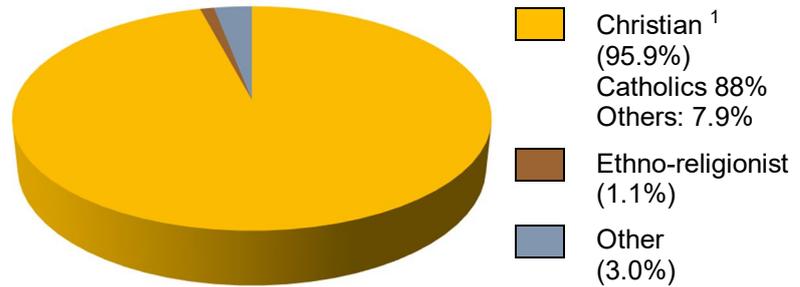


# MEXICO



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Area <sup>2</sup> :	Population <sup>3</sup> :	Political system:	Major Language(s):
1,960,189 km <sup>2</sup>	116 million	Democracy <sup>4</sup>	Spanish <sup>5</sup>

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## Legal framework on Freedom of Religion and actual application

Article 40 of the constitution of Mexico states that the will of the people is to constitute the country as a secular republic. Implicitly, in article 130, it refers to the “historical principle” of separation between Church and State. However, article 3 of the fundamental charter clarifies the meaning of the principle of secularism as it applies to the Republic of Mexico, namely the absolute separation from religion. “Article 3. I. – As guaranteed by article 24 on freedom of belief, such education will be secular and, therefore, will remain entirely separate from any religious doctrine.”

In Mexico all forms of discrimination are banned, be it on ethnic or national origin, sex, age, disability, social status, health conditions, religion, opinion, preferences, marital status or any other ground that violates human dignity or is meant to nullify or harm the rights and freedoms of individuals.

Article 24 of the constitution states: “Everyone has the right to freedom of ethical convictions, conscience and religion, as well as the right to have or adopt, as the case may be, the faith of his or her choice. This freedom includes the right to participate, individually or collectively, in public or private, in ceremonies, devotions or acts of worship, provided they do not constitute an offence punishable by law. No-one may use public expressions of this freedom for political purposes, proselytising or political propaganda. Congress shall not dictate any laws that establish or prohibit a religion. Religious acts of public worship shall be normally performed in temples. Those that are exceptionally held outside shall be subject to existing regulations.”

A minister of religion cannot be President or Member of Congress.

The constitution recognises the historical principle of the separation of State and churches and affirms that these and other religious groups are subject to the law:

- Churches and religious groups shall have legal personality as religious associations once they are registered. The law shall regulate these associations, and determine the conditions and requirements for their constitutive registration.
- The authorities shall not intervene in the internal affairs of religious associations.
- Ministers of religion may not hold public office. As citizens, they shall be entitled to vote but not to be elected.

- Ministers of religion may not associate for political purposes or propaganda in favour or against any political party or organisation. Neither can they oppose the laws of the country or its institutions nor offend in any way any of its patriotic symbols, whether in acts of worship, religious propaganda or in religious publications.<sup>6</sup>

The juridical relationship between State and Church is clear and well-known. The constitution specifies that the State is secular in nature, as are the law and regulations that govern the formation of religious associations, inclusive of rights, duties, members, etc. In addition, there are other sources of law that touch religion and Churches; most notably the Federal Law to Prevent and Eliminate Discrimination, which bans discrimination on grounds of religion; the General Education Law, which emphasises secular public education and the standards it must follow; the Federal Labour Law, which recognises 25<sup>th</sup> December as a day of rest; the Rules governing Religious Associations, which cover taxation; the Federal Code of Criminal Procedure, which comes under criminal law and protects the secret of the confessional; and the Mexican Official Standard NOM-190- SSA1-1999 and 046-SSA2-2005, which refer to health care and recognise conscientious objection. Other laws apply as well.

