

POLICY BRIEF



Mexico

Protecting the right to freedom of religion and belief

Mexico is a federal republic, and its political constitution guarantees the protection and promotion of the right to freedom of religion or belief.¹ Article 24 guarantees the right to profess the religion of one's choice and perform acts of public worship strictly inside public worship places. Acts of worship such as Christian fairs or parades which are extraordinarily practiced outside worship places with celebrations on public streets or parks etc., require a special permission from the government authorities as per Article 22 of Law of Religious Associations and Public Worship.

Articles 3, 40 and 130 of the political constitution of Mexico establish the country as a secular state. Indigenous communities enjoy a protected legal status under the constitution, allowing them a certain level of

self-governance to practice their own particular “Law of Usos y Costumbres (Law of Uses and Customs).”² Almost seventy eight percent of Mexicans are Roman Catholics while a little over eleven percent are evangelical protestant Christians. Other minority religions such as Judaism, Animism and Islam are present in a small number.³ The percentage of people who do not practice any religion is a little over eight percent according to the recent 2020 census survey.

Governance and culture are strongly interlinked with religion in Mexico. In early sixteenth century when Roman Catholicism was brought into the country, some of its missionaries assimilated traditional indigenous beliefs into their teachings. Many indigenous communities who converted to Roman Catholicism

¹ Articles 1, 2 and 24 of the Constitution. Available at constituteproject.org/constitution/Mexico_2015.pdf?lang=en.

² “Usos y costumbres” in Spanish. US Department of State, 2021 Mexico Religious Freedom Report. Available at state.gov/wp-content/uploads/2022/05/MEXICO-2021-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf.

³ National Institute of Statistic and Geography (INEGI). Available at inegi.org.mx/temas/religion/#General_information

often retained and integrated practices of their earlier belief systems resulting in varying degrees of religious syncretism between Roman Catholic and pre-Columbian beliefs⁴ and practices.⁵

“Children belonging to indigenous people adhering minority religions are barred from attending school to pressurize their parents to follow the majority religion”

The patron saint of Mexico, also the country’s national symbol, is Virgin of Guadalupe. Additionally, cities, towns and villages also hold as patron of their locale a Roman Catholic saint. Unified devotion to these saints is considered integral to receiving favors and prosperity for a healthy community, thereby ensuring the need for and importance of maintaining religious uniformity.⁶ Stereotyping and negative attitudes towards religious diversity is prevalent across a large part of Mexico⁷, making religious beliefs the second most frequent ground for discrimination.⁸ Non-Roman Catholic faith adherents such as Protestant Christians often find themselves deprived of the right to basic services such as water, education, electricity, health services, use of cemeteries, grocery stores, dispossession of real property or, as the case may be, illegal deprivation of liberty, while living in majority religious communities. There is seldom any support from the government



Church members from Mexico.

officials in granting protection or pursuing legal action against the perpetrators.⁹

While most of the perpetrators of these violations belong to the Roman Catholic majority, there have been few instances where, in areas populated by a Protestant majority, Roman Catholics and other minorities¹⁰, such as Muslims and Jehovah’s Witnesses,¹¹ have been at the receiving end of discrimination and forced to adhere to the practices of the majority.

Constriction on freedom of religion for indigenous communities

The Law of Uses and Customs gives indigenous communities in Mexico the autonomy to govern themselves according to their traditional laws and customs. This law of self-governance must be exercised in line with the individual rights laid down in the constitution and international treaties to which Mexico is a signatory.¹² There is, however, reluctance on the part of the state, municipal, and federal government agencies to ensure that the human rights provisions in the constitution are adhered to. Moreover, there is a lack of understanding of Freedom of Religion and Belief (FoRB) as a basic and comprehensive rights by government officials at the local, state and federal level. Individuals from indigenous communities who convert to a different religion other than the majority religion (Roman Catholicism in majority of times) face severe consequences within indigenous communities.¹³ These violations range from arbitrary and illegal detention, violent assault or expulsion from the community. Members of minority religions are forced to either fund or engage in traditional community activities and non-participation leads to denial of access to basic utilities such as water and electricity. Children belonging to indigenous people adhering minority religions are barred from attending school to pressurize their parents to follow the majority religion. Discriminatory practices within the justice system and the inherent corruption and lack of transparency hinders indigenous communities from accessing justice and results in violations of their right to due process and an adequate defence.¹⁴

⁴ The term ‘pre-Columbian thought’ refers to the set of beliefs and ideas held by the civilizations existing in Latin America prior to the arrival of Columbus in 1492.

