

Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB). CSW monitors the FoRB situation in Mexico, raises awareness of human rights concerns and advocates for the full protection of these rights.

This submission seeks to draw attention to concerns over the protection of the right to FoRB in the country, and analyses the progress made by the government of Mexico in implementing the recommendations it accepted during its third Universal Periodic Review (UPR) in November 2018.

International and domestic legal frameworks

Mexico's constitution commits to protecting and promoting the full right to FoRB (Article 1, Article 2, Article 24)¹, 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).

However, despite these safeguards, cases of gender discrimination and violations of fundamental human rights, including FoRB, occur frequently in areas where the Law of Uses and Customs is applied.

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, with little or no response from either the state or federal government. 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.

Recommendations accepted during the third cycle of the Universal Periodic Review (UPR)

Mexico accepted 262 recommendations during the country's third UPR cycle. Mexico received and

accepted three recommendations directly relating to FoRB. However, Mexico also received several other recommendations which intersect with the right FoRB and which also need to be taken into consideration, including strengthening the protection of indigenous people's rights to education and access to healthcare, adopting comprehensive policies for the protection of human rights defenders, journalists and religious leaders, and undertaking necessary measures to effectively combat impunity following attacks against religious leaders, journalists or members of religious minorities, as well as ensuring impartial investigations in order to bring perpetrators to justice.

Despite these commitments, in the intervening period there has been an escalation of rights violations and no visible signs of improvement or implementation of the accepted recommendations pertaining to FoRB. CSW is further concerned by the level of impunity and the violence and intimidation against religious minorities that continues to take place in various states within the country. In short, FoRB continues to be undermined.

Freedom of religion or belief in Mexico

“Ensure freedom of religion for all people, especially of indigenous populations, so that they are not forcibly displaced and compelled to convert.” – recommendation 139 given by Pakistan during the third cycle of the UPR.

“Strengthen the protection of the rights of indigenous people to education and access to healthcare, and seek their free, prior and informed consent regarding the usage of their land” – recommendation 241 given by the Holy See during the third cycle of the UPR.

“Develop an adequate legal framework as well as public policies and programs to address displacement, which disproportionately affects Indigenous communities.” – recommendation 253 given by Canada during the third cycle of the UPR.

Since 2018 CSW continues to receive reports of moderate to severe FoRB violations in states governed by the Law of Uses and Customs. CSW is monitoring cases involving four different communities in the state of Hidalgo, more than six cases in communities in the State of Chiapas, violations in two separate communities in the State of

¹Article 1 of Mexico's constitution: “Any form of discrimination, based on ethnic or national origin, gender, age, disabilities, social status, medical conditions, religion, opinions, sexual orientation, marital status, or any other form, which violates the human dignity or seeks to annul or diminish the rights and freedoms of the people, is prohibited.”

Article 2 of Mexico's constitution affirms that Mexico is a pluri-ethnic nation and affords a number of rights to its indigenous peoples, including the right to implement their own social, economic, political and cultural organization, and the right to maintain and enrich their language and culture. The Law of Uses and Customs includes the caveat that this must be practiced in accordance with Mexican constitutional law, and that human rights and gender equality must be respected.

Article 24 of Mexico's constitution: “Everyone is free to embrace the religion of his choice and to practice all ceremonies, devotions, or observances of his respective faith, either in places of public worship or at home, provided they do not constitute an offense punishable by law. Every religious act of public worship must be performed strictly inside places of public worship, which shall at all times be under governmental supervision.”

Oaxaca, cases involving four separate communities in the State of Guerrero and one case in the State of Jalisco. All of these cases are a result of the minority group's conversion from the majority religion and refusal to participate in activities, including festivals, associated with the majority religion. Most of these cases included either threats, illegal fines or arbitrary detention.

The most common form of violation was the blocking of basic services such as water and electricity. Two cases resulted in forced displacement. At the time of publication of this report more than 38 children remain without access to education because of the religious beliefs of their parents.

Many cases of religious intolerance under the Law of Uses and Customs end in the forced displacement of individuals from the minority group. Most of these victims wait years for their cases to be resolved, if they ever are.

The act of displacement causes disruption to the children's education. Some parents are reluctant to enrol their children in a new local school, hoping that their displacement is only temporary. Displacement often also means a significant loss of income and children who were in secondary education at the time of the expulsion are often expected to seek work in the urban setting, and/or take care of younger siblings, to help the family; meaning they miss out on vital years of schooling and that their possibilities for the future are significantly reduced. Most forcibly displaced families lack a new permanent residential address which proves another obstacle to enrolling children in a local school. In other cases, the violent nature of the forced displacement, with families fleeing their homes and leaving their belongings behind, often means the parents lack the necessary paperwork to enrol their children in a new school; most are unable to return to their community to obtain the documents.