The Law of Religious Associations and Public Worship states that religious groups can obtain legal personality if they register with the Interior Ministry. The law makes clear that, while religious groups may operate in the country, their juridical existence does not predate that of the State. Consequently, registration does not entail the recognition of Churches, but rather their initial acquisition of (subordinate) legal status vis-à-vis the Mexican Republic. The law refers to what applicants must do to register. This ranges from showing that they have enough resources to start to engage in religious activities in the country for at least five years as a sign of their “deep roots in the population”. The law’s regulations define the latter as “. . . the uninterrupted practice of a doctrine, body of beliefs or religious activities by a group of people, in any building it may use, own or administer, which its members attend on a regular basis to celebrate acts of public worship for at least five years before registering . . .”<sup>7</sup>

The same law treats the various religious associations on a par with the Catholic Church: “Article 6, Subs. 3 – Religious associations are equal before the law in rights and obligations”.

Religious associations must always abide by the constitution, and the laws that emanate therefrom. They may neither pursue profit nor political goals, and they must respect and promote human rights as well as dialogue with other religious groups. Any violation of the Law on Religious Associations falls within the jurisdiction and is sanctioned by the Interior Ministry. Penalties can range from fines and warnings to closing places of worship and deregistration (article 32). This reflects the notion that Churches, as institutions, owe their existence to the State, and not to any act of recognition of their prior existence.

## Incidents

Since 1990, the Catholic Media Centre has published an annual report titled Issues concerning Mexico’s Catholic Church. The report provides updated information about priests, men and women religious as well as members of the laity who are abducted, tortured and murdered for their faith.<sup>8</sup> In its 2015 issue, it focused on the rising crime rate. The most violent states in the past 25 years were Guerrero, Mexico City, Chihuahua and Michoacan. Compared to other Latin American countries, Mexico ranks first in terms of attacks against priests. With respect to the period from July 2014 to July 2015, the report says:

- In April 2014, Fr John Ssenyando, a Ugandan-born missionary serving in the Diocese of Chilpancingo-Chilapa, Guerrero, was kidnapped in the town of Nejada, Guerrero. Attempts to find him proved fruitless. His body was recovered from a mass grave in October 2014, in Cocula.<sup>9</sup>

- Fr José Ascensión Acuña Osorio, 37, was kidnapped in September 2014. His body was found a few days later in the Balsas River near the town of Santa Cruz de las Tinajas, in the municipality of San Miguel Totoloapan, Guerrero.<sup>10</sup>
- Fr Gregorio López Gorostieta was kidnapped in December 2014. He was found dead within days of his disappearance with a bullet wound to the head.<sup>11</sup>

In May 2015, a mob set fire to an evangelical church in Santa Fe de la Laguna, disrupting the congregation's Sunday worship, and physically assaulting the pastor. Despite calls by Evangelical worshippers for calm, the attackers, using a tractor and bats, destroyed the foundations and walls of a new church under construction. Although no-one was injured, the violence was intense.<sup>12</sup>

In May 2015, *Saber Más* (Know More), a journal published by the Universidad de Michoacán (Michoacán University) carried an article titled "*La discriminación por motivos religiosos en México*" (Religious discrimination in Mexico). The latter noted that in Mexico some people or groups are victims of discrimination and contempt on a daily basis because of their religiously-centred lifestyle.<sup>13</sup>

In September 2015, an article cited complaints by the International Christian Concern (ICC) about the persecution of Protestants in Oaxaca. A Protestant named Lauro Núñez Pérez was reportedly arrested on three occasions because of his religious beliefs. According to the ICC, a local official apparently allowed the school attended by Núñez Pérez's children to refuse registering them for a new school year. According to the ICC, dozens of similar cases have been recorded in southern Mexican States, especially in rural areas.<sup>14</sup>

