICO

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative status before the United Nations Economic and Social Council¹. The purpose of this report is to raise concerns regarding human rights violations in Mexico for the 2018 Universal Periodic Review (UPR).

2. Under Mexico's Constitution, the right to freedom of worship is enshrined. However, the greatest threats of persecution do not arise from any government prohibition, but instead from the government's refusal, in many cases, to enforce the law and protect Christians from indigenous communities and organised cartels.

3. Even though much of the population enjoys the freedom to worship, areas that are more rural and isolated face the greatest threat of persecution. In these regions, organised cartels seek to extort the church and establish a sense of fear among the community in order for the cartel to maintain power. In the rural regions there also exists a large number of indigenous communities. The Mexican Constitution provides for indigenous communities to have a certain level of autonomy in how they govern. However, this can often be used to justify the persecution and marginalization of those who practice a different religion.

Government Protections for Religious Freedom

4. Article 1 of the Constitution of Mexico explicitly states that "All discrimination motivated by ethnic or national origin, gender, age, handicaps, social condition, health, *religion*, . . . or any other discrimination that violates human dignity and has the objective of restricting or diminishing the rights and liberties of persons is prohibited²."

5. Additionally, under Article 24, the Constitution provides for the separation of church and state and further prohibits the government from enacting "any laws that either establish or forbid any religion" and guarantees that "[e]veryone is free to embrace the religion of his [or her] choice and to practice all ceremonies, devotions, or observances, of his or her respective faith, provided they do not constitute a crime or offense punishable by law³."

Sources of Religious Persecution

A. Organised Cartels

6. One source of persecution against Christians in Mexico comes from organised criminal organisations and cartels. Here the motivation is not religious as much as it is about gaining power and influence over a particular region. Cartels routinely target pastors and churches as they view these institutions as an easy target for extortion⁴. Pablo y González, a historian at the Centre for Research and Teaching of Economics, stated "By killing the parish

priest in a small village, the narcos assert their authority in a brutal way. Not even the traditional, spiritual authority of the priest is respected: narcos alone rule⁵.”

7. Christians are especially victimised by organised crime because of the impact they have on a community which is seen as a direct threat to organised cartels. Dennis Petri from Open Doors stated, “Whenever a Christian starts to engage in social work – for example setting up a drug rehabilitation clinic or organising youth work, that is a direct threat to the activities and interests of organised crime because it takes the youth away from them, so it is a direct threat to their market⁶.”

8. In a report with Open Doors, a pastor shared his experience of preaching in a region controlled by cartels:

Speaking out against injustice-whether it is violence, drug consumption, drug trafficking or organized crime - and above all speaking publicly, from the pulpit or in another setting, is extremely dangerous and can result in many forms of intimidation by drug cartels, including beatings, attacks on houses of church leaders, or even killings⁷.

9. Secondly, churches are a target for organised cartels because there is a perception that churches and congregations have a lot of money and these cartels look to extort them in exchange for protection. Cartels also impose a “tax” on churches for simply opening and holding services⁸. Former drug trafficker turned pastor, Chito Aguilar, had this to say about organised cartels extorting churches:

Compared to a convenience store, they say, ‘Well if in a church there are 40 or 50 people, or 100’ – because [the cartels] do this on Sunday, not during the week – they say, ‘So they will bring money, they’re going to give their offerings’. So they become an easy target, because [the cartels] will come here, as they do here in Ciudad Juarez: eight people walk into a church, one or two will remain at the doors and the others will start collecting watches, rings, wallets . . . everything. So they become an easy target of the attackers⁹.

10. Pedro Faro Navarro, director of the Fray Bartolomé de Las Casas Human Rights Centre further explained the problem:

Chiapas has suffered for many years due to an armed conflict between its drug cartels, but there are also criminal organisations that do as they like, with open collaboration with, and protection from authorities. Civil servants in the government don’t do anything against these groups because they are accomplices. The situation exists in varying degrees in [the other states of] Coahuila, Chihuahua, Tamaulipas, Michoacán, Veracruz and Jalisco. However, I can guarantee that there are no states without any problems.

B. Indigenous Populations

11. Christians within Mexico also face discrimination from the indigenous populations. Article 2 of the Constitution provides for the right of the indigenous people to be self-autonomous with respect to “Decide their forms of group life and internal social, economic, political, and cultural organization. Applying their own systems of rules in the regulation and resolution of their internal conflicts, so long as these are consistent with the general principles of this Constitution, respecting the guarantees of the individual, human rights, and in particular the dignity and integrity of women. The law will establish the mechanisms and procedures of enforcement by the appropriate judges or courts¹⁰.”

12. While the Constitution does provide indigenous communities with a certain level of autonomy, it still requires these indigenous communities to uphold the principles of the Constitution and therefore are required to uphold the principle of religious freedom as it is enshrined in the Constitution. However, in practice indigenous communities routinely violate the freedoms of religious groups.

