



A street scene in Mexico. Photo: CSW

MEXICO

**SUBMISSION FROM CHRISTIAN SOLIDARITY WORLDWIDE TO THE CESCR ON MEXICO, 60TH COMMITTEE SESSION
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INTRODUCTION

Christian Solidarity Worldwide (CSW), a human rights organisation specialising in religious freedom, wishes to draw the attention of the Committee on Economic, Social and Cultural Rights to the violations of economic, social and cultural rights in Mexico that also constitute discrimination on the basis of the religious persuasion of the victims. CSW's work in Mexico began in 2011 and has focused on the right to freedom of religion or belief (FoRB), but has found that this right is often violated in conjunction with violations of economic, social and cultural rights.

This submission focuses on Mexico's obligations under international law with respect to the International Covenant on Economic, Social and Cultural Rights, 1966; particularly Articles 2, 6, 10, 11, 12, 13 and 15 as well as General Comments No. 15 (2003) and No. 21 (2009). The submission focuses only on violations of economic, social and cultural rights that occur in conjunction with FoRB violations, and draws particular attention to the realisation of these rights for religious minorities in the country.

The Mexican constitution guarantees religious freedom for all people, including minority groups. Article 24 states: 'Everyone is free to embrace the religion of his choice and to practice all ceremonies, devotions, or observances of his respective faith, either in places of public worship or at home, provided they do not constitute an offense punishable by law.'

Additionally, constitutional amendments in 2011 put international human rights treaties on the same level as the constitution.

NON-DISCRIMINATION AND RIGHT TO CULTURAL LIFE ARTICLES 2.2 & 15 OF THE ICESCR

Families from minority faiths in several Mexican states, most notably in states such as Chiapas and Hidalgo where the Law of Uses and Customs¹ is in effect, are often forced by local authorities to financially contribute towards festivals associated with the majority faith. Historically, most FoRB violations have arisen out of conflicts between local leaders who hold traditionalist or syncretistic Roman Catholic beliefs, and non-Roman 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.²

These cases tend to follow a similar general trajectory. Firstly, the local leaders declare the village to belong to one religion. This not only implies that the members of the community should hold a specific set of beliefs,

¹ The Law of Uses and Customs is intended to help preserve indigenous culture; it provides a certain level of local and regional autonomy in parts of the country where there is a high indigenous population.

² In recent years, changing demographics and an entrenched culture of impunity regarding FoRB violations has led to a small but significant number of cases of non-Roman Catholics attempting to enforce religious conformity in their communities, and persecuting those who do not comply. This suggests that the problem is now so ingrained in these regions that without effective government intervention to protect FoRB, and policies that promote tolerance, the cycle is likely to continue – regardless of which religious group is in the majority.



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but also that they should contribute financially to, and actively participate in, activities related to the chosen religion, including religious processions and festivals. In one example from January 2015, Juan Hernández Alonso, a Protestant man in Ejido Atempa, Calnali Municipality, Hidalgo State was illegally imprisoned overnight after he declined to take up the responsibility of ringing the Roman Catholic church bell and organising the annual Roman Catholic religious festival. One village leader was also threatened with imprisonment when he failed to support the decision to imprison Juan Hernández Alonso. In another village in Hidalgo, San Pedro, Huazalingo Municipality, more than 58 members of the Monte Horeb Pentecostal Church refused to make financial contributions to or participate in the local Roman Catholic festival, and as a result were banned from government work and social schemes.

These practices violate Article 15 para 1(a) as elaborated in General Comment No. 21 (2009), which requires from the state both abstention (non-interference with the exercise of cultural practices) and positive action (ensuring preconditions for participation, facilitation and promotion of cultural life). Furthermore, the country failed to recognise, respect and protect the decision by the Protestants in Ejido Atempa and in San Pedro, Huazalingo not to exercise their right to take part in cultural life.

