

31st Session of the Universal Periodic Review

Mexico

Joint Submission by Christian Solidarity Worldwide (CSW) and Impulso 18

Introduction

1. Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB). CSW monitors FoRB in Mexico, raises awareness of human rights concerns and advocates for the full protection of human rights. This submission seeks to draw attention to particular concerns over the right to FoRB.

International legal framework and UPR commitments

2. Mexico is a member of the Organization of American States and among other relevant human rights treaties and agreements, the following treaties have entered into force in Mexico: 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). The government of Mexico has committed to protecting FoRB in Article 24 of its constitution.
3. Mexico accepted 207 recommendations during the country's second UPR cycle.¹ Mexico received and accepted one recommendation directly relating to FoRB. However, Mexico also received several recommendations which indirectly relate to FoRB, including recommendations to develop programmes for the social protection of citizens who suffer discrimination, to introduce legal provisions effectively guaranteeing the safety of human rights defenders and recommendations to ensure that perpetrators are brought to justice. The government of Mexico was also urged to take adequate institutional and legal measures to respond effectively to the problem of unpunished intentional homicides.
4. Despite these commitments, in the intervening period there has been an escalation of FoRB violations, impunity and inadequate legal and social protections, with no visible signs of improvement. FoRB continues to be undermined and CSW remains concerned by the level of impunity, and the violence and intimidation against religious minorities and religious leaders that continues to take place in various parts of the country.
5. **Recommendation: The government of Mexico should fully guarantee rights associated with the right to freedom of thought, conscience and religion. This includes ensuring that these rights, as set out in Mexico's constitution, as well as in the American Convention on Human Rights (San José Pact), the Universal Declaration**

¹ UPR-Info, Database of Recommendations on Mexico, https://www.upr-info.org/database/index.php?limit=0&f_SUR=111&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly, 19 March 2018

on Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR), are upheld for all inhabitants and citizens of Mexico.

Constitutional and legislative framework

6. Human rights, including FoRB, are guaranteed in the constitution. However, in practice, cultural protections often take precedence over human rights.
7. The following articles from the constitution guarantee freedom of religion or belief:
 - a) Article 1: *“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.”*
 - b) Article 2 of the Mexican 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.
 - c) Article 24: *“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.”*
8. 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. There is often little or no response from state or federal governments to violations of FoRB.
9. **Recommendation: Ensure that both state and federal government publicly acknowledge and denounce all violations of freedom of religion or belief. Government bodies must strengthen rule of law and promote good governance to combat impunity.**

Religious leaders as Human Rights Defenders

10. During the 2013 UPR, Mexico accepted 26 recommendations to ensure the safety of Human Rights Defenders (HRDs).² In Mexico, religious leaders sometimes take on the role

² UPR-Info, ‘Database of Recommendations on Mexico’, 19 March 2018 https://www.upr-info.org/database/index.php?limit=0&f_SUR=111&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&s

of HRDs, engaging with various human rights initiatives in order to bring the issues of their respective communities to the attention of those who can provide legal, practical or advocacy assistance. Additionally, religious leaders often fulfil the role of community leaders.

