



**ADF INTERNATIONAL**

*ECOSOC Special Consultative Status (2010)*

**UNIVERSAL PERIODIC REVIEW – FOURTH CYCLE**

**Submission to the 45<sup>th</sup> Session of the Human Rights Council's  
Universal Periodic Review Working Group**

**July 2023**

**Geneva, Switzerland**

**MEXICO**

**Submission by:**

ADF International  
Rue Pré-de-la-Bichette 1  
1202 Geneva, Switzerland

Web: [www.ADFinternational.org](http://www.ADFinternational.org)  
Email: [UN@ADFinternational.org](mailto:UN@ADFinternational.org)

## Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report highlights the growing prevalence of violence, threats and harassment directed at religious leaders and places of worship in Mexico. It also raises concerns about the unjustified restrictions imposed on the exercise of freedom of expression and the right to political participation, including for members of the clergy. Finally, the report emphasizes the need for Mexico to align its legislation regarding gender-based political violence with its international human rights obligations.

### (a) Violence Against Religious Leaders and Communities

#### *Background*

3. According to the 2020 census, roughly 78% of the Mexican population identifies as Catholic, while 14% belong to other religious groups, and 8% consider themselves non-religious.<sup>1</sup>
4. Despite Christians comprising a significant majority in Mexico, the country has experienced a concerning rise in cases of violence and social hostility directed against religious leaders, largely instigated by criminal groups.
5. Civil society actors have referred to Mexico as “one of the most dangerous countries in the world for priests.”<sup>2</sup> According to the Violent Incident Database of the Observatory of Religious Freedom in Latin America, from November 2018 to July 2023 there have been nearly 300 violent incidents targeting churches and religious leaders in the country, including over 30 killings.<sup>3</sup>
6. The Catholic Multimedia Center (CCM), a national faith-based media platform with a long-standing record of monitoring such cases, has highlighted that priests and other religious leaders often become targets of organized crime groups due to their role in providing stability within local communities: “When a priest is attacked, disappeared or executed, an element of social destabilization is introduced, giving rise to the growth of fear, impunity and violence.”<sup>4</sup>
7. Since November 2018, 9 priests have been murdered, with three of those killings occurring in the past year alone. In the most recent incident on 22 May 2023, Javier García Villafaña, who had been assigned to a parish in the municipality of Huandacareo just a month prior, was intercepted and shot dead while driving his car on the highway.<sup>5</sup>

---

<sup>1</sup> INEGI ‘Catholic population aged 5 and over’ (2020)

[https://www.inegi.org.mx/temas/religion/#Informacion\\_general](https://www.inegi.org.mx/temas/religion/#Informacion_general).

<sup>2</sup> ACN International ‘México, uno de los países más peligrosos del mundo para los sacerdotes’ (27 February 2018) <https://acninternacional.org/es/mexico-uno-de-los-paises-mas-peligroso-del-mundo-para-los-sacerdotes-2/>.

<sup>3</sup> Observatory of Religious Freedom in Latin America ‘Violent Incidents Database’ (2023)

<https://violentincidents.plataformac.org/web/search/results?t=0&c=43&ini=2018-11-01&fin=&do=&pe=&pc=> .

<sup>4</sup> Catholic Multimedia Center ‘¿Por qué se mata a los sacerdotes en México?’ (20 May 2022)

<http://ccm.org.mx/2022/05/por-que-se-mata-a-los-sacerdotes-en-mexico/> .

<sup>5</sup> Catholic Multimedia Center ‘Asesinan a sacerdote en Michoacán’ (23 May 2023)

<http://ccm.org.mx/2023/05/asesinan-a-sacerdote-en-michoacan/>.

8. In June 2022, two priests in Cerocahui, Chihuahua were murdered after an armed group entered their church with a hostage, who was also killed. Almost a year later, the perpetrator, a local cartel leader, remains at large, despite his identity being known and an arrest warrant issued.<sup>6</sup> In January 2023, the Inter-American Commission on Human Rights granted precautionary measures be put in place by the government in favor of the Jesuit community in the region due to threats received from organized crime groups, citing a “serious, urgent risk of suffering irreparable harm to their human rights.”<sup>7</sup>
9. Mexico is ranked 38<sup>th</sup> on the 2023 World Watch List, which assesses the most challenging countries for Christians to live. This constitutes a marked deterioration in the country’s situation since at least 2020, when it was ranked 52<sup>nd</sup>.<sup>8</sup>
10. Consistent with its international obligations, Mexico must dedicate greater resources to preventing acts of violence and vandalism against religious communities, in particular by protecting religious leaders from violent attacks, threats and harassment, while eliminating impunity in the investigation and prosecution of perpetrators of such acts.