⁵ Mexican Catholicism: Conquest, Faith and Resistance. Available at: berkeleycenter.georgetown.edu/posts/mexican-catholicism-conquest-faith-and-resistance.

⁶ Let her be heard: The untold stories of indigenous religious minority women in Mexico, Report by Christian Solidarity Network, 2022. Available at: csw.org.uk/mexicoreport2022.html.

⁷ Studies by Mexico’s National Council for the Prevention of Discrimination (CONAPRED). Available at conapred.org.mx/index.php?contenido=pagina&id=46&id_opcion=38&op=38.

⁸ National Institute of Statistics, Geography and Informatics (INEGI), Encuesta Nacional Sobre Discriminación, ‘Principales Resultados’, 2017 (Spanish). Available at inegi.org.mx/contenidos/programas/enadis/2017/doc/enadis2017_resultados.pdf.

⁹ “US Department of State: Mexico Report”, *Ibid.*, pp.6.

¹⁰ “Let her be heard”, *Ibid.*, pp. 10.

¹¹ “US Department of State: Mexico Report”, *Ibid.*, pp.6.

¹² “US Department of State: Mexico Report”, *Ibid.*, pp.5.

¹³ “Let her be heard”, *Ibid.*, pp.9.

¹⁴ Committee on the Elimination of Racial Discrimination, Concluding observations on the combined eighteenth to twenty-first periodic reports of Mexico. Available at uhri.ohchr.org/Document/File/448a0f13-01c9-46ef-8ed0-8c8cf9a5c64a/7AAB12A8-474D-481B-AFA2-462F2F07E885.



A pastor from Mexico.

Systemic corruption and violence by organized criminal networks

Mexico has been ranked as one of the most corrupted countries in the world.¹⁵ Organized criminal networks have flourished as a result of high level of corruption, weak and unaccountable public institutions, increasing violence and insecurity. Collusion between key government security agencies such as the military and the drug cartels has created a fertile ground for these criminal groups to thrive with impunity,¹⁶ creating a culture of silence in the community by threats and violence to continue their criminal activities unobstructed. Drug cartels see churches as revenue generators since they collect large amounts of money in offering.¹⁷ Some of these drug cartels charge “tax” from churches to operate and remain open.¹⁸ Proselytism and social work by Christians are considered a direct threat to the influence of these organized criminal networks in the community. Since religion is an alternative to life in drug cartels, especially for young men, Christian leaders are vulnerable to being threatened, kidnapped or assassinated.¹⁹ Many churches in areas such as Nuevo León and Tamaulipas in the north-east of Mexico have either stopped night-time services or have remained shut

without organizing any service because of the general insecurity and violence caused by the drug cartels. This violates a Christian’s right to assembly for worship, an integral aspect of freedom of religion and belief.²⁰

Killings or harassment of faith leaders

Faith leaders such as Fr. Germain Muñiz Garcia and Fr. Iván Añorve Jaimes²¹ often engaged with various human rights initiatives to bring awareness to the issues faced by their respective communities, thence many times taking on the role of Human Rights Defenders (HRDs). The Government of Mexico recognizes the need for protection for faith leaders as HRDs, as articulated in, Mechanism to Protect Human Rights Defenders and Journalists.²² Drug cartels regularly target faith leaders because they openly speak against the ongoing illegal activities or discourage the youth from joining criminal groups. They are either killed, kidnapped or are subject to threats or physical violence.²³ As a result of the Mexican Government’s inadequate actions to ensure that perpetrators are brought to justice, these criminal groups carry out their violence with complete impunity.