11. CSW is concerned that impunity and the lack of protection for religious leaders continues to have a negative impact on the right to FoRB in Mexico. Between November 2013 and February 2018, 27 religious leaders were killed.
12. On 20 February 2014, Catholic lay leader, Nicolás Carrillo Vargas, was killed in an attempted kidnapping in Villa Nicolás Parish, Altamirano, Guerrero state. Father José Damián Hernández Veloz was with him but escaped.
13. On the night of 12 April 2014, 21 year old seminarian Samuel Gustavo Gómez Veleta disappeared in San Ignacio, Aldama, Chihuahua state, sometime between 11pm on Saturday night, when he was seeing going to bed, and Sunday morning, when he failed to appear at breakfast. He had expressed concerns in the days before his disappearance that he was being followed. At Sunday morning Mass, the archbishop declared that he had been kidnapped and made a public appeal for his safe return. The body of Gomez Veleta was found riddled with bullets on Monday the 14 April on the outskirts of Aldama. The police announced almost immediately that they had caught the culprits and that the motive for the murder was the robbery of a Ford Fusion car which was also recovered. Given the circumstances of his kidnapping, which point to an organised and targeted act, and the state of his body, there are serious doubts surrounding the official version of events.
14. On 30 April 2014, Father John Ssenyondo disappeared from Chilpancingo-Chilapa Parish in Guerrero state. The Ugandan-born priest's remains were found on 28 October after the disappearance of 43 students led to exhumations of mass graves in the area. Church representatives told journalists that the priest had been targeted because he refused to submit to and cooperate with criminal groups and encouraged others to do the same.
15. In July 2014, the body of Pastor Fernando Jesús Albañil León of the Biblical Baptist Church in Laureles, Celaya, Guanajuato state was found beaten to death with severe head injuries and discarded about 13 kilometers from the Cortazar-Salvaterria highway. He had been kidnapped while working at the church office. Nothing, including his wallet or cellphone, was taken, leading the authorities to believe it was a targeted murder.
16. Father Ascensión Acuña Osorio disappeared on 21 September 2014. The body of the 42 year-old priest was found floating in the Balsas River three days later near his parish of San Miguel Totolapan, Altamirano, Guerrero state, and showed signs of torture.
17. On 3 November 2014, the body of Pastor Rubén Román Castillo Tobar of the Evangelical Church in Ixtapaluca, Mexico state was found in a refrigerator in his house. He had been missing for about three weeks. His hands and feet were bound with a blue tie, a plastic bag

was placed over his head and the body showed signs of torture leading investigators to believe this was a targeted murder.

18. Father Gregorio López Gorostieta from Altamirano, Guerrero state disappeared after hosting several pre-Christmas masses. Four days later, on 25 December 2014, his body of was found with a gunshot wound to the head. It is believed he was targeted by the Guerreros Unidos after preaching about peace and justice in his services.
19. On 9 April 2015, the body of Father Francisco Javier Gutiérrez Díaz was found abandoned at the side of a dirt road near the towns of Ojo de Agua de Ballesteros and San Nicolás de la Condesa in Salvatierra, Guanajuato state. He had been shot in the head.
20. On the night of 13 November 2015, two men on a motorcycle shot and killed Father Israel Garrido Omaña of the San Antonio Abad Parish, Bosque del Lago, Cuatitlán Izcalli, Mexico state.
21. On the night of the 18 September 2016, armed men arrived at the Our Lady of Fatima Parish Church, in the city of Poza Rica in the state of Veracruz, and kidnapped Father Alejo Nabor Jiménez Juárez, Father José Alfredo Juárez de la Cruz and a Sacristan and put them into a truck. On the morning of 19 September 2016, the bodies of the priests were found in the area of Papantla. The Sacristan managed to escape. The bodies showed signs of torture and showed that they had been killed with a fire arm. The motive for their deaths is unknown.
22. On 1 October 2016, four evangelical Catholics were tortured and shot by an armed group in La Ruana, in the municipality of Buenavista Tomatlán in the state of Michoacán. The bodies of Willibaldo Hernández, Adán Valencia, Jesús López Urbina and Jesús Ayala Aguilar were found on 4 October in the community of San Juan de los Plátanos in the municipality of Apatzingan, Michoacán state.
23. On 5 November 2016, in Soluta, Santa María Tonameca, in the district of Pochutla, Oaxaca state, Gaspar García Ramírez died instantly after being shot at several times by an armed group. According to witnesses, an armed group entered the church and without saying a word, murdered the Protestant pastor.
24. On 15 May 2017, Father José Miguel Machorro Alcalá was attacked with a weapon after Mass in the Metropolitan Cathedral in Mexico City, in the state of Mexico. He had injuries to his chest and neck. He died at midday on 3 August 2017. The perpetrator of the crime is imprisoned, although the prosecution process remains open and the motive for the aggression is unknown.
25. On 5 July 2017, 73 year-old Father Luis López Villa of Nezahualcóyotl Diocese was found murdered in Los Reyes, La Paz in Mexico state. An arrest was made and it was reported that the motive for the killing was robbery; however, the Catholic Multimedia Centre