In October 2015, the Official Journal announced the start of the formal process of nationalisation of the building known as "New Basilica of Guadalupe Temple, Atrium and Annexes" in Plaza de las Americas. Public opinion expressed surprise and dismay at the imminent nationalisation of the Marian shrine. However, there is a legal technicality in the Law on Religious Associations and Public Worship that explains the move, and the concept of nationalisation and the nature of the property affected must be elucidated. What were thought to be properties of the Church in fact belong to the nation under article 27 of the constitution of 1917. In 1992, changes to the legal status of Churches modified the nature of the assets the former may own. Structures built before 1992 remained under full national control and ownership. The Law on Religious Associations and Public Worship issued in July of the same year allowed groups to retain property of national buildings (under certain conditions). The Basilica of Guadalupe and the atrium are properties held in custody by the Religious Association. As the constitution and the aforementioned reform indicate, those buildings are nationally owned, administered and protected by government agencies, and are listed in the Federal Public Property Registry. Here, "nationalisation" means registering such properties with the Federal Registry, a Mexican government agency. This is the case of the new basilica, which, as a place of worship together with other temples, constitutes the Guadalupe complex. However, registering the new Basilica is unnecessary. The notice published in the Official Journal refers to property adjacent to the building called the "New Temple Basilica of Guadalupe," which was removed from the public domain in favour of a civil, non-religious association, whose purpose is caring for pilgrims and protecting the cultural heritage of the Guadalupe complex.<sup>15</sup>

In January 2016, an article reported that in December 2015, seven families in the municipality of Las Margaritas, Chiapas, were jailed after they refused to abandon their religion and become Catholics. According to the ICC, as a result of such situations, hundreds of people are being left homeless across the country, as many choose to remain faithful to their beliefs.<sup>16</sup>

In February 2016, actor and designer Waris Ahluwalia, a Sikh, complained that Mexican airline Aeroméxico barred him from boarding a flight to New York because he refused to remove his turban, which is an article of faith in his religion.<sup>17</sup>

In February 2016, Pope Francis made a pastoral visit to Mexico, during which more than 10.5 million people attended Masses and meetings, and lined up the roads, showing great interest and excitement for his presence and message. At the start of his trip, Pope Francis paid a courtesy visit to President Enrique Peña Nieto.<sup>18</sup>

In March 2016, the Official Mexican Regulation NOM-190-SSA1-1999 and NOM-046-SSA2-2005 were amended to enable public health agencies to perform abortions in cases of rape. This regulation recognises the right of health care professionals to conscientious objection and specifies that public health care facilities must employ qualified physicians and nurses who have no objection to the procedure.<sup>19</sup>

In March 2016, Congressman Hugo Eric Flores Cervantes proposed an amendment to Article 149 of Mexico's Federal Penal Code to prevent religious discrimination. This would make religious discrimination an offence and punish its perpetrators.<sup>20</sup>

### **Prospects for freedom of religion**

In Mexico, serious social problems tend to converge. With persistent social inequality and a large percentage of the population living in poverty, the country is beset by corruption, drug violence and large-scale illegal emigration to the United States.

In such a society, violence is widespread, which, in relation to religious freedom, takes the form of attacks, kidnappings and murders of members of the clergy. In Latin America, Mexico holds the record of attacks against priests.

Moreover, in light of Catholicism's majority status, some non-Catholic religious groups have complained of abuses and harassment, particularly with respect to pressures to change religion, feeling victimised by discrimination and intolerance. It is unclear who is behind these attacks. Through the Bishops' Conference, the Catholic Church has repeatedly called for dialogue, and sought to reach out to those in need and work together for peace. Church leaders are concerned by the country's crisis, and highlighted the importance of the Year of Mercy.

In Mexico, the adverse climate for religion is a source of concern. As noted in the 2012-2014 Religious Freedom Report, incidents involving discrimination and intolerance towards people because of their religion continue. Little seems to have changed, and the prospects for freedom of religion are not auspicious.