Vulnerable communities continue to complain about high levels of impunity and the lack of protections granted by state officials, who often side with those of the majority religion. The lack of intervention by the state governments to protect FoRB is a clear indication that they continue to view FoRB violations as community issues or minor 'problems' rather than violations of fundamental human rights.

Indigenous Rights

CSW has documented cases among indigenous communities in various states of Mexico where religious minority families have been stripped of their "ejido" property rights and expelled from their communities (an "ejido" is an area of communal land used for agriculture

which families are granted the right to cultivate). For forcibly displaced families such as these, few options are available to them. Barred from working their own land, they are often left with few alternatives to earn an income. It is practically impossible to become part of another "ejido" or community unless the government intervenes in some way.

Such acts of discrimination have not received real attention from the government, in part because of the government's desire to downplay and deny the issues in political discourse and also due to a lack of understanding and training in human rights among the actors and officials whose responsibility it is to intervene to resolve these cases.

In Cuamontax, in the state of Hidalgo, a family was expelled from their community on 28th July 2019 for belonging to a minority religion. Their home was looted and destroyed, and their "ejido" property rights were taken away. In August 2020, the community leaders harvested the crops that this family had been cultivating on their land. This was a demonstration that the family is no longer recognised as part of the community. Almost two years later, the family is not even allowed to enter the community.

In the community of El Mesón Zapote, in the state of Guerrero, on 12th November 2020, 12 families were no longer recognised as members of the community and their "ejido" property rights were cancelled because they had refused to participate in religious activities and in building a church for the majority religion. As a way of exerting pressure on them and a sign that they are no longer recognised as members of the community, on 1st January 2021, community leaders prevented the family of a member of the religious minority group who had died from burying him in the local public cemetery.

Denial of basic services

One of the most common violations associated with attacks on FoRB is the cutting off of basic services, including water and electricity. Denial of access to water creates a burden for those who are targeted and can lead to serious health issues such as parasitosis, amoebiasis, malnutrition, diarrhoea and gastrointestinal disorders. It also contravenes international law and Article 4 of Mexico's constitution.²

In one example in October 2018, Gabriel Lara Antonio and Gilberto Badillo, both members of the Protestant Evangelical Missionary Baptist Church of Mexico and residents of Cuamontax del Huazalingo in the state of Hidalgo, requested that they be excused from required financial contributions and community work linked to the celebration of Roman Catholic festivals and activities

²Article 4 of Mexico's constitution: "Any person has the right of access, provision and drainage of water for personal and domestic consumption in a sufficient, healthy, acceptable and affordable manner."

associated with Xantolo. The activities for which they requested exemption included Roman Catholic Masses held in the public village cemetery. Lara Antonio and Badillo expressed a desire to continue to contribute to and participate in all non-religious community activities.

Village leaders refused the men's request and issued them with illegal fines. When the two men continued to refuse to participate in the religious activities, the village leaders cut off their electricity on 8 November 2018 and their access to water and sewage services on 25 November 2018; their access to these services was not restored before they were forcibly displaced in July 2019.

In another example, on 14 January 2019 authorities cut water and sewage services to two Protestant Christian families in La Mesa Limantitla, Huejutla Municipality, Hidalgo state. They are no longer recognised as members of the community and now must walk a kilometre to access water. On 22 July 2019 a further eight families from the community were forced to sign an agreement renouncing their faith; they are no longer allowed to participate in Protestant religious services. In January 2020 the two families were forced to sign an illegal agreement in order to have their access to water reinstated. They risk being expelled from their community if they do not pay the remainder of an illegal fine that was levied as part of the agreement.

In another example, ten Protestant Christian families from El Encanto, Las Margaritas Municipality, have been without water since 26 November 2016. In July 2018, the community began to install sewage services in the community but did not install these services for the Protestant Christian families. In July 2019 the community began upgrading the electricity services. The electricity company would not install electricity for the affected families until an agreement was made between the Protestant Christian families and the community leaders. Four Protestant Christian families were forced to cooperate with taxes for Roman Catholic festivals in order to receive access to basic services. Six Protestant Christian families have resisted pressure to pay taxes for these festivals and remain without access to basic services as a result.