(CCM) points out that there was little evidence of a theft, but rather of a ‘brutal and premeditated murder’.³

26. In February 2018, Germaín Muñiz García and Iván Añorve Jaimes were attacked when travelling on the Taxco-Iguala federal highway in the state of Guerrero. They were returning home from a religious festival in celebration of the Virgin of Candelaria. Both priests died and others were injured. The state prosecutor released statements which implied that one of the priests had links to illegal armed groups and that the victims bore some level of responsibility for the attack. However, the Catholic Multimedia Centre (CCM) and the Catholic Church at the state and national levels strongly condemned these statements. The state prosecutor later retracted these statements.
27. **Recommendation: The government of Mexico must 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.**
28. **Recommendation: The government of Mexico should ensure effective protection of all human rights defenders, operating in the country. The government must strengthen rule of law by carrying out thorough and impartial investigations, ensuring that persecutors are brought to justice.**
29. **Recommendation: The government should implement reforms to combat impunity for attacks against religious leaders.**

Strengthen rule of law

30. CSW welcomes the recommendations Mexico accepted in the last UPR cycle regarding capacity building for federal and local public officers in order to ensure better law enforcement and human rights promotion and protection. However, despite commitments to strengthen the rule of law and good governance, religious minorities have continued to face discrimination in many parts of the country. Human rights violations against minorities continue in a context of impunity.

Violations include:

- Violence;
- Destruction or damage to property;
- Sexual assault;

³ *Catholic Multimedia Centre (CCM)*, ‘Violento asesinato de sacerdote de 73 años en la diócesis de ciudad nezahualcóyotl’, 16 July 2017
<http://ccm.org.mx/2017/07/violento-asesinato-de-sacerdote-de-73-anos-en-la-diocesis-de-ciudad-nezahualcoyotl/> (Spanish)

- Arbitrary detention;
- Forced displacement.

31. In 2012, 12 Protestant families were violently driven out of the village of Yashtinín Municipality, Chiapas state. Since then, they have been living in cramped communal accommodation in a former homeless shelter in the city of San Cristóbal de las Casas. In January 2015, the state government promised to resolve the Yashtinín case by April 2015 but has failed to do so.
32. Since May 2012, Protestants from three different denominations from the non-indigenous community of Mariano Matamoros, Venustiano Carranza Municipality, Chiapas state have experienced hostilities on the part of the village authorities, including physical violence, arbitrary detention in an effort to force the families to ‘re-convert’ to Roman Catholicism, and confiscation of 83 hectares of land. As of March 2015, the Protestants are prohibited from buying or selling anything in the community with a fine of 5,000 pesos (approximately \$260) for anyone caught defying the ban. Promises from the municipal and state governments to the address the situation have not been fulfilled.
33. In September 2013, two Protestant families were forcibly displaced from Rosario Bahuitz, Las Margaritas Municipality, in Chiapas state following hostilities by the local authorities. Land was provided for their relocation in 2015; however, the state government has failed to take any action on its promise to build houses for these families, to provide economic support to help them generate an income, or to pay damages for the lost fields.
34. In March 2015, Casto Hernández Hernández and his cousin Juan Placido Hernández, both Protestant Christians, were imprisoned for approximately 30 hours by village officials in Chichiltepec village, Tlanchinol Municipality, Hidalgo state. While imprisoned, they were put under pressure to renounce their Protestant faith. After they refused they were subsequently forcibly displaced. In February 2016, Chichiltepec Village officials signed an agreement which paved the way for the men to return to their homes with guarantees of the full protection of FoRB, in a process overseen by the Public Ministry in the Mexican state of Hidalgo. However, despite this good news, the issue has still not been resolved.⁴
35. In January 2016, nine Protestant families, including 14 children, were forcibly displaced from Gabriel Leyva Velázquez community in Las Margaritas, Chiapas state. They had previously been arbitrarily imprisoned, illegally fined and pressured to renounce their faith but had refused to do so. Their homes were destroyed by community leaders. Local government officials told the victims the incident was their fault because they defied the religious majority.
36. In March 2016 Lauro Núñez Pérez and his family were expelled from La Chachalaca in Santiago Camotlán Municipality, Villa Alta, Oaxaca state and forced to take refuge in the community of Ayotzintepec, following his conversion to Protestantism from Catholicism in 2015. Between July 2015 and March 2016, under orders given by Municipal police

