



Reports

Dennis P. Petri and Teresa I. Flores Chiscul

Report on “Persons belonging to religious or belief minorities in situations of conflict and insecurity”

Submission to the UN Special Rapporteur on freedom of religion or belief

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International Institute
for Religious Freedom



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for Religious Freedom

**Internationales Institut für Religionsfreiheit
Institut International pour la Liberté Religieuse
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The International Institute for Religious Freedom (IIRF) was founded in 2007 with the mission to promote religious freedom for all faiths from an academic perspective. The IIRF aspires to be an authoritative voice on religious freedom. We provide reliable and unbiased data on religious freedom – beyond anecdotal evidence – to strengthen academic research on the topic and to inform public policy at all levels. Our research results are disseminated through the International Journal for Religious Freedom and other publications. A particular emphasis of the IIRF is to encourage the study of religious freedom in university institutions through its inclusion in educational curricula and by supporting postgraduate students with research projects.

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We understand Freedom of Religion and Belief (FoRB) as a fundamental and interdependent human right as described in Article 18 of the Universal Declaration on Human Rights. In line with CCPR General Comment No. 22, we view FoRB as a broad and multidimensional concept that needs to be protected for all faiths in all spheres of society.



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Preconditions that give rise to situations where religious minorities are primary targets of violence

Individuals belonging to a minority group sharing a common ethnicity, religion, or language are subject to protection under the terms of the Declaration on the Rights of Persons Belonging to Minorities and Article 27 of the International Covenant on Civil and Political Rights are those. In accordance with the Human Rights Committee’s General Comment No. 23, individuals belonging to such minorities should not be denied the right, which is shared with the other members of their group, to have their own cultural life, to practice their own religion and to use their own language. The protection of these rights is intended to ensure the preservation and continued development of the identity of the group, which differs from the identity of the majority population, and is manifested by the collective will to preserve their culture, traditions, religion or language.

When defining minority groups, objective and/or subjective data are usually considered. An objective element is the very existence of one or another ethnic group or the use of a particular language. The subjective element is mainly related to self-identification, i.e., the right to define oneself as part of a given minority or not. Another parameter for recognizing these groups is related to the condition of minority as such which should not only be understood in numerical terms but also in relational terms, i.e. considering the disadvantages that may occur in any of the aspects or dimensions of life, caused by the majority community/society.

In the case of religious minorities, the concept or idea used to determine them is usually linked to their adherence to a religious creed that is different from that of the dominant community where they are located. One of the problems that this entails is that religious minorities are seen as groups in “competition” with the majority religion and are often discriminated against in access to certain rights recognized by local, state or the national framework.

This reading of religious minorities, while accurate, is often incomplete or insufficient to cover all the scenarios in which members of these groups see their right to religious freedom and intersecting rights violated. Based on our empirical observations, at the Observatory of Religious Freedom in Latin America (OLIRE), we intentionally differentiate between the concepts of “religious identity” and “religious behavior” (Annex A).

Article 18 of the Universal Declaration of Human Rights states that freedom of religion implies the freedom for anyone to change their religion, and “alone or in community with others and in public or private, to *manifest* his religion or belief in teaching, practice, worship and observance” (UDHR, 1948, italics ours). Hence, it always recognized that religion was more than a matter of identity or a set of beliefs. Including a behavioral component in our understanding of religion makes it possible to distinguish between vulnerability that results from religious identity *per se* and vulnerability that results from behavior inspired by religious convictions.

The principle of identification or identity as such, subsumed to a religious context, corresponds to the condition of belonging to a religious group that follows a given belief system. However, religious identity is not always the result of self-identification alone. Often, people are labeled by others as belonging to a religious group or are born into a particular religious group without having made a conscious decision to be part of it, and when this changes, the person may be subject to various kinds of hostility even within a religious minority. “Religious behavior” refers to the notion that such a religious identity or belief system or conviction leads its followers to behave in a particular way. This may include participation in religious events, but also any form of behavior that is inspired by religious convictions.

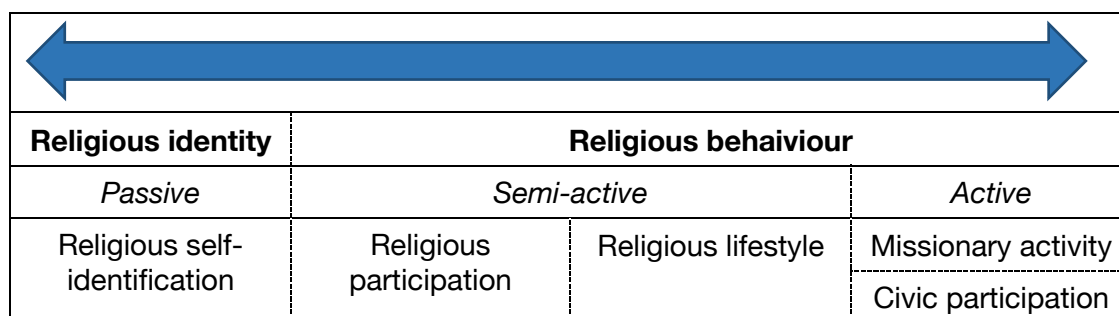


Figure 1. Continuum of religious identity and behavior¹

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The most active forms of religious behavior are missionary activity and civic participation. Missionary activity, also referred to as proselytism, is undertaken with the aim of making converts. Civic participation comprises engagement in charitable work or involvement in civil society or politics as a result of religious convictions.