Another long-term case is that of Miguel Pérez Diaz and his family in Tajleivilhó, San Andres Larrainza Municipality, Chiapas, which, according to Mision 21 Gramos, has been ongoing for over four years. In October 2015 local authorities in Tajleivilhó realised that members of the Vision of Faith Christian Evangelical Church in Mumuntic community, Chamula municipality had visited Tajleivilhó and prayed with Pérez Diaz and his family. The family received a warning that they were not permitted to practise a religion other than Roman

Catholicism. In December 2015 community leaders cut off the family's access to water and electricity. When the family attempted to reconnect these services they were arbitrarily detained for approximately 26 hours. They were forced to pay an illegal fine of MXN10,500 (approximately GBP434 or USD565) in order to reconnect water services. The family did not have the means to pay the local authorities; therefore the local authorities accepted part of the family's terrain as a form of payment.

On 10 May 2018 local authorities cut off access to the Pérez family's water services again, without issuing a prior warning to the family. Local authorities justified the denial of services because the family no longer wished to participate in traditional Roman Catholic festivals. Local authorities arrived at the family's home and cut the water pipe in such a way that there was no possibility of reconnection. The family found a tap available at a distance, where they could drink water. Several times when it was not raining, they carried water to their homes in secret. When it rained they collected water in bottles.

In April 2019 the local authorities caught the Pérez family collecting water and as punishment detained Pérez Diaz for approximately four and a half days. As a condition of his release from detention, he was forced to sign a document agreeing to an illegal fine of MXN5,000 (approximately GBP207 or USD269) annually to have the family's access to water reinstated. He was given a month to obtain the money. The fine was eventually paid by some acquaintances.

In cases where the state government takes action to restore services, it is often done through negotiated, extra-legal agreements. For example, Mision 21 Gramos reported that under the terms of one of these officially negotiated agreements on 27 October 2018, 23 Protestant families in Yocnajib el Rosario, Comitán Municipality, Chiapas were forced to pay an illegal fine of MXN5,000 (approximately GBP207 or USD269) per family to have access to water reinstated.

State government officials rarely intervene to restore access to water and electricity, although these are both public services and the denial of basic services can continue for years. Those responsible for cutting the services are rarely held to account for their actions, and as a result victims remain vulnerable.

Education

*"Grant education effectively to all children."
Recommendation 185 given by Portugal during the
third cycle of the UPR*

"Strengthen efforts to improve the quality of and

access to education, especially for vulnerable children.”- recommendation 187 given by Thailand during the third cycle of the UPR

“Promote right to education to all, including indigenous communities and persons of African descent and encourage quality education.” - recommendation 182 given by India during the third cycle of the UPR

Education for all is guaranteed under Article 3 of the Mexican constitution, and public education is, in theory, available to all children without discrimination. Referring specifically to the relationship between education and religious observance, Article 3(1) states: ‘Freedom of religious beliefs being guaranteed by Article 24, the standard which shall guide such education shall be maintained entirely apart from any religious doctrine and, based on the results of scientific progress, shall strive against ignorance and its effects, servitudes, fanaticism, and prejudices.’

Religion in and of itself is not a part of the national education curriculum, which is resolutely secular, apart from studying the beginnings of major religions as part of history lessons. However, there have been numerous cases of teachers at the state and local level promoting a specific religion, usually Roman Catholicism: for example by encouraging children to pray to the patron saint of Mexico, the Virgin of Guadalupe, or to participate in activities linked to the Virgin of Guadalupe Day in December.

Forced participation

Children are sometimes forced to participate in overtly religious activities against their will under the guise of ‘cultural education.’ One of the most difficult days in the school year for religious minority children is the celebration day for Xantolo, The Day of the Dead, which falls on 2 November, and which is believed to have roots in the veneration of the Aztec goddess Mictecacihuatl. Schools celebrate the day, supposedly for educational purposes, often encouraging children to build shrines to deceased family members and to make offerings in the form of chocolate, flowers, paper decorations and other objects. These celebrations are part of their curriculum; for example in Spanish lessons students often write poems to the dead and in art they might perform a dance celebrating Xantolo together. The class practises the dance in the days leading up to the celebrations. Members of religious minorities, including Protestants and Muslims, but also some Roman Catholics, object to their children being forced to participate in what they view as an overtly religious activity under the guise of cultural education, but classmates and teachers often pressure them to participate.

Parents have a legal right to object to their children’s participation in religious activities that contradict their beliefs, as outlined in Article 5 of the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which states, ‘Every child...shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians’. In addition, every individual child is a rights holder in his or her own capacity as recognised in Article 14 of the Convention on the Rights of the Child (CRC).