13. Christians and other religious minorities living within municipalities that are dominated by indigenous populations in areas such as Chiapas and Jalisco face discrimination by the indigenous communities, and have even faced economic sanctions, been denied access to certain services, and in some cases, were expelled from their communities¹¹.

14. In January of 2016, approximately 30 Christians were forced out of their homes in the Tuxpan de Bolaños community located in western Mexico because they were bringing other villagers to Christianity which was seen as a threat to the indigenous religion of the region. In the middle of the night these Christians were forced from their homes and were relocated to a warehouse more than 30 miles away and forced to live in two rooms¹².

15. Increasingly, there are reports of Christians being attacked and even banished in communities that are ruled by indigenous populations¹³. One report stated that, “[Indigenous Catholic populations] will try to force [evangelical Christians] to convert, and if they refuse, they are banned from their villages, unable to live with or see their families.”¹⁴ According to another report, “Thousands [of evangelical Christians] have been displaced and left homeless, simply because they belonged to a religious minority and refused to make financial contributions to religious festivals they did not believe in¹⁵.”

16. Even though the right of freedom of religious is guaranteed in the Constitution of Mexico, in practice, Mexico has a “policy of denial” when it comes to the displacement of religious minorities in communities dominated by indigenous populations.¹⁶ The majority of these indigenous communities are located in small, rural, and remote regions far from major cities and as a result often go unreported¹⁷, and those who violate religious freedom are allowed to act without impunity. In allowing such persecution to occur, Mexico is effectively denying its citizens’ rights to freedom of religion and belief.

Conclusion:

17. The 2018 Working Group on the UPR must address the persecution of Christians and other religious minorities in Mexico’s rural communities and urge Mexico to take a more

active role in providing that everyone can safely and freely worship as they please and in holding accountable those who violate the religious freedom of others.

¹*Integrated Civil Society Organizations System*, NGO BRANCH, U.N. DEP'T OF ECON. & SOC. AFF., <http://esango.un.org/civilsociety/> (last visited 22 Feb. 2018).

²MEXICO'S CONST. OF 1917, art. 1 (amended 2007), https://www.constituteproject.org/constitution/Mexico_2007.pdf

³*Id.* at art. 24. https://www.constituteproject.org/constitution/Mexico_2007.pdf

⁴David Agren, '*Narcos Alone Rule*': Mexico Shaken After Three Priests Killed Within a Week, THE GUARDIAN (29 Sept. 2016, 6:00 AM), <https://www.theguardian.com/world/2016/sep/29/mexico-catholic-priests-killed-drug-trafficking>.

⁵*Id.*

⁶*Two Priests Murdered in Mexico as Gang Attacks Against Religious Leaders Continue*, WORLD WATCH MONITOR (8 Feb. 2018), <https://www.worldwatchmonitor.org/2018/02/two-priests-murdered-in-mexico-as-gang-attacks-against-religious-leaders-continue/>.

⁷Brian O, *Christians in Mexico Face Violent Persecution from Criminal Drug Cartels*, OPEN DOORS (1 Mar. 2017), <https://www.opendoorsusa.org/christian-persecution/stories/mexico-violent-criminal-drug-cartels/>.

⁸*Id.*

⁹*Two Priests Murdered*, *supra* note 6.

¹⁰MEXICO'S CONST. OF 1917, art. 2.

¹¹*World Watch List: Mexico*, OPEN DOORS, available at <https://www.opendoorsusa.org/christian-persecution/world-watch-list/mexico/> (last visited 28 Mar. 2018).

¹²*Mexico 'in denial' over Christians Forced out of Their Homes for Their Beliefs*, WORLD WATCH MONITOR (2 Dec. 2016), <https://www.worldwatchmonitor.org/2016/12/mexico-in-denial-over-christians-forced-out-of-homes-for-their-beliefs/>.

¹³Stoyan Zaimov, *Evangelical Christians Facing Persecution in Mexico for Refusing to Convert to Catholicism*, CHRISTIAN POST (20 Apr. 2016, 10:39 AM), <https://www.christianpost.com/news/evangelical-christians-face-persecution-mexico-refusing-convert-catholicism-162191/>.

¹⁴Perry Chiaramonte, *Mexico's Christians Face Beatings, Forced Conversions at Hands of Hybrid Faiths*, FOX NEWS WORLD (18 Apr. 2016), <http://www.foxnews.com/world/2016/04/18/mexicos-christians-face-beatings-forced-conversions-at-hands-hybrid-faiths.html>.

¹⁵Zaimov, *supra* note 13.

¹⁶Harry Farley, *Mexico 'In Denial' Over Thousands of Evangelicals Forced out of Homes*, CHRISTIAN TODAY (6 Dec. 2016, 8:40 AM), <https://www.christiantoday.com/article/mexico.in.denial.over.thousands.of.evangelicals.forced.out.of.homes/102719.htm>.

¹⁷*Id.*