In regions such as Latin America, although a large majority identifies with Christianity, only a small number actually practice their faith or conduct themselves according to their beliefs in a semi-active or active manner. Consequently, believers that actively practice their faith, can and should be considered as a minority. The importance of our understanding of religious freedom is that it makes it viable to determine which aspects of religious identity and religious behavior may make religious minorities more or less vulnerable (and more or less resilient) depending on the context in which they find themselves.

By adopting this continuum, we can identify actively religious individuals based on their engagement in certain types of behavior that distinguishes them from (more) passive adherents of the same religion and focus on risks resulting from such behavior. Hence, it is possible to state that the extent to which religious freedom is threatened may differ based on individual behavior: actively practicing believers whose behavior threatens the powers that be are likely to be more

¹ Source: Petri D. P. (2020). *The Specific Vulnerability of Religious Minorities* (Doctoral dissertation). Amsterdam: Vrije Universiteit. URL: <https://iirf.global/publications/books/the-specific-vulnerability-of-religious-minorities/>.

at risk in certain contexts. These threats can also emanate from non-state actors and no need to be religiously motivated.

Religion and Human Security: Human rights challenges experienced by persons belonging to religious or belief minorities

A human security approach brings several advantages to the study of violations of religious freedom. It broadens the scope of analysis beyond the preoccupation with *either* interreligious strife *or* state-sanctioned violations as the sole sources of such violations, opening up a much wider panoply of potential perpetrators and motivations, which may include state or non-state actors with religious or non-religious motivations. It brings into view the potential role of non-state actors such as criminal organizations, armed groups or indigenous authorities as perpetrators of human rights abuses involving freedom of religion (Annex A).

There are contexts in which criminal groups with the aim of gaining control of territories neglected by the government; mostly indigenous, rural, and migrant communities; relentlessly threaten and harass religious leaders who actively defend freedom and justice, promote the denunciation of crimes or alliances between authorities and criminals. Once these religious leaders act or are perceived as the *de facto* human rights defenders, they are vulnerable to human rights abuses, therefore, they are exposed to various types of hostilities or threats.

Pastoral activities and, in general, influential religious behavior within a community coopted by criminal groups put at risk the physical integrity and well-being of religious ministers, parishioners and even their families. For criminal groups, religious convictions that contradict the criminal mindset represent a threat to their control in the area and their stability. As long as religious organizations constitute an obstacle for them, their members and leaders are likely to be targeted, in order to weaken them and prevent their influence on society, and especially on young people. Intimidation and submission by violent means are ways they pursue to stop their activities, thus ensuring the presence and control of criminal activities in the area (Annex B).

Through OLIRE’s work, the following dynamics have been observed in territories controlled by organized crime (narco-gangs, guerrillas, among others), especially in Mexico and Colombia:

- **Worship or gathering:** Religious services are constantly monitored and surveilled. Frequently, there are restrictions on church services. Any type of large gathering is always at risk of being disrupted and attacked. This has led to religious services not being held at all, either by prevention or by explicit order of criminal groups. In Mexico, drug cartels can exert strong pressure on churches to include statues and symbols of Santa

Muerte, and even celebrate masses dedicated to Santa Muerte, even if the locals do not share this belief.

- **Places of worship/faith-based organizations:** Criminal groups resort to the “expropriation” of church property or the unauthorized use of its places of worship for their illegal activities. Another practice also involves theft with damage to the structure or vandalism with desecration of places of worship. In some cases, other properties of religious leaders are also attacked, like their houses, cars, among others. Illegal charges and extortion are also commonly demanded in order to allow the operation of places of worship or the development of religious services. Faith-based organizations are required to pay a fee called “derecho de piso” in Mexico and “vacuna” in Colombia to be allowed or to remain open.
- **Proselytism:** Religious leaders who publicly speak out against injustice, be it violence, drug use, drug trafficking, corruption, or organized crime, risk being pressured and attacked, even killed. Members of religious groups that evangelize cartel members can expect to receive death threats.
- **Participation/social work of religious actors:** There is constant pressure on social and human rights initiatives. Drug rehabilitation programs are directly threatened by criminal organizations because they threaten the drug trafficking business. Religious leaders who participate or work in social initiatives without the authorization of criminal groups are forced to leave the city because of risks to their human security and that of their families.
- **Teaching in accordance with a particular religion:** Religious leaders involved in youth work are targeted. Children of religious leaders are threatened so that their parents abandon teaching activities among youth. The training programs of faith-based organizations to eradicate violence are threatened and obstructed by criminal groups.

