

Legal framework

Mexico's constitution commits to protecting and upholding the full right to freedom of religion or belief in Articles 1, 2 and 24.

The Law of Uses and Customs protects the right of indigenous communities to govern themselves according to traditional laws and customs. The law is meant to be exercised in accordance with fundamental human rights as defined in the constitution and international law, but in practice the government at the municipal, state and federal levels does little to enforce this. A [2020 ruling](#) by Mexico's National Supreme Court of Justice in favour of indigenous communities whose rights have been violated by village authorities through an abuse of the Law of Uses and Customs has not stopped minority families in several states being subjected to intense harassment and pressure. A culture of impunity has become entrenched in around 14 states, and especially in Chiapas, Guerrero, Hidalgo, Jalisco, Oaxaca and Puebla. In these regions, the majority religious group often believes it is their right to enforce religious belief and practice; the government has made little effort to improve understanding of FoRB.

Mexico is a member of the Organization of American States and has ratified a number of international treaties, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural rights (ICESCR).

Denial of basic services

In communities governed under the Law of Uses and Customs, members of religious minorities are frequently disconnected from or blocked access to basic services such as water and electricity as a tactic to pressure them to convert to or participate in activities linked to the majority religion. Although this is illegal, such cases are generally only resolved when members of the religious minority pay illegal fines or sign formal 'agreements' committing themselves to actively participate in activities associated with the religious majority.

For example, two Protestant families from La Mesa de Limantitla, Huasteca region, Hidalgo State, who were forced to sign an illegal agreement in January 2020 renouncing their right to hold religious services in order to have their water and other essential services reinstated, have been repeatedly threatened with expulsion or denial of access to services if they did not pay the remainder of a fine that was levied as part of the agreement.

Forced displacement

Religious minority children in communities governed under the Law of Uses and Customs are sometimes barred from attending school by local leaders in an attempt to pressure their parents to join the majority religion.

In 2017, the local authorities in El Encanto, Las Margaritas Municipality, Chiapas State, prevented children of four

Protestant families from being re-enrolled in the local school because their parents refused to participate in religious activities associated with the majority. Parents were forced to enrol their children in a neighbouring community twenty minutes away by public transport which costs MXN36 which is the equivalent to the cost of one meal in the area. Similar cases have been documented in the states of Hidalgo, Jalisco and Oaxaca.

Children who have been forcibly displaced with their families because of their religion are also often deprived of their right to an education. Due to the circumstances of their displacement, which often involves violence and destruction of property, many lack the paperwork necessary to enrol in a school in their new place of residence. School and government officials rarely make the process easy for the parents, and often turn the children away.

The impact of organised crime

Criminal groups often target churches for extortion, attempting to coerce religious leaders into paying protection money or allowing their churches to be used for money laundering. Religious leaders are also often de facto community leaders. Targeting these figures is an effective way to destabilise a community, and members of organised criminal groups do so in order to establish a culture of silence and terror. Roman Catholic priests have been threatened, kidnapped, tortured and killed. According to the Catholic Multimedia Centre (CCM) fifteen Roman Catholic priests were killed between 2017 and 2021. The situation of Protestant leaders is likely similar, but for various reasons, their experiences have not been consistently documented. Many cases go unreported because of the high levels of fear of retaliation by criminal groups. Religious leaders note that police are often quick to label these attacks and murders as 'common crimes', most frequently as robberies gone wrong, rather than investigating the cases fully.

Religious leaders who are involved in social work and community outreach are especially vulnerable in areas of the country under the influence of criminal groups. On 30 August 2021, Father José Guadalupe Popoca Soto, priest of the parish of San Nicolás de Bari located in Galeana, Zacatepec de Hidalgo Municipality, Morelos State, was murdered in his room in the parish house. According to media reports, Father Popoca Soto's work to rehabilitate youth who had or were trying to leave gangs is thought to be a possible motive for the attack.

Religious leaders working on the US-Mexico border where there is an ongoing migrant crisis have also been targeted. On 3 August 2019, Seventh Day Adventist Pastor Aarón Méndez Ruiz and his assistant, Alfredo Castillo de Luna, were abducted from the migrant shelter run by Pastor Méndez Ruiz. The men appear to have been targeted because of their refusal to cooperate with criminal groups in schemes to kidnap and extort migrants and asylum seekers staying at the shelter. Despite an October 2019 call from the Inter-American Human Rights Commission (CIDH) instructing the Mexican government to report on the process of the investigation into the two men's disappearance, there has been no news of their whereabouts since their abduction.

According to the CIDH report, a warning attributed to the Northeast Cartel circulated on social media in the weeks following the two men's disappearance: "Operation CATAS, sending priests to hell! Every immigrant will pay us here!!! It doesn't matter if they come from or hide in a church. Priests, pastors. [non-Catholic] Priests. Bishops. You are warned."

Recommendations

To the government of Mexico:

- Uphold legal guarantees for freedom of religion or belief (FoRB) for all; and where other laws apply, for example in communities governed by the Law of Uses and Customs, practise these in accordance with Mexico's constitution and its international human rights obligations.
- Publicly recognise the important social role that religious leaders play and that their ministries often also involve a social aspect – as such they should be treated as human rights defenders and afforded protection, including from illegal armed groups, under the National Protection Mechanism for Human Rights Defenders and Journalists.
- Carry out thorough investigations into assassinations, kidnappings of, and threats against religious leaders, to establish motive and to hold those responsible to account.

To the United Nations and Member States:

- Ensure that the right to freedom of religion or belief and other intersecting rights are consistently raised with the government of Mexico, including during high-level visits and other bilateral exchanges.
- Call for Mexico to conduct impartial and timely investigations into allegations of violations against religious or belief minorities, ensuring that perpetrators are held to account.
- Urge the government of Mexico to proactively increase efforts to address intolerance and discrimination based on religion or belief, including by providing training for the judiciary and local authorities and ensuring that adequate support is given to displaced communities and that water and sanitation services are unconditionally restored in cases where such rights have been denied.
- Urge all relevant UN mechanisms, including the Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their reporting on Mexico, addressing the vulnerabilities and violations faced by religion or belief minorities.
- Call on the government of Mexico to work with the UN Division for Sustainable Development Goals (DSDG) to ensure 'no-one is left behind' in the realisation of the 17 Sustainable Development Goals (SDGs) in Mexico,

including SDGs on education, gender equality, water and sanitation and reducing inequalities.

To the European Union and Member States:

- In line with the EU Guidelines on FoRB, engage regularly with the Mexican federal and state governments on cases and issues related to violations of FoRB. Special focus should be given to collaboration with the National Commission for Human Rights, the National Council for the Prevention of Discrimination, and state commissions for human rights on issues related to FoRB. This should include awareness-raising and capacity-building within government institutions, for example through exchanges of best practice.
- Ensure that the Mexican government adequately recognises existing FoRB violations ahead of any ratification of the EU-Mexico FTA, and the potential of these violations to constitute non-compliance with the "essential elements clause" and the Chapter on Trade & Sustainable Development.
- As part of the EU Delegation and Member State Embassy strategic plans on human rights, we recommend a coordinated effort to monitor FoRB issues closely. This should be undertaken with input from civil society groups, with whom wider awareness-raising and capacities building activities on FoRB as a human right should also be undertaken.

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