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**STATUS OF HUMAN RIGHTS IN THE UNITED MEXICAN STATES  
FOR THE 45<sup>TH</sup> SESSION OF THE  
UNIVERSAL PERIODIC REVIEW**

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## **Status of Human Rights in Mexico for the 45<sup>th</sup> Session of the Universal Periodic Review**

### **Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the United Mexican States (Mexico) for the 45th session of the Universal Periodic Review (UPR).

### **Background**

2. Mexico is located in North America along the Gulf of Mexico and has a population of 129.8 million people.<sup>1</sup> The country is predominately Christian with 78% of the population identifying as Roman Catholic, 11.2% as Protestant/evangelical, and 10.6% as unaffiliated.<sup>2</sup> However, Mexico has been ranked as the 38th worst country for Christians to live in because gangs and cartels view Christians as a threat because they speak out against the illicit gang activity.<sup>3</sup>

3. Mexico's previous UPR was held on November 7, 2018.<sup>4</sup> As a result of the review, Mexico received 264 recommendations, 262 of which Mexico supported.<sup>5</sup> One recommendation that was made by Poland, and supported by Mexico, was that the government "[t]ake the necessary measures to effectively combat impunity for attacks against religious leaders, journalists or members of religious minorities."<sup>6</sup> It was also recommended by New Zealand, and supported by Mexico, that the government "[a]mend legislation, policies and practices which discriminate against women and girls, including by ensuring safe and legal access to abortion."<sup>7</sup>

### **Legal Framework**

#### *Religious Persecution*

4. Under Article 24 of the Constitution of Mexico, "[e]very person has the right to have freedom of ethical convictions, of conscience and of religion, and to have or to adopt, as the case may be, the one of her preference."<sup>8</sup>

5. Additionally, Mexico is a party to the International Covenant on Civil and Political Rights (ICCPR).<sup>9</sup> Under Article 18 of the ICCPR:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.<sup>10</sup>

### *Abortion*

6. Abortion legislation in Mexico varies from state to state.<sup>11</sup> While all states permit abortion in cases of rape, states also allow for abortion for various reasons:

- abortion is the result of negligent behavior on the part of the pregnant woman (valid in twenty-nine states);
- to save the life of the pregnant woman (valid in twenty-seven states);
- the fetus has serious genetic malformations (valid in thirteen states);
- to protect the health of the pregnant woman (valid in ten states);
- the pregnancy is the result of non-consensual artificial insemination (valid in eleven states); and
- where the woman already has three other children, for economic reasons (valid only in Yucatán).<sup>12</sup>

7. In September 2021, the Supreme Court of Mexico unanimously ruled that sections of the criminal code in the State of Coahuila that prohibited women from having an abortion and individuals from carrying out abortions were unconstitutional.<sup>13</sup> The Supreme Court recognized that there is a state interest in protecting fetal development, but it determined that it may not trump the “reproductive rights” of women.<sup>14</sup> This ruling is now considered precedent for all state and federal judges in Mexico.<sup>15</sup> Since this ruling, eleven of thirty-two states have now legalized abortion.<sup>16</sup> While legislation varies from state to state, many of the states that have legalized abortion now allow on-demand abortion up until the twelfth week of pregnancy.<sup>17</sup>

8. Further, in 2021, the Supreme Court of Mexico also struck down Article 10 Bis of the General Health Law,<sup>18</sup> which stated:

Medical and nursing staff that are part of the National Health System may exercise conscientious objection and excuse themselves from participating in the provision of services established by this Law.

When the patient’s life is put at risk or in the case of a medical emergency, conscientious objection cannot be invoked, otherwise the cause of professional responsibility will be incurred.

The exercise of conscientious objection will not lead to any type of employment discrimination.<sup>19</sup>

9. Mexico has an obligation to uphold the rights enshrined in Article 6 of the ICCPR, which states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>20</sup> Mexico also has a responsibility to uphold pro-life principles enshrined in other international agreements such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

## Religious Persecution

10. Despite Christians making up the majority of the population in Mexico, Christians are targeted by organized crime gangs and drug cartels.<sup>21</sup> In fact, Christians are at risk of extortion and kidnappings by these groups.<sup>22</sup> The manager in Mexico for Open Doors, an organization working to support persecuted Christians around the world, reported that drug cartels have shut down churches and have even prohibited people from attending church services.<sup>23</sup> Additionally, Christian leaders are viewed as a threat to the cartel's authority when they speak out against their criminal activity or refuse to carry out the cartel's demands.<sup>24</sup>