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<sup>1</sup> [http://www.thearda.com/internationalData/countries/Country\\_149\\_1.asp](http://www.thearda.com/internationalData/countries/Country_149_1.asp), accessed on 29 April 2016.

<sup>2</sup> <http://www.bbc.com/news/world-latin-america-18095241>, accessed on 29 April 2016.

<sup>3</sup> <http://cuentame.inegi.org.mx/territorio/extension/default.aspx?tema=T>, accessed on 25 May 2016.

<sup>4</sup> <http://www.ordenjuridico.gob.mx/Constitucion/cn16.pdf>, accessed on 28 April 2016.

<sup>5</sup> <http://consulmex.sre.gob.mx/sanpedrosula/index.php/bienvenida-y-directorio/34il> 2016, accessed on 14 April 2016.

<sup>6</sup> <http://www.diputados.gob.mx/LeyesBiblio/hm/1.htm>, accessed on 14 April 2016.

<sup>7</sup> [http://www.diputados.gob.mx/LeyesBiblio/pdf/24\\_171215.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/24_171215.pdf), accessed on 09 June 16.

<sup>8</sup> <http://derechoyreligion.uc.cl/es/docman/boletin-juridico/2014/66-bj-diciembre-2014/file>, accessed on 17 April 2016.

<sup>9</sup> <http://www.cronica.com.mx/notas/2014/875535.html>, accessed on 07 June 2016.

<sup>10</sup> <http://www.cronica.com.mx/notas/2014/875535.html>, accessed on 07 June 2016.

<sup>11</sup> <http://www.univision.com/noticias/noticias-de-mexico/hallan-muerto-a-sacerdote-secuestrado-en-guerrero>, accessed on 07/06/2016; <http://www.cem.org.mx/contenido/532-gregorio-lopez-gorostieta-comunicado-cem-asesinato-violencia.html>, accessed on 03 June 16.

<sup>12</sup> <http://www.fuerzalatinacristiana.com/index.php/noticias/item/2607-queman-una-iglesia-evangelica-en-mexico-continua-la-violencia-y-persecucion-religiosa-contra-los-protestantes>, accessed on 16 April 2016.

<sup>13</sup> <http://www.sabermas.umich.mx/archivo/secciones-antteriores/articulos/61-numero-8/120-la-discriminacion-por-motivos-religiosos-en-mexico.html>, accessed on 16 April 2016.

<sup>14</sup> <http://www.noticiacristiana.com/sociedad/persecuciones/2015/09/denuncian-persecucion-de-cristianos-evangelicos-en-oaxaca-mexico.html>, accessed on 06 April 2016.

<sup>15</sup> <http://www.siame.mx/apps/info/p/?a=14750&z=32>, accessed on 06 June 2016.

<sup>16</sup> <http://www.sinembargo.mx/02-01-2016/1589702>, accessed on 06 June 2016.

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<sup>17</sup> <http://www.jornada.unam.mx/ultimas/2016/02/08/protesta-actor-de-eu-por-discriminacion-de-aeromexico-6634.html>, accessed on 06 April 2016.

<sup>18</sup> <http://w2.vatican.va/content/francesco/es/travels/2016/outside/documents/papa-francesco-messico-2016.html>, accessed on 08 June 2016.

<sup>19</sup> [http://www.dof.gob.mx/normasOficiales/5947/salud11\\_C/salud11\\_C.html](http://www.dof.gob.mx/normasOficiales/5947/salud11_C/salud11_C.html), accessed on 17 April 2016.

<sup>20</sup> [http://www.milenio.com/politica/discriminacion\\_religiosa-religion\\_Mexico-propuesta\\_religiosa\\_Encuentro\\_Social\\_0\\_707929303.html](http://www.milenio.com/politica/discriminacion_religiosa-religion_Mexico-propuesta_religiosa_Encuentro_Social_0_707929303.html), accessed on 17 April 2016.