

Introduction

While there are strong protections for freedom of religion or belief (FoRB) in the Mexican constitution, moderate to severe FoRB violations are regular occurrences in many parts of the country. The expansion of violent criminal groups in the country and the pervading climate of impunity has contributed to an increase in FoRB violations. Over the past decade there has been a significant increase in violence against religious leaders.

The country has a highly religious population. According to the 2010 census 83% self-identified as Roman Catholic, 5% Evangelical Protestants, 2% Pentecostals, 1% Jehovah's Witnesses, and 9% other religious communities; however, other studies show that the percentage of the population who self-identify as Protestant is likely to be much higher, at 8%¹ or 9%.²

Uses and Customs

Mexico's Law of Uses and Customs allows indigenous communities to govern themselves according to traditional laws and customs. The law is meant to be exercised in line with the individual rights guaranteed in the constitution, but in practice the government at both the state and federal level does little to enforce it. As a result, the rights of religious minorities are routinely violated. A culture of impunity has become entrenched in around 14 states, and especially in Chiapas, Guerrero, Hidalgo, Oaxaca and Puebla. In these states the majority religious group often believes it is their right to enforce religious belief and practice.

A frequent method of pressuring members of minority faiths to join or participate in the activities of the majority religious group is to deprive them of access to basic services such as water and electricity. Examples of such cases have been reported in Oaxaca, Guerrero, Hidalgo and Chiapas, and they are generally unresolved until members of the minority religious group pay fines or actively participate in the majority religion's activities.

Children of minority religious groups are often barred from attending school by local leaders in an attempt to pressure their parents to join the majority faith. On 23 August 2018, 16 Protestant children from the communities of Coamila and Rancho Nuevo, in Huejutla municipality in Hidalgo State, were unable to register at the local school because their parents, did not contribute financially to the majority religion's local festivals. At least

38 children in the community remain without access to state education.

Similar cases have been documented in the states of Oaxaca and Chiapas. The Oaxaca State Ombudsman has denounced this practice, but the state government has taken little action.

Children who have been forcibly displaced with their families because of their religious beliefs are also frequently 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 often turn the children away.

The forced displacement of religious minorities is a common occurrence in states where the Law of Uses and Customs is prevalent. On 28 July 2019, four Protestant Christians were forcibly displaced from their home in Cuamontax community, Huejutla municipality, Hidalgo state, as a result of the ongoing harassment they had been experiencing since October 2018 when they refused community work and financial contributions associated with a religious festival.

Local authorities subject those who convert away from the majority religion to illegal fines. In Tajleivilhó, San Andres Larrainza Municipality, Chiapas state, local authorities convened a meeting in June 2019 where they agreed that if the Protestant family did not pay an illegal fine their home would be burnt down and destroyed. The Municipal President sided with the community and the Protestant family was forced to pay an illegal fine of \$5,000.00 MXN (£206.54 GBP). The family took out a loan in order to pay the fine, but the monthly interest on the loan was so high that they were compelled to sell two hectares of their land in June 2019 in order to pay the debts.

The impact of organised crime

Criminal groups often target churches for extortion, attempting to coerce church leaders into paying protection money or allowing their churches to be used for money laundering. Priests have also been threatened, kidnapped, tortured and killed. Church leaders have complained that local and state police are quick to label these attacks and murders as 'common crime', most frequently as robberies gone wrong, rather than

¹ National Council for the Prevention of Discrimination (CONAPRED), 'Encuesta Nacional sobre Creencias y Prácticas Religiosas en México', 2016 (Spanish) <https://www.conapred.org.mx/userfiles/files/Encuesta->

[Nacional-sobre-Creencias-y-Practicas-Religiosas-en-Me%CC%80xico_d....pdf](https://www.conapred.org.mx/userfiles/files/Encuesta-Me%CC%80xico_d....pdf)

² Pew Research Center, Religion in Latin America, 13 November 2014 <http://www.pewforum.org/2014/11/13/religion-in-latin-america/>

investigating the cases fully. The situation of the Protestant community is believed to be similar, but there has not been consistent documentation of these attacks. Many such cases go unreported because of the high levels of fear of retaliation by criminal groups.

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 where they worked. Both men appear to have been targeted because of their work with migrants and asylum seekers and their refusal to cooperate with criminal groups. There has been no news of their whereabouts since their abduction.

On 4 October 2019, the Inter-American Human Rights Commission (CIDH) issued a call to the Mexican government to detail what measures it has taken “to determine the whereabouts or destination” of Méndez Ruiz and Castillo de Luna, to protect the families of the victims and report the progress of the investigations of the facts. 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.”