## **(b) Freedom of Expression and the Right to Political Participation**

### *Legal Framework*

11. Article 6 of the Mexican Constitution establishes that “Expression of ideas shall not be subject to judicial or administrative inquiry, except for those cases when such expression of ideas goes against the moral, privacy or the rights of third parties, causes perpetration of a felony, or disturbs the public order.” Furthermore, “Every person shall be entitled to free access to plural and timely information, as well as to search for, receive and distribute information and ideas of any kind, through any means of expression.”<sup>9</sup>
12. Article 7 likewise states that “Freedom of speech, opinion, ideas and information through any means shall not be abridged.” and that “No statute or authority shall establish prior restraints, nor shall it abridge freedom of speech, which shall be subject to no other limitation than those foreseen in the last paragraph of Article 6 of this Constitution.”<sup>10</sup>

### *Freedom of Expression and Right to Political Participation*

13. Article 130 establishes “the historic principle of separation between State and religion”, according to which, inter alia, religious ministers cannot hold public office. The same provision also prohibits religious ministers from “joining together for political purposes” or “proselytizing in favor of a certain candidate, party or political association, or against

---

<sup>6</sup> Jesuits ‘Jesuit Leaders Demand Justice for Murdered Mexican Jesuits’ (14 March 2023) <https://www.jesuits.org/stories/jesuit-leaders-demand-justice-for-murdered-mexican-jesuits/>.

<sup>7</sup> IACHR Press Office ‘IACHR Grants Precautionary Measure to the Jesuit Community in Cerocahui, Chihuahua’ (31 January 2023) [https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media\\_center/PReleases/2023/012.asp](https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/012.asp).

<sup>8</sup> Open Doors International ‘Mexico: Full Country Dossier - Revised’ (May 2023) World Watch List 2023, <https://opendoorsanalytical.org/wp-content/uploads/2023/05/Mexico-Full-Country-Dossier-revised-May-2023>, 5-6.

<sup>9</sup> Mexican Constitution, art. 6.

<sup>10</sup> Id., art. 7.

them”, as well as from “insulting, in any way, the patriotic symbols.” Furthermore, the formation of “political groups with a name containing any word or other symbol related to any religion” is also strictly prohibited, nor can any “meeting of a political character” take place on religious premises.<sup>11</sup>

14. In June 2021, Citlalli Amaya, who had been elected as municipal president of Tlaquepaque, Mexico, had her victory nullified after the highest electoral court in Mexico voided the outcome on the grounds of unlawful speech by a priest. The priest in question, Cardinal Sandoval, had posted a Facebook video prior to the election merely calling on the faithful to exercise their right to vote, without endorsing any candidate in particular.<sup>12</sup> In March 2022, after winning the re-election, Amaya has filed a petition with the Inter American Commission of Human Rights, calling for recognition of the violation of her constituents’ rights to freedom of religion and expression. The case was dismissed by the court on procedural grounds.
15. In November 2021, six religious leaders, including two cardinals, were convicted by the national Election Tribunal of election interference and violating constitutional provisions on the separation of church and state, after voicing public criticism of the ruling party’s stance on a number of social issues.<sup>13</sup>

#### *Gender-based Political Violence*

16. In April 2020, several laws, including the General Law on the Access of Women to a Life Free from Violence, were amended to significantly strengthen the prohibition on gender-based political violence (GBPV) against women. This included the establishment of a set of guidelines for national political parties to address gender-based political violence, as well as a Commission on Gender Equality and Non-Discrimination, which can enforce sanctions, issue so-called ‘precautionary protection measures’, and even bar individuals from running for political office.<sup>14</sup>
17. Article 5 of the Guidelines for National Political Parties defines GBPV as

“[A]ny action or omission, including tolerance, based on gender-based elements and exercised within the public or private sphere, which has the purpose or result of limiting, nullifying or impairing the effective exercise of the political and electoral rights of one or more women, access to the full exercise of the powers inherent to their position, work or activity, the free development of the public function, decision-making, freedom of organization, as well as access to and exercise of prerogatives, in the case of pre-candidacies, candidacies, functions or public posts of the same type.

---

<sup>11</sup> Id., art. 130.

<sup>12</sup> Infobae “TEPJF annulled elections in Tlaquepaque because Archbishop Sandoval Íñiguez urged not to vote for Morena” (1 October 2021) <https://www.infobae.com/america/mexico/2021/10/01/tepjf-anulo-elecciones-en-tlaquepaque-porque-arzobispo-sandoval-iniguez-exhorto-a-no-votar-por-morena/>.