Although the Law of Uses and Customs includes the caveat that it must be practised in accordance with the Mexican constitution, and that human rights must be respected, violations of fundamental human rights occur frequently in areas where the Law of Uses and Customs is applied. These violations include:

- Forcing minority groups to contribute financially towards festivals associated with the majority religion
- Interrupting water and electricity supply to homes of minority families
- Preventing children who do not belong to the majority religion from attending school
- Forced displacement.

Local authorities³ in states where the Law of Uses and Customs applies often try to justify these violations by claiming that this law allows them to do this in order to protect their culture. Most violations of freedom of religion or belief linked to abuse of the Law of Uses and Customs are concentrated in the states of Chiapas, Guerrero, Hidalgo, Oaxaca, and Puebla, where there are large indigenous populations. Cases have also been reported in Michoacán, Jalisco and Nayarit.

Recommendation: The government of Mexico is urged to uphold legal guarantees for freedom of religion or belief, and to ensure that any other laws, such as the Law of Uses and Customs, are practised in accordance with Mexico's constitution and its international human rights obligations.

³ Governing structures are often localised, giving village and municipal authorities significant power over their populations. In many of these communities, 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. While it is the responsibility of state officials to intervene when FoRB violations do occur, they are often disinclined to do so for both practical and political reasons.

RIGHT TO WATER

ARTICLES 11 & 12 OF THE ICESCR & GENERAL COMMENT NO. 15 (2003)

Local authorities have used various methods to attempt to ensure that local families contribute financially and physically to activities associated with the community's majority faith; one of these methods is cutting off water and electricity supplies to families of religious minorities. This often occurs in states where the Law of Uses and Customs is in effect (see above). In 2016 there were at least four large-scale cases in which dozens of families in Chiapas and Hidalgo were left without their water or sewage systems, or were threatened with having these basic services cut off, as they resisted pressure to contribute to religious activities not linked to their own faith. The state and federal governments rarely take action to address these violations, leading to a culture of impunity⁴ and a sense that the majority religious group has the right to enforce religious beliefs in its community.

In early April 2016 the local authorities of Barrio de San Jose, Teopisca Municipality, Chiapas State cut off the water to the homes of five Protestant families and the drainage system to another home, when these families refused to pay 200 pesos (approximately £7.50) as a contribution to the local traditional Roman Catholic festival. They were told that this would "only be solved" if they "cooperated" with the Roman Catholic festival. Approximately 80 Protestant families were also forced to contribute to this Catholic festival, to avoid losing access to basic services or being fined 4,000 pesos (approximately £150). On 7 May 2016 around 15 families from Barrio de San Jose had their water cut off. These cases are not always resolved. One Protestant man in the state of Hidalgo has had his water cut off for over 13 years because of his refusal to renounce his faith. In the village of Unión Juárez, La Trinitaria Municipality, Chiapas, 127 Protestants (including children) were without water or electricity for two years, until the state government finally resolved the case in February 2016. Local authorities signed an agreement on 19 February 'which includes respect for beliefs, as well as the obligations of villagers, as long as these do not include participation in or contributions to religious festivals', in a process overseen by two lawyers who were supporting the victims.

General Comment No. 15 (2003) describes water as both a 'public good fundamental for life and health' as well as a 'prerequisite for the realization of other human rights'. It is clear that the practice of cutting off water and electricity violates basic human rights and contradicts the legal basis for the right to water as outlined in General Comment No. 15, particularly in terms of the entitlement of every individual to 'sufficient' and 'physically accessible' water.

Recommendation: The state governments of Chiapas and Hidalgo are urged to restore and ensure the right to water in areas where water is cut off as a sanction for refusing to participate in activities linked to the majority faith.

⁴ An entrenched culture of impunity is a key challenge in addressing religious discrimination in Mexico. Indeed, the state is averse to involving itself in 'religious affairs' and reluctant to prosecute those responsible for criminal acts linked to religious freedom violations.

Recommendation: The government of Mexico is urged to thoroughly investigate the cases above and ensure that the perpetrators, including government officials who have been shown to be derelict in their duties to uphold religious freedom, are effectively prosecuted according to national laws.

