

Legal framework

Mexico's constitution protects 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'.¹

Mexico is 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).

'Uses and Customs' is an umbrella term referring to the right of indigenous communities to govern themselves according to their traditions. 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, leaders associated with the majority religious group believe it is their right to enforce religious belief and practice, including forced financial contributions to and mandatory participation in religious events.

Reports of serious FoRB violations affecting religious minorities at the local level, and in several states, have continued despite a 2020 ruling² 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, state and municipal level, has made little effort to improve understanding of FoRB among those in positions of authority.

Denial of basic services

In communities governed under Uses and Customs, members of religious minorities are frequently disconnected from or blocked from accessing 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 in the Huasteca region of 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. This case remains unresolved.

Arbitrary detention

Local authorities frequently use arbitrary detention as a tactic to intimidate and pressure members of religious minorities to renounce their beliefs and/or participate in religious activities. In July 2024, community leaders in Montenegro, San Juan Bautista Valle Nacional Municipality of Oaxaca State, arbitrarily detained married couple, Tito Mariano Méndez and Esther Abigail Pérez Ramírez, in an attempt to pressure them to withdraw a complaint made to the Oaxaca State Ombudsman's Office regarding their experiences of violations of FoRB. The couple's complaint referred to incidents they have experienced due to the fact that they are Protestant Christians. In 2020, their house was destroyed in an arson attack following threats from community leaders due to their religious beliefs. In 2023, they pulled their children out of the local school due to severe mistreatment and discrimination because of their faith. Mr Mariano Méndez then filed a complaint with the ombudsman's office in Tuxtepec, Oaxaca, which subsequently requested a report from Montenegro community leaders regarding the family's situation that precipitated their detention. While they were freed a few days later after the state government travelled to the area to negotiate their release, no one responsible for their illegal detention or the other human rights violations has been held 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.³ 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.

In April 2024, the authorities of the villages of Rancho Nuevo and Coamila in the Huejutla de Reyes Municipality of Hidalgo State, forcibly displaced 170 members of

¹ Temples refers to buildings legally recognised for religious use.

² CSW, '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 The Mexican Commission for the Defence and Promotion of Human Rights, AC (CMDPDH), 'Desplazamiento Forzado en Mexico', 15 December 2022 <https://cmdpdh.org/2022/12/15/desplazamiento-interno-forzado-en-mexico/>

a Protestant Baptist religious minority. Human rights violations linked to FoRB have been ongoing and severe in the two neighbouring villages since 2015. Local authorities have repeatedly attempted to force members of the religious minority to participate in Roman Catholic religious festivals, including through financial donations, lighting candles and actively participating in acts of worship. Despite detailed documentation of the case dating back to 2015, the municipal government continues to deny that the incidents in Rancho Nuevo and Coamila are linked to FoRB.

In December 2022, a member of the church was admitted to hospital in critical condition after being tied to a tree and beaten by village leaders. While she survived the attack, she continues to suffer health challenges related to her ordeal,⁴ which have been aggravated by her recent displacement. Other members of the community have been arbitrarily detained, beaten, barred from accessing medical care, fired from their jobs, blocked from burying their dead, and had their lands arbitrarily confiscated. Since 2018, religious minority children have been barred from attending the local school.

In March 2024, the pastor of the church, Rogelio Hernández Baltazar, was arbitrarily detained for 48 hours along with other leaders of the church. In early April, village leaders sanctioned the takeover of five plots of land belonging to members of the church, cutting down trees, removing stones, and destroying their crops. Over the following months, the state government attempted to convene meetings with the victims, the local authorities responsible for their expulsion and municipal officials. The local authorities ignored many the invitations to attend or attempted to place unreasonable conditions on their participation.

In September 2024, an agreement was brokered by the municipal government allowing for the return of the displaced families with guarantees for FoRB in return for dropping a case filed against the local authorities with the state prosecutor's office. As of October 2024, a significant percentage of the families have had their return blocked by local authorities. Activists have called for continued monitoring to ensure that local authorities honour the agreement in full.

The right to an education

Religious minority children in communities governed under 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. As noted above, the long running case of Rancho Nuevo and Coamila involved the 2018 barring of religious minority children from attending the local school. No action was taken by the government to address the situation in accordance with Mexican law which guarantees the right to an education. 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 which were assassinations of Roman Catholic priests. Threats and attacks against religious leaders are likely underreported, especially when it comes to Protestant Christian leaders, whose experiences have not been systematically documented. Cases often 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, which further distorts the statistics.

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. 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. On 22 May 2023, Friar Javier García Villafaña was assassinated on the Cuitzeo-Capacho Highway, as he was on his way to officiate evening Mass in Capacho, Huandacareo Municipality, Michoacan.

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

⁴ FoRB in Full, 'After a brutal attack on one of their own, a religious minority community in Mexico is waiting for justice and religious freedom', 17 April 2023 <https://forbinfull.org/2023/04/17/after-a-brutal-attack-on-one-of-their-own-a-religious-minority-community-in-mexico-is-waiting-for-justice-and-religious-freedom/>

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.'

- 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.

Recommendations

To the government of Mexico:

- Uphold legal guarantees for freedom of religion or belief 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 Kingdom:

- Support initiatives to increase awareness among local authorities, judiciary, and law enforcement on the legal protections for FoRB. This includes training and capacity-building programs focusing on the constitutional and international human rights obligations related to FoRB.
- Urge the Mexican government to officially recognise religious leaders as human rights defenders under the National Protection Mechanism for Human Rights Defenders and Journalists.
- Make use of diplomatic channels, including at the multilateral level, to consistently raise issues of FoRB and other intersecting rights, and recommendations detailed in the section above.

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