<sup>13</sup> The Catholic World Report ‘Mexican cardinals and bishops convicted for denouncing pro-abortion, socialist government’ (7 December 2021) <https://www.catholicworldreport.com/2021/12/07/mexican-cardinals-and-bishops-convicted-for-denouncing-pro-abortion-socialist-government/>.

<sup>14</sup> General Council of the National Electoral Institute ‘Agreement of the General Council of the National Electoral Institute approving the Guidelines for national political parties...’ (11 October 2020) [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5604597&fecha=10/11/2020#gsc.tab=0](https://www.dof.gob.mx/nota_detalle.php?codigo=5604597&fecha=10/11/2020#gsc.tab=0).

Actions or omissions shall be understood to be gender-based when they are directed at a woman because she is a woman; they affect her disproportionately or have a differentiated impact on her.”<sup>15</sup>

18. This definition is notably extensive, as it encompasses any actions or omissions that may in any way restrict political capacity, categorizing them as ‘violence’. Furthermore, it labels these actions or omissions as ‘gender-based’ solely based on their differentiated impact on women. In practice, the ambiguity within these guidelines has been exploited by certain actors to silence dissenting voices. This suppression of legitimate expressions has taken various forms, including outright censorship, administrative corrective measures such as fines, inclusion in a public registry of GBPV violators, issuance of pre-written apologies and enrollment in re-education programs. This is illustrated in the following cases:
19. As part of its 2021 election campaign, the Partido Encuentro Solidario, a political party in Mexico, produced and issued two television advertisements addressing its positions on adoption and abortion respectively. The Federal Electoral Tribunal (TEPJF) fined the party and censored both advertisements, claiming that they “promoted stereotypes.” Although the TEPJF acknowledged that political parties can continue to hold and promote such positions, it ruled that expressions against abortion or regarding the family are not protected under freedom of speech insofar as they are based on or promote “gender stereotypes” or contain “unnecessary, offensive or opprobrious” expressions.<sup>16</sup>
20. In July 2021, Sergio Zaragoza was convicted by a regional election tribunal of GBPV over tweets he had posted criticizing his local congresswoman’s stance on abortion. An appeal partially overturned the ruling, but Zaragoza was still required to issue a pre-written public apology and was included in the registry of individuals sanctioned for GBPV, effectively barring him from running for public office in the future.<sup>17</sup>
21. In March 2022, Gabriel Quadri, a former presidential candidate and current federal congressman, faced a complaint alleging gender-based political violence due to tweets expressing his general disagreement with what he referred to as “trans ideology.” These tweets did not incite violence or even targeted specific individuals. Initially, the complaint was dismissed as unfounded, but upon appeal, the Superior Chamber of the Electoral Court of Mexico reversed the decision. The court ruled that Quadri’s tweets were discriminatory as they “were intended to deny the identity of trans women, thereby violating their right to identity, which in turn is a form of denial of equal dignity.” As a result, Quadri was ordered to delete the tweets, issue a public apology, complete a course on gender-based and transgender violence and be publicly registered as a “gender-based political violator.” Quadri has appealed this decision to the Inter-American Court of Human Rights, where it is currently pending.<sup>18</sup>
22. In September 2022, Rodrigo Iván Cortés, leader of the political advocacy organization Frente Nacional por la Familia and a former member of the Mexican Congress, was

---

<sup>15</sup> ‘Guidelines for national political parties and, where appropriate, local political parties, to prevent, address, punish, redress and eradicate gender-based political violence’ (11 October 2020) Art. 5.

<sup>16</sup> TEPJF, SUP-REP-324/2021 (2021).

<sup>17</sup> TEPJF, SG-JE-115/2021 (September 2021).

<sup>18</sup> ADF International ‘Defending Free Speech in Mexico’ (2023) <https://adfinternational.org/gabriel-quadri-mexico/>.

also accused of gender-based political violence following comments made on Twitter expressing concern about proposed legislation that aimed to criminalize the propagation of Christian teachings on sexuality as 'hate speech'. The complaint was filed by a transgender member of congress whom Cortés had referred to as a "man who self-ascribed as a woman" in the tweets. The Special Regional Chamber of the Electoral Court ruled in favor of the complaint, claiming that it constituted a "denial of identity" and resulted in "undermining the political and electoral rights of women, and the unencumbered exercise of their public office." The decision has been appealed and is awaiting judgment from the Superior Chamber.<sup>19</sup>