Recent developments

COVID-19

For migrants and asylum seekers with no right to remain in Mexico, the COVID-19 pandemic has highlighted the poor living conditions that put them at greater risk of contracting the disease. The US policy under the Trump Administration to return asylum seekers to Mexico while they await the results of their asylum application exacerbated this problem. Reductions in the number of volunteers working in migrant shelters, due to travel restrictions or to reduce the spread of the disease, has left camps vulnerable to criminal groups who see some asylum seekers as a lucrative target. Religious leaders who run migrant shelters have often been targeted for kidnapping, assault, and extortion, and there are now serious concerns that religious leaders working in the shelters are highly vulnerable to COVID-19.

SCJN rulings

In July 2020 Mexico’s National Supreme Court of Justice (SCJN) issued a ruling granting reintegration and protection to a group of Jehovah’s Witnesses who were expelled from their homes in the state of Jalisco in December 2017 on account of their religious beliefs.

The SCJN also considered a second appeal in the case of a family who were expelled from their community in Oaxaca for refusing to comply with the customs of their ethnic group. The rulings are the first to provide protections for indigenous communities whose rights have been violated by village authorities through an abuse of the Law of Uses and Customs.

Despite the SCJN ruling, religious minority families in several states continued to be subjected to intense harassment and pressure.

El Encanto

According to Misión 21 Gramos, a non-governmental organisation based in Mexico, on 27 July 2020 authorities in El Encanto village, Las Margaritas Municipality, Chiapas, instructed the company responsible for building a power network in El Encanto not to provide the service to six Protestant families, who belong to the King of Kings United Pentecostal Church of Mexico, because they had previously refused to sign an agreement which obliged them to participate in religious activities associated with the Catholic religion and to help with the upkeep of the local Catholic church building.

Protestant Christian families in El Encanto have faced intense harassment for several years. As a result of the pressure on them, four additional families were forced to comply with the demands of the village authorities and have had to pay a fine of 5,000 Mexican pesos (approximately £172) per family in order to have their services returned to them.

La Mesa Limantitla

Two Protestant families from La Mesa Limantitla village, located in the Huasteca region of Hidalgo State, were who were forced to sign an illegal agreement in which they renounce their right to hold religious services in order to have their access to water and other essential services reinstated, were informed at a community meeting on 22 August 2020 that they risk being cut off again if they cannot pay the remainder of a fine that was levied as part of the agreement.

The two families initially had their access to water and sewage services denied by the authorities in January 2019, when they were told they were no longer recognised as members of the community and must walk a kilometre to access water. Eight other Protestant families in the village were forced to sign the document, but as a result of their refusal to do so, the two families had their access to water, drainage, government benefit programs and the community mill cut off for over a year until they signed an agreement on 15 January 2020.

In November 2020, community leaders in the village threatened the two families once again, saying they would be expelled from their village if they did not fully pay the fine levied against them.

El Mesón Zapote

In November 2020, community leaders the El Mesón Zapote community in the municipality of Ayutla de los Libres, Guerrero state, threatened to forcibly expel 10 Protestant Christian families after the families refused to make a financial contribution of 500 pesos (approximately £18.80) per month towards the construction of a new Catholic church until it is completed.

The village leaders have since restricted the families' rights as community members, including by denying them access to social benefit programmes and the right to vote. On 14 November, community leaders accompanied by armed police went to the church to which the families belong, proceeding to destroy furniture and threaten the families with "consequences." On 1 January 2021, community leaders refused to allow the burial of Andrés Reyes Santos in the community cemetery. His family were forced to transport his body to the community of Coacoyulichán, in Cuauhtémoc Municipality for him to be interred.

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 recognize 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.
- Develop and maintain ties with civil society groups working on the issue of FoRB, and work with them on awareness-raising and capacity-building on the subject within Mexican civil society at the national and state level.
- Where possible, provide protection to church leaders, including Catholic priests and Protestant pastors, who are under threat from illegal armed groups.
- Carry out thorough investigations into assassinations, kidnappings of and threats against

church leaders, to establish motive and to hold those responsible to account.

To the government of the United Kingdom:

- In line with the UK's commitment to FoRB, continue to raise FoRB cases in Mexico as a matter of urgency with the Mexican federal government.
- As part of the government's Respect in Education increase funding so that schools in states governed by the Law of Uses and Customs can teach more children about respect for religious diversity.