RIGHT TO ADEQUATE HOUSING AND PROTECTION OF THE FAMILY

ARTICLES 10 & 11 OF THE ICESCR

The government continues to fail to protect religious minorities, in many cases Protestants, from violence and forced displacement. In the states of Chiapas, Jalisco, Hidalgo and Oaxaca, hostilities against these minorities have resulted in cases of forced displacement. In some cases where minorities have not complied with demands, despite threatened and actual action taken to deny basic services, this has led to violent mob action. This includes physical violence, the damage and destruction of property, and ultimately displacement. On 15 December 2015 village leaders from Gabriel Leyva Velázquez, Margaritas Municipality, Chiapas held an assembly at which they called upon each Protestant individual to present themselves and sign a document confirming that they had renounced their religion. Seven Protestants were imprisoned for two days for failing to do so. All the adults were forced to pay a fine of 2,265 pesos (approximately £100) each, and a follow-up meeting was scheduled for 4 January 2016. At this meeting armed village leaders⁵ attempted to force nine Protestant families to renounce their beliefs. When they refused to do so, village leaders burned down their homes, forcing them to flee.

Many cases of forced displacement in Mexico have a severe impact on family and children's rights. For instance, 14 children were part of the nine families forcibly displaced on 4 January 2016. In another case of expulsion in Chiapas, in May 2016, 86 Protestant families including children were forced to leave their homes after they refused to make financial contributions to a Roman Catholic festival and to 'help' in the Roman Catholic church. In cases of forced displacement with no government assistance and intervention, the victims have few options. Many communities have been displaced for years, waiting for the state government to fulfil its promises of a 'solution'. Forced displacement separates the victims from their land and their source of income and often forces them to take refuge in larger cities where they face limited employment opportunities. Many of the displaced religious minority communities end up living

⁵ The armed village leaders were led by Village Commissar Reynaldo Jiménez Hernández and Municipal Agent Francisco Jiménez Santi.

in poverty. The adults of working age, who usually have few skills which are transferable to an urban setting, are often forced to seek work in the informal sector. This leaves them vulnerable to human traffickers and others who take advantage of their situation.

Recommendation: The state governments of Chiapas, Hidalgo and Jalisco are urged to ensure and facilitate a safe and timely return for the victims of forced displacement in these states and to provide compensation for any illegal loss of property, including providing for adequate and safe resettlement when return is not possible.

RIGHT TO EDUCATION

ARTICLE 13 OF THE ICESCR

Local authorities in states such as Hidalgo and Chiapas have barred children from attending school in order to punish families who fail to contribute to or participate in activities associated with the majority faith. CSW has recorded various cases in recent years that involve the deprivation of access to education.

In 2012 children from the non-indigenous village of Yashtinin in San Cristobal de Las Casas Municipality, Chiapas were banned from attending school after their community was violently expelled: following the expulsion, their families had been unable to provide the necessary paper documents from the school in Yashtinin. The government failed to take action to protect their right to education.

In 2015 village authorities in Rancho Viejo, Huejutla Municipality, Hidalgo threatened to ban Protestant children from attending school if the families did not contribute to the patron saint's festivals in June. More recently, in November 2016 in El Encanto, Las Margaritas Municipality, Chiapas, 11 children were barred from attending school after their families did not participate in the traditional Catholic festivals.

Recommendation: The state governments of Hidalgo and Chiapas are urged to ensure equal access to education. The state government of Chiapas is particularly urged to ensure the rapid return to school of the children currently barred from attending school in El Encanto, Las Margaritas; and to carry out thorough investigations into and prosecute those responsible for the violations committed in this case and all the cases listed in this report.

Recommendation: The government of Mexico is urged to initiate and permanently maintain active engagement with state governments on issues of freedom of religion or belief, in order to address these problems, including those affecting education, systematically and efficiently.

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CSW is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

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