23. In 2022, Teresa Castell, another member of Congress, was also convicted of gender-based political violence for expressing her gender-critical views on social media. She also faced physical harassment and was accosted by a fellow parliamentarian identifying as a transgender woman.<sup>20</sup> The court acknowledged the violence against Castell but dismissed it as "non-existent [punishable] conduct" on the basis that it constituted "dignified rage" on behalf of trans women and was therefore excusable.<sup>21</sup>
24. On 29 May 2023, Article 38 of the Constitution was amended so as to suspend citizens' rights to political participation, including running for office or working in a public service capacity, in cases of convictions of, inter alia, GBPV.<sup>22</sup>

#### *Freedom of Expression Under International Law*

25. Article 19 of the ICCPR guarantees the right to freedom of expression. Its paragraph 3 makes clear that limitations on the exercise of this right are permissible only where necessary "for the respect of the rights and reputations of others" or "for the protection of national security, public order or public health or morals,"<sup>23</sup> while Article 20(2) calls on States to prohibit "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence."<sup>24</sup>
26. General Comment No. 34 of the Human Rights Committee makes it clear that restrictions on the right to freedom of expression "should not go beyond what is permitted in paragraph 3 [of Article 19] or required under article 20," and that relevant laws "must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not."<sup>25</sup>
27. The broad constitutional prohibition on the use of religious expression for political ends, as well as preventing members of clergy from political participation, does not correspond to a permissible ground of limitation, and therefore constitutes an unjustified restriction on freedom of expression. Even if a clear link to a justified ground

---

<sup>19</sup> ADF International 'The fight for free speech continues in Mexico' (2023) <https://adfinternational.org/rodrigo-ivan-cortes/>.

<sup>20</sup> M. Pelaez 'Mujeres trans increpan a Gabriel Quadri en la Cámara de Diputados' (17 February 2022) TV Azteca, <https://www.tvazteca.com/aztecanoticias/mujeres-trans-gabriel-quadri-camara-de-diputados-eb>.

<sup>21</sup> TEPJF, SRE-PSC-37/2023, 132-137.

<sup>22</sup> SEGOB 'Decreto por el que se reforman y adicionan los artículos 38 y 102 de la Constitución Política de los Estados Unidos Mexicanos, en materia de suspensión de derechos para ocupar cargo, empleo o comisión del servicio público.' (29 May 2023), [https://dof.gob.mx/nota\\_detalle.php?codigo=5690265&fecha=29/05/2023](https://dof.gob.mx/nota_detalle.php?codigo=5690265&fecha=29/05/2023).

<sup>23</sup> International Convention on Civil and Political Rights, art. 19.

<sup>24</sup> Id., art. 20.

<sup>25</sup> UN Human Rights Committee, General Comment No. 34 (2011) CCPR/C/GC/34/Rev.1/Art. 19, 49.

of limitation is demonstrated, the principles of necessity and proportionality need to be respected. A sweeping ban on all political forms of religious expression cannot be justified.

28. The UN Declaration on the Elimination of Violence against Women defines “violence against women” as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”<sup>26</sup> Examples of such violence include, but are not limited to, “rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.”<sup>27</sup>
29. The concept of “gender-based political violence” as defined in the Guidelines for National Political Parties clearly far exceeds this definition. While it is crucial to address and safeguard women in politics against violence of any kind, it is equally important to ensure that these efforts do not inadvertently curtail freedom of expression in an unjustifiable manner.

### **(c) Recommendations**

30. In light of the aforementioned, ADF International suggests the following recommendations be made to Mexico:
  - a. Protect religious leaders, particularly members of the Catholic clergy, from all forms of violence and harassment;
  - b. Ensure the prompt and effective investigation of all violent attacks perpetrated against religious leaders and places of worship, and ensure accountability for perpetrators and justice for victims;
  - c. Ensure the full and equal enjoyment of the right to freedom of religion or belief of all persons, without discrimination of any kind;
  - d. Amend the Guidelines for political parties to address gender-based political violence to ensure full respect for the right to freedom of expression, including by reviewing the definition of gender-based political violence;
  - e. Guarantee full respect for the right to freedom of opinion and expression without fear of reprisals, and cease all acts of censorship and repressive measures against gender-critical voices;

---

<sup>26</sup> Declaration on the Elimination of Violence Against Women (adopted 20 December 1993), art. 1.

<sup>27</sup> *Id.*, art. 2.



**VIENNA**

HEADQUARTERS

**BRUSSELS**

**GENEVA**

**STRASBOURG**

**LONDON**

**NEW YORK**

**WASHINGTON, DC**



**ADF INTERNATIONAL**

© 2023

[ADFIinternational.org](https://www.ADFinternational.org)

 [facebook.com/ADFIinternational](https://www.facebook.com/ADFIinternational)

 [@ADFIintl](https://twitter.com/ADFIintl)