Since this right is often not respected and the teachers often refuse to make any accommodation for religious minority children in school, many students feel they have no other choice but to refuse to attend school on that day. On the celebration day for Xantolo in 2017, several students in the state of Hidalgo reported to CSW that teachers threatened to mark them down in Spanish and art classes if they did not participate in activities related to the religious celebration. In this case the threat was not followed through.

There are no official figures on the number of children who have been forced to participate in religious activities at school. This is partly due to parents’ lack of understanding with regard to their legal right to object to their children’s participation in religious activities that contradict their beliefs.

Banned from school

In some areas of the country, members of a religious minority are pressured by local authorities either to convert to the majority faith, or to participate actively in activities such as religious festivals linked to the majority faith, through financial support or physical involvement. When they refuse to participate, the local leaders often strip the families of basic services. One of the first and most common tactics is to bar their children from attending school.

Schools are state institutions and under Mexican law should therefore be strictly secular; however, in these cases, school officials often collaborate with local government officials to prevent religious minority children from attending. The state and federal governments rarely intervene to uphold FoRB or protect the rights of these children.

In the communities of Rancho Nuevo and Coamila, in Huejutla Municipality, Hidalgo, Protestant families have been removed from the register of inhabitants, essentially erasing their legal existence. As a result, their access to education, healthcare and other government benefits has been denied. In August 2018 in Rancho Nuevo and Coamila local authorities directed that the

local school be closed to prevent 16 children, whose parents are Protestant Christians, from attending classes there. At least 38 children remain without access to state education.

Violations against religious leaders

“Undertake necessary measures to effectively combat impunity of attacks against religious leaders, journalists or members of religious minorities” recommendation 105 given by Poland during the third cycle of the UPR

“Adopt comprehensive policies for the protection of human rights defenders, journalists and religious leaders, and ensure that existing mechanisms are adequately funded and staffed with trained personnel.” - recommendation 114 given by Canada during the third cycle of the UPR

Escalated levels of violence continue to have an impact on religious leaders. Mexico’s President Andrés Manuel López Obrador, elected in July 2018, promised to fight corruption and find new ways to combat crime. Despite this, 2019 was the deadliest year in recent history. The National System of Public Security stated that 35,588 people were victims of homicides last year, 2.7% more than in 2018. In addition, nearly 5,000 people disappeared in Mexico in 2019 and were not found. CSW continues to receive reports of religious leaders being murdered or forcibly disappeared. Moreover, since the implementation of the US’s Migrant Protection Program ‘Remain in Mexico’ at the start of 2019, religious leaders working at migrant shelters are increasingly vulnerable. CSW received reports of two religious leaders who were kidnapped and later released, one attempted kidnap and the enforced disappearance of Pastor Aarón Méndez Ruiz and his assistant, Alfredo Castillo de Luna, who both appear to have been targeted because of their work with migrants and asylum seekers.

Recommendations to the government of Mexico

Fully guarantee freedom of religion or belief in accordance with Article 18 of the International Covenant on Civil and Political Rights (ICCPR). This includes ensuring that FoRB and other intersecting rights, as set out in the constitution as well as in the American Convention on Human Rights (San José Pact), Universal Declaration of Human Rights and ICCPR, are upheld for all inhabitants and citizens of Mexico.

Ensure the Law of Uses and Customs is exercised in accordance with Mexico’s constitution and international human rights obligations by promoting awareness-raising campaigns and provide training

on FoRB and intersectionality with the right to an education to local authorities, community leaders and teachers, in areas where the Law of Uses and Customs is in effect.

Ensure that both state and federal government publicly acknowledge and denounce violations of FoRB. Government bodies must strengthen rule of law and promote good governance to combat a growing context of impunity.

Carry out thorough investigations into assassinations, kidnappings of and threats against church leaders, to establish motive and actively pursue legal action to hold those responsible to account. Individuals and groups who have committed criminal acts should be charged and prosecuted according to the law.

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.

Ensure access to basic services is restored for all religious minority communities and ensure that nobody has their access to electricity, water, education and health care restricted because of their religious beliefs.

Provide training to teachers and school administrators on FoRB, and promote awareness-raising campaigns within the state education system on tolerance and respect for religious diversity.

Closely monitor at the state level the right of all children to receive an education and intervene to protect this right in any case where children are barred from attending school because of their religious beliefs or those of their parents.

Put in place mechanisms to respond swiftly to cases of forced displacement to ensure that any children involved are not deprived of their right to an education during the period of displacement.

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.

Where possible, provide protection to church leaders, including Catholic priests and Protestant pastors, who are under threat from illegal armed groups.