

Legal framework

Mexico's constitution commits to protecting and upholding the full right to freedom of religion or belief (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'.

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).

Uses and Customs is an umbrella term referring to the right of indigenous communities to govern themselves according to traditional laws and customs. Although this is meant to be exercised in accordance with fundamental human rights as defined in the constitution and international law, in practice the government at the municipal, state and federal levels does little to ensure this. In many communities governed under Uses and Customs, the majority religious group believes it is their right to enforce religious belief and practice. Reports of serious FoRB violations affecting religious minorities at the local level, and in several states, have continued despite 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 Uses and Customs. A culture of impunity when it comes to FoRB violations is entrenched in around 14 states, and especially in Chiapas, Guerrero, Hidalgo, Jalisco, Oaxaca and Puebla. The government, at the federal and state level, has made little effort to improve understanding of FoRB on the municipal and local level.

Denial of basic services

In communities governed under 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 and contribute financially to activities associated with the religious majority.

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

Violence

Violence against members of religious minorities in communities governed under Uses and Customs is a frequent occurrence. Such cases are rarely properly investigated and the onus is put on the victim to seek legal remedy. Criminal charges are rarely filed against those responsible for the violence, contributing to a culture of impunity.

Local authorities in Rancho Nuevo, Huejutla de los Reyes Municipality, Hidalgo State have prohibited members of the religious minority from accessing or using their land for cultivating crops since 2015. On 21 December 2022 Maria Concepción Hernández Hernández, a member of the Great Commission Baptist Church, was violently attacked after she visited a plot of land belonging to her, in response to a request from a neighbour who had requested that she remove two trees. Local leaders in Rancho Nuevo, including Mr Benito Rocha, community leader Fermín Hernández Hernández, delegate Octaviano Gutierrez Hernández, Mr Margarito Gutierrez Hernández, Mr Francisco Wenses, and catechist Juan Hernández Hernández, who all belong to the Roman Catholic religious majority in the village, participated in the attack after being alerted to her presence. When Protestant pastor Rogelio Hernández Baltazar attempted to intervene to ask the authorities to stop the attack he was also physically assaulted and detained for two hours. Local leaders demanded that he hand over the deeds to ten plots of land belonging to members of the Baptist church. When the pastor refused to do so, the authorities threatened to take the documents by force and to confiscate the properties. Mrs Hernández Hernández filed a complaint at the Hidalgo State Human Rights Commission and Public Prosecutor's Office before returning home. She was subsequently hospitalized and in intensive care for weeks after an attack of diabetes ketoacidosis was triggered by the assault. No action was taken by the government to hold those responsible for the assault to account.

Forced displacement

Studies on the phenomena of forced displacement in Mexico have indicated that religious intolerance is one of a number of primary motivating factors in such cases.¹ Forced displacement almost always takes place after a series of escalating FoRB and human rights violations have already occurred and the government has failed to intervene.

On 25 July 2021, Protestant pastor Damián Severiano Vázquez and five other Protestants were arbitrarily detained

1 "[Desplazamiento Forzado en Mexico](#)" 15 December 2022 The Mexican Commission for the Defence and Promotion of Human Rights, AC (CMDPDH)

in Ahuacachahue, Ayutla de los Libres Municipality, Guerrero State and held in the community jail, after they refused to participate in and contribute financially to activities associated with the Roman Catholic religious majority. Local leaders threatened to force Pastor Severiano Vázquez into a community re-education camp for two years. Pastor Severiano Vázquez attempted to seek legal recourse, but the situation grew worse. Community leaders forced three religious minority families to sign an agreement that they would re-convert to the majority religion. In April 2022 four other religious minority families were forcibly displaced.

On 21 November 2021 local leaders in San Pedro Chimaltepec, San Juan Mazatlan Municipality, Oaxaca State arbitrarily detained religious minority pastor Ruperto Dominguez Teodoro after he refused an order to organise a festival associated with the Roman Catholic religious majority. The local authorities then attempted to force four other religious minority individuals to organise the festival. When they too refused, they were illegally fined \$5000MXN² each and were threatened with violence and forced displacement. The members of the religious minority were unable to pay the fine. Community leaders confiscated one of their houses in lieu of payment. The members of the religious minority were threatened with further violence if they remained in the community. On 10 January 2022 the families, a total of 24 people, fled the village, taking refuge in a nearby municipality, Guevea de Humboldt, where they remain on a parcel of loaned land.

The right to an education

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 re-enrolling in the local school because their parents declined to participate in religious activities associated with the majority. Parents were forced to send their children to a school in a community 20 minutes away by public transport, the cost of which was equivalent to the cost of one meal. Similar cases have been documented in Hidalgo, Jalisco and Oaxaca.

Children who have been forcibly displaced along with their families because of their beliefs are also often subsequently deprived of their right to an education. Due to the circumstances of their forced displacement, often involving destruction of property and violence, many are unable to obtain 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 sometimes turn the children away.

The impact of organised crime

More than 50 religious leaders were murdered between November 2013 and May 2023. The majority of documented cases involved assassinated Roman Catholic priests. Organised criminal groups target religious leaders, who often hold significant influence in their community, as an effective way to destabilise a community and to establish a culture of silence and terror. Criminal groups extort churches, attempting to coerce religious leaders into paying protection money or allowing their churches to be used for money laundering. Those who resist these efforts become targets. Threats against and attacks on religious leaders are likely to be underreported, especially, for various reasons, when it comes to Protestant Christian leaders, whose experiences have not been systematically documented. Cases go unreported because of the high levels of fear of retaliation. Religious leaders note that authorities are quick to label these attacks and murders as ‘common crimes’, often 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 are believed to have been targeted because 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.’

² The average monthly wage in Oaxaca is about \$3750MXN

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 government of the United States of America:

- The State Department should continue to closely monitor FoRB in Mexico.
- The Ambassador for International Religious Freedom, and the US Commission for International Religious Freedom (USCIRF), should request an invitation to visit Mexico with unhindered access to all parts of the country.

To the government of the United Kingdom:

- Encourage the Mexican government to uphold legal guarantees for FoRB; 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.
- Ensure that the UK embassy develops and maintains ties with civil society groups working on FoRB, collaborating with them on awareness-raising and capacity-building within Mexican civil society at national and state levels.

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.

To United Nations 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.

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