It is also possible to point out other factors that pose a risk to religious activities and therefore obstruct the full exercise of the right to religious freedom. For instance, Churches are perceived to have large amounts of ready money because of the offerings they collect. Moreover, church services are unique in terms of their visibility and the large number of people they attract with recurring frequency. They are also generally easy to enter because most churches want to be welcoming to visitors. Actual kidnapping may also be intended to intimidate people for non-compliance with the drug cartels’ orders, for instance refusal to pay extortion moneys or ransom.

In such environments, where there is weak rule of law and weak state capacity, individuals and communities are vulnerable to infringements on religious freedom that are not commonly recognized as such. Threats at the subnational level may have nothing to do with the quality of national legislation, but as we can see religious freedom may be threatened by non-state actors who are mostly not religiously motivated at all (Annex B).

If we focused on the role of religious behavior, we could notice that beyond threats based on religious identity, there is a variety of risks people may run because they translate their religiosity into types of behavior that involuntarily or intentionally challenge local powerholders.

This problem has already been recognized by multilateral bodies. We can mention the Inter- American Commission on Human Rights, which on previous occasions has provided precautionary measures to religious leaders immersed in contexts of insecurity and violence:

- Since 2015, Father Marcelo Pérez Pérez has been the beneficiary of precautionary measures from the IACHR (Resolution 30/2015 - Precautionary measure 506-14). This precautionary measure was requested by the Fray Bartolomé de las Casas Human Rights Center for the IACHR to require the State of Mexico to adopt the necessary protection measures to guarantee the life and personal integrity of members and former members of the Parish Council of the Municipality of Simojovel. According to this request, these members and former members have been subjected to acts of violence and threats against them for their activities as human rights defenders and for having made various public denunciations of organized crime activities (Annex C).
- In September 2021, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the rights of indigenous peoples, also called the Mexican government’s urgent attention to the acts of harassment against the indigenous priest Father Marcelo Pérez Pérez. The rapporteurs expressed their deep concern for Father Marcelo's safety, and the fear that he may be exposed to a high level of risk as a result of the stigmatization to which he has been subjected, particularly given his work in denouncing human rights violations in the Chiapas Highlands and the current context of insecurity in the region (Annex D).
- In 2019, a precautionary measure was issued in favor of Pastor Aaron Casimiro, Director of Casa Amar, missing since 3 August 2019 (Resolution 51/2019 – Precautionary measure 870-19). The request for this precautionary measure was filed by a member of the Casa del Migrante de Saltillo and asked the Commission to require the Mexican government to adopt protective measures to guarantee the rights of Pastor Aaron Casimiro Méndez Ruíz, as well as other migrant and refugee beneficiaries of Casa Amar’s work. It requested that the government do everything possible to determine the whereabouts of the pastor in order to protect his rights to life and personal integrity; that it do everything possible to protect his family; and that it report on the investigative actions that led to the adoption of the precautionary measure (Annex E).

As mentioned previously, the situations described above have been identified especially in Colombia and Mexico, countries where the level of violence, insecurity and situations of conflicts are particularly high due to the large presence of cartels and/or guerrillas (Annex F). There are concrete cases in which it is

possible to verify the risk and violations to the human security of leaders and members of religious groups with an active religious behavior (Annex G and H). In the next graphic, we detail the number of incidents of physical violence recorded on our platform.

Countries	Killings	(At-tempts) to de-stroy, vandalize or dese-crate places of worship or reli-gious buildings	Closed places of worship or reli-gious buildings	Abduc-tions	Sexual assaults/harass-ment	Other forms of attack (physical or mental abuse)	Attacked houses/property of faith adher-ents	Attacked shops, business or institu-tions of faith adher-ents	Forced to leave Home
Colombia	16	45	18	6	14	504	7	3	605
Mexico	13	84	0	13	11	72	88	1	404

Figure 2: Violent Incidents Colombia and Mexico (January 2020 to September 2021)

The updating of this database is continuous, so the total number of incidents may vary as new cases are registered / identified. Updated data and the content in detail can be viewed here: <http://vid.iirf.global/>

The magnitude of the problems faced by religious leaders in areas of violence and conflict requires the active involvement on the part of different offices, including initiatives specific to the mandate of the freedom of religion or belief rapporteurship. We consider that an important first step is to recognize and make visible the multiple forms of hostility and danger to which this religious minority is exposed, in order to channel adequate actions for the protection and guarantee of their human rights.

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