

Introduction

1. CSW (Christian Solidarity Worldwide) is human rights organisation specialising in the right to freedom of religion or belief (FoRB) for all. This submission seeks to bring the United Nations Human Rights Council's (UNHRC's) attention to the ongoing violations of FoRB in Mexico, particularly against religious minorities in indigenous communities.

FoRB Legal Framework

2. Mexico's constitution protects the right to FoRB. Article 1 of the constitution affirms that the rights protected under the constitution and those in international treaties to which Mexico is party are protected equally. Article 2 of the constitution focuses on indigenous peoples and details their unique legal status, including their right to 'decide their internal forms of coexistence' and to 'apply their own legal system to regulate and solve their internal conflicts,' with the condition that this practice does not violate the constitution and must respect 'fundamental rights, human rights, and, above all, the dignity and safety of women.' Article 24 protects FoRB but prohibits the use of religious expression for 'political ends,' campaigning or political propaganda and restricts 'ordinary religious acts' to 'temples.'¹
3. Mexico is also a member of the Organization of American States and has ratified a number of international treaties which include provisions for FoRB, including the American Convention on Human Rights, International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), and the International Covenant on Economic, social and Cultural rights (ICESCR).

FoRB and indigenous communities

4. Yet, the Mexican government has continually failed on a municipal, state and federal level to ensure the protection for FoRB in indigenous communities organised under 'Usos y costumbres' (Uses and Customs), or the right of indigenous communities to govern themselves according to their traditions.
5. Despite a 2020 Supreme Court ruling in favour of indigenous communities whose rights have been violated by village authorities, there are regular reports of serious FoRB violations affecting religious minorities in indigenous communities at a local level.² A culture of impunity is entrenched in around 14 states, particularly in Chiapas, Guerrero, Oaxaca, Hidalgo, Jalisco, and Michoacan.

6. Members of religious minorities in indigenous communities in Mexico face grave human rights violations, including the blocking of access to basic services, arbitrary detention, attacks, forced displacement and the right to education. The Mexican government has done little to ameliorate the understanding of FoRB among those in positions of authority, or to hold those responsible for crimes committed against members of religious minorities to account, leading to an entrenched culture of impunity.

Government practices in Rancho Nuevo and Coamila

7. The reality of the gravity of FoRB violations in Mexico are clearly evidenced in the context of Rancho Nuevo and Coamila.³ Rancho Nuevo and Coamila are indigenous Nahuatl-speaking communities situated in the Huasteca region of Hidalgo State. Over the past decade, the authorities have continued to uphold the position of the religious majority leaders even when they violate Mexico's FoRB protections.
8. FoRB violations in both communities have been ongoing since 2015, as local authorities have repeatedly attempted to force members of the religious minority to participate in Roman Catholic activities, including through financial donations and actively taking part in Roman Catholic religious activities. Members of the religious minority community have faced a range of violations including arbitrary detention, beatings, denial of the right to an education, the confiscation of their land, and the arbitrary removal of their individual civil and political rights.
9. In 2015, village leaders in both villages prohibited members of the religious minority from carrying out their faenas (tasks) which are required acts of community service, effectively removing their right to be recognised as members of the community. Brígida Hernández Hernández was forbidden from carrying out her task of cleaning the local school, preventing her from completing her faena. As a consequence, she was not permitted to access local health care and was denied access to government benefit programmes for indigenous women.
10. Recent incidents over the past year include that of Baptist Pastor Rogelio Hernández Baltazar who was beaten and arbitrarily detained in March 2024 by village leaders for 48 hours along with four other leaders of the religious minority church.⁴ After the intervention of government officials an agreement, prohibiting any more families from joining the religious minority church

1 Temples refer to buildings legally recognised for religious use.

2 Christian Solidarity Worldwide, 'Mexico: Supreme Court rules in favour of displaced indigenous minorities,' 14 July 2020 <https://www.csw.org.uk/2020/07/14/press/4734/article.htm>

3 Christian Solidarity Worldwide, 'Case Briefing: Rancho Nuevo and Coamila' 3 May 2024 <https://www.csw.org.uk/2024/05/03/report/6224/article.htm>

4 Ibid.,

and applying a £700 fine was signed which allowed for the men's release.

11. Solely a month after the March agreement, village leaders sanctioned the takeover of five plots of land belonging to members of the religious minority, cutting down trees and destroying their crops. On 27 April 2024, over 150 protestants from the Great Commission Fundamental Baptist Church in Coamila and Rancho Nuevo were forcibly displaced after village leaders cut off their electricity and blocked access to their church and their homes.⁵ The members of the forcibly displaced religious minority, including five infants and 70 children under the age of 17, sought sanctuary in the municipal seat of Huejutla de los Reyes, where they requested government intervention to protect their rights.
12. In October 2024, the municipal government, with support from state officials came to an agreement with Coamila and Rancho Nuevo village leaders and the displaced religious minority group, which should have allowed for their return. However, village leaders almost immediately reneged on their commitments and made it clear that FoRB for all would not be upheld.⁶ Mexican government officials took no action to ensure that the agreement was enforced. With no guarantees for their safety, the members of the religious minority group have relocated out of Hidalgo State, to Veracruz, where they were offered an opportunity to rent land to buy later. They have been living in tents while they await government aid, which has yet to be provided. The displaced religious minority group would not have survived without the support of other churches who provided water and food supplies; no government assistance has been given.
13. The cases of Coamila and Rancho Nuevo are emblematic of the experience of religious minority groups in indigenous communities across the country. These cases, in which FoRB violations demonstrably escalated over a ten year period, demonstrate how the government's failure to intervene at any point to uphold FoRB and Mexican law despite press coverage, NGO advocacy, and direct pleas for support from those affected has created a culture of impunity. Those responsible for FoRB violations, including acts of violence, know they are unlikely to face any repercussions for their actions, while the victims also understand they cannot expect the government to uphold their rights.

The Mexican government must take action and accept its responsibility to uphold constitutional guarantees of freedom of religion or belief and to ensure protection to all its citizens, including indigenous peoples.

Recommendations

To the government of Mexico:

14. Uphold legal guarantees for freedom of religion or belief for all, including communities governed by the Law of Uses and Customs and practise these in accordance with Mexico's constitution and its international human rights obligations.
15. Take steps to combat a culture of impunity around freedom of religion or belief violations, including violations against indigenous religious minorities, by holding individuals responsible for these crimes to account in a court of law.
16. Urge the federal government to take urgent measures, where the state and municipal government refuse to do so, to intervene in the case of those displaced from Rancho Nuevo and Coamila, to hold those responsible for the violations to account and to provide emergency aid support to those who have been displaced.

To the UN Human Rights Council:

17. Adopt a coordinated approach with other UN agencies and international institutions to ensure that in all resolutions, dialogues and exchanges with Mexico human rights are raised and demands made that Mexico fulfils its human rights obligations.
18. Urge all relevant UN mechanisms to include the right to freedom of religion or belief in their reporting on Mexico, including taking into account the specific vulnerabilities of indigenous religious minorities.

⁵ Ibid.,

⁶ Christian Solidarity Worldwide, 'Mexico: government fails to uphold agreement protecting rights of displaced minority,' 21 November 2024 <https://www.csw.org.uk/2024/11/21/press/6357/article.htm>