⁴ The information regarding this ongoing case is correct as of 19 March 2018.

agents, Mr Núñez Pérez was imprisoned on three occasions for refusing to abandon his Protestant faith and for continuing to travel to the neighbouring city of Ayotzintepic to congregate with other Protestant Christians, rather than attend the local Roman Catholic Church.

37. In August 2017, over 30 Protestants, including children, were forcibly displaced from Yaltzi Community, Tres Lagunas, Comitán Municipality, Chiapas state, after they refused to contribute to the travel costs of a visiting Roman Catholic priest. The forced displacement followed the cutting off of water and electricity to the families and members of the group were also arbitrarily detained, including children. The group is currently staying in Comitán. Two children from the displaced group were able to attend their previous school, whilst the rest of the children had to be enrolled in new schools.
38. On 4 December 2017, 42 Jehovah's Witnesses and 24 Protestants (13 of whom were children) were forcibly displaced from Tuxpan de Bolaños in Bolaños Municipality in Jalisco state. Local authorities also destroyed most of their homes, making it unlikely they would be able to return. The expulsions of religious minorities from Tuxpan de Bolaños follows the forcible displacement of 20 Protestant families (approximately 50 individuals including children) in January 2016. A resolution adopted by the village assembly in December 2015 stated that the Protestant members of the community would be expelled if they refused to convert to Roman Catholicism. The Jalisco State Human Rights Commission recommended community dialogue to resolve the issue in December 2015, but government officials took no action to address the first forced displacement in January 2016 and despite warnings did nothing to prevent the second.
39. On 3 March 2018, five Protestant Christian men were illegally detained and beaten by local authorities in the community of Rancho Nuevo, Huejutla Municipality in Hidalgo state. Four of the men were violently removed from a church service on 3 March, tied up and held until just after noon the following day. A fifth victim was taken out of his home at 2am on 4 March and held along with the others. Diego Hernández Hernández, Juan Nicolás Hernández Solórzano, Rogelio Hernández Baltazar, Ricardo Hernández Baltazar and José Silverio Gutiérrez Bautista, all of the Christ is Coming Protestant Church, were beaten and pressured to each pay a large fine because of their religious beliefs.
40. In August 2013, a family from the Adventist Church in San Miguel Chiptic, Altamirano, Chiapas state had their house destroyed by local community representatives. They did not take legal action as they intended to come to an agreement, but conversations have not led to this. Which meant that on 15 March 2018, at 2pm, local community members came to destroy the properties of 3 more families belonging to the Adventist Church, without removing their belongings. They received threats on 4 March 2018, that if they didn't renounce their faith, their houses would be destroyed and they would be expelled. Despite being aware of the threats, the municipal police did not want to get involved and there has been no response from municipal or state authorities.
41. **Recommendation: Ensure the government of Mexico takes measures to guarantee the rights of displaced victims to return to their homes. In cases where this is not possible,**

including because the victims are too fearful to return to their homes, they must receive sufficient compensation and those responsible for their displacement must face justice.

- 42. Recommendation: The government of Mexico must ensure that no one suffers discriminated due to their religion or beliefs, this includes bringing to justice those who commit criminal acts linked to violations of FoRB.**

b) Ensure that no one is discriminated against because of their religious beliefs:

43. In the last UPR cycle, Mexico accepted recommendations regarding actions aimed at eliminating discrimination and strengthening the protection of the rights of disadvantaged groups such as women, children and indigenous peoples. Mexico also agreed to develop programmes for the social protection of citizens suffering discrimination and social inequalities. CSW welcomes steps taken to protect the rights of children. However, CSW is concerned that men, women and children from indigenous and non-indigenous communities continue to be discriminated against because of their religious beliefs.