¹⁵ In 2022 Mexico scored 126/180 countries in the Corruption Perception Index, a research by Transparency International.

¹⁶ npr.org/2022/10/14/1129001666/data-leak-exposes-mexico-military-corruption-including-collusion-with-drug-cartel.

¹⁷ platformforsocialtransformation.org/download/religiousfreedom/Petri-The-regulation-of-religion-by-organized-crime.pdf.

¹⁸ premierchristian.news/en/news/article/mexico-drug-cartels-charging-churches-taxes.

¹⁹ “Mexico: Country Dossier”, World Watch Research, February 2023. Available at opendoorsanalytical.org (password: freedom).

²⁰ The regulation of religion by organized crime: Conceptualization of an underexplored phenomenon through a case study in Northeast Mexico, Petri Denis. Available at platformforsocialtransformation.org/download/religiousfreedom/Petri-The-regulation-of-religion-by-organized-crime.pdf.

²¹ worldwatchmonitor.org/2018/02/two-priests-murdered-in-mexico-as-gang-attacks-against-religious-leaders-continue.

²² Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas, Diario Oficial de la Federación, “Decreto por el que se expide la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas,” Jun. 25, 2012. Available at dof.gob.mx/nota_detalle.php?codigo=5256053&fecha=25/06/2012#gsc.tab=0.

²³ [frontlinedefenders.org/en/location/mexico#:~:text=Human%20rights%20defenders%20\(HRDs\)%20and,freedom%20of%20expression%20and%20journalism](https://frontlinedefenders.org/en/location/mexico#:~:text=Human%20rights%20defenders%20(HRDs)%20and,freedom%20of%20expression%20and%20journalism).

Recommendations:

To ensure that freedom of religion or belief and the right to a dignified life are respected and guaranteed to every Mexican citizen, Open Doors recommends:

1 The International Community should regularly engage with the Mexican state and federal government on cases of related to violations of FoRB. This should include awareness-raising on FoRB and its components and strengthening of government institutions through sharing of best practices. Special focus should be given to collaboration with state commission for human rights and groups representing different faiths and beliefs, including theistic, non-theistic and atheistic beliefs.

2 To guarantee and uphold the right to freedom of religion and belief as set out in Mexico's constitution, as well as in the Inter-American Convention on Human Rights (San José Pact), and the International Covenant on Civil and Political Rights (ICCPR), the Federal Government of Mexico should take the following effective measures:

- Ensure that the provisions and practice of the Law of Usos y Costumbres (Law of Uses and Customs), **for example the** practices of lynching, arbitrary detention in community prisons etc. in the province of Chiapas, **are in accordance with Mexico's constitution and its international human rights obligations;**
- Provide legal representatives from the Public Prosecutor's office to indigenous minority religion adherents to pursue legal actions against violators of FoRB;
- Promote programs and workshops at the municipal, departmental and federal level between leaders of different faith groups to encourage respect and tolerance of other religions and group identities;
- Provide regular training to public officials responsible for operating government benefit programmes, including the local authorities of indigenous communities, and regularly inspect the operation of these programs, focusing on

communities governed under the Law of Usos y Costumbres to ensure that beneficiaries can access the financial support they are entitled to without hindrance;

- Continue to support civil society organizations and local faith actors working on translating the Law of Religious Associations and Public Worship and its Regulations in indigenous languages to strengthen the initiative of Promotion of Religious Tolerance.

3 To prevent impunity, ensure institutional accountability and curb the violence by organized criminal networks:

- The International Community should provide technical support and financial help to government of Mexico mirroring the pillars of the Merida Initiative²⁴ in their efforts to strengthen internal security forces like the police and military;
- The Government of Mexico should promote access to information and transparency within its institutions and concurrently have in place an effective law enforcement agency to ensure fair and thorough investigation in cases of corruption involving government officials;
- The Office of the Attorney General of Mexico should conduct fair and thorough investigation in cases of killings of faith leaders and ensure a fair trial to prosecute the perpetrators to bring them to justice.

²⁴ The Merida Initiative is a partnership between the USA and Mexico to fight organized crime and related violence while promoting human rights and the rule of law.