Violations included:

- Having access to basic services, including electricity, water, education and health care, cut off or restricted;
 - Forcible displacement;
 - Pressure to convert to another religion;
 - Arbitrary detention;
 - Theft and destruction of property;
 - Land confiscation.
44. This concern is linked to the earlier entry (see paragraph 32). 12 Protestant families from Yashtinín, San Cristobal de las Casas Municipality, Chiapas state including young children and very elderly men and women, have been living in cramped communal accommodation in a former homeless shelter in San Cristóbal de las Casas since their violent expulsion from Yashtinín, a non-indigenous village, in 2012. Most of the Protestant men, including boys, were arbitrarily detained and imprisoned to try and force them to renounce their faith. Village authorities also attempted to force the group to sign a document affirming their expulsion. Some of the children have been unable to enrol in school as the necessary paperwork is in Yashtinín and not available to them.
45. On 11 February 2014, village authorities cut off the water and electricity supply to 25 Protestant families in Unión Juárez, La Trinitaria Municipality, Chiapas state and arbitrarily detained one member of the community who attempted to reconnect his water supply. In April 2016, the case was settled when the state government paid a fine of 350,000 pesos (approximately \$18,500) to the community authorities. This is concerning as it sets a precedent that fining members of a minority faith solely because of their religious beliefs is acceptable. In addition, it creates an incentive to discriminate against members of minority religious groups for potential financial gain.

46. In Chiapas state in March 2017, 42 Protestants from Cuahutémoc Cardenas in Palenque Municipality reported that they had not had access to water since August 2014. 15 Protestant families in Barrio de San José, Teopisca and 12 Protestant families in El Encanto, Las Margaritas Municipality reported that they had been without water since May and November 2016 respectively.
47. In May 2016, José Gabriel García García and four other Protestant families had their access to water cut off in Ranchería de Bolantón, Comitán de Domínguez Municipality, Chiapas state. Some of the families had their water re-connected when they paid an illegal fine of 5,000 Mexican pesos (approximately \$250).
48. At 7am on 21 May 2016, the wife of C. Rogelio Hernández Baltazar and other Protestant cleaners were dismissed from their employment at the local primary school in Rancho Nuevo, Huejutla, Hidalgo state. Additionally, the President of the Women's Committee, Paulina Hernández Bautista, who was elected by the community, was also dismissed due to her Protestant faith.
49. This incident is linked to the earlier entry (see paragraph 37). In August 2015, the authorities prohibited Mr Núñez Pérez's three children, who are of school age, from enrolling into the local school. Amalia Torres García, Mr Núñez Pérez's wife, was not permitted to receive support from government programmes as she had done previously. Mr Núñez Pérez was also prohibited from working.
50. **Recommendation: The government of Mexico should ensure that all religious groups are given full equal rights to practice their faith either individually or in community, in public or in private, and to manifest their religion or belief in worship, observance, practice and teaching. The government must ensure that nobody is discriminated against due to their religion or belief.**
51. **Recommendation: The government of Mexico must restore access to basic services 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.**
52. **Recommendation: Ensure that federal and local governments promote and protect freedom of religion or belief, ensuring that no one is pressured to convert to another religion or set of beliefs against their will.**

Conclusion

Address impunity

53. While it is the state government's responsibility to address these cases, CSW remains concerned that the government of Mexico has rarely taken adequate action to intervene or uphold the right to FoRB for all peoples within the country; similarly, the federal government continues to act with negligence in failing to ensure that the constitutional rights of the victims of FoRB violations are upheld. This has allowed a culture of impunity to develop in at least 14 states in the country - especially in Chiapas, Guerrero, Hidalgo, Oaxaca and Puebla. In these states, the majority religious group often believes they have the right to enforce religious beliefs and practices at the local level.
54. **Recommendation: CSW strongly recommends that every level of government ensures that all religious and belief groups are given full equal rights to practice their faith either individually or in community, in public or in private, and to manifest their religion or belief in worship, observance, practice and teaching. The government must ensure that nobody is discriminated against due to their religious beliefs. The government must carry out full and thorough investigations into FoRB violations to ensure that perpetrators are brought to justice.**