11. In addition to facing persecution from criminal gangs and cartels, Christians in rural areas of the country where more ancestral and traditional religions are practiced have been attacked, fined, harassed, and have even been denied access to public services.<sup>25</sup> For example,

In Chiapas, Christian converts are rejected by their community and are often forced from their homes and villages. Large groups of Christians have at times been driven from their homes. Converts and faithful witnesses for Christ lose their jobs, inheritances and land. Those who remain in their communities are marginalised, partly because they will not participate in pagan celebrations that feature drunkenness and debauchery.<sup>26</sup>

12. In February 2023, a Catholic priest was shot and killed by a man on a motorcycle in the state of Jalisco.<sup>27</sup>

13. In August 2022, a Christian pastor was attacked by two men with a machete who injured the pastor's left arm.<sup>28</sup> The attack came after the pastor had received death threats after he abandoned the traditional religious practices of the region.<sup>29</sup>

14. In June 2022, two priests and their tour guide were shot to death in a small church.<sup>30</sup> The attack was believed to have been carried out by a local crime boss.<sup>31</sup>

15. On January 3, 2022, three Christians were arrested in southern Mexico.<sup>32</sup> According to a Christian pastor, the reason for the arrest was religiously motivated.<sup>33</sup> The pastor stated that "[t]hey haven't committed any crime" and that "[t]hey were jailed for not paying the festival dues of last Dec. 18."<sup>34</sup> They were accused of violating a local regulation that requires villagers to pay fees and participate in festivals.<sup>35</sup> However, these festivals often celebrate the traditionalist religion of the indigenous people and honor pagan idols.<sup>36</sup> Thankfully, they were released from prison on January 6, 2022.<sup>37</sup>

16. In July 2021, a Catholic man was accompanying his son at a market in the municipality of Simojovel de Allende when he was shot in the head.<sup>38</sup> A local priest claimed that this attack was carried out by a local drug trafficking gang.<sup>39</sup>

17. On October 19, 2019, thirty-three Christians were forced to leave their home after they refused to participate in traditional religious festivals.<sup>40</sup> Nearby churches stepped in to provide aid, assistance, and lodging for the victims after the government ignored requests for intervention.<sup>41</sup>

18. In August 2019, a Christian pastor was shot and killed while he was sitting in his car following a church service.<sup>42</sup> Members of the church were able to prevent the attacker from

escaping, and they handed him over to the authorities.<sup>43</sup> While the motive for this attack is unknown, this attack has followed a series of attacks that have targeted religious leaders.<sup>44</sup>

## Abortion

19. As mentioned above, in 2021, the Mexican Supreme Court ruled that state statutes criminalizing abortion were unconstitutional.<sup>45</sup> As a result of the ruling, eleven states have now legalized abortion on demand up until the twelfth week of pregnancy.<sup>46</sup> Before the Supreme Court ruling, abortions in Mexico had been on the decline.<sup>47</sup> For example, in 2018, there were 17,303 abortions reported compared with only 9,015 abortions in 2021.<sup>48</sup> Now that states are beginning to expand access to abortion, sadly these numbers will more than likely only increase.

20. The government's expansion of abortion undoubtedly disregards the life and rights of the preborn child, which has been enshrined in numerous international documents. In fact, since the 1994 Cairo Conference on Population and Development, U.N. Member States have had an affirmative commitment to "reduce the recourse to abortion"<sup>49</sup> and to "take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family planning.*"<sup>50</sup> Additionally, the UDHR requires "recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family [as] the foundation of freedom, justice and peace in the world," and provides that "[e]veryone has the right to life . . . ."<sup>51</sup> As stated above, Article 6 of the ICCPR likewise states that "[e]very human being has the inherent right to life. This right shall be protected by law."<sup>52</sup> Similarly, under the U.N. Charter, Member States determined "to reaffirm faith in fundamental human rights, [and] in the dignity and worth of the person."<sup>53</sup> Notably, these important and fundamental human rights instruments require protection of human life, and none of them contains a "right to an abortion." Unfortunately, after the above-mentioned Supreme Court ruling, several states in Mexico have liberalized their laws, thereby effectively creating a right to abortion.

21. The fact that there is no international right to abortion can also be seen when examining abortion laws across the world. Currently, out of 193 U.N. Member States, a majority (109) of them have strict limits on abortion.<sup>54</sup> Then, in the sixty-seven countries that have varying gestational limits for on demand abortion (fifty-two) have a gestational limit of twelve weeks or less, while some allow only up to fourteen weeks, or somewhere in between.<sup>55</sup> It can be clearly seen that, while abortion regulations vary across the world, the one thing that almost every country agrees on is that the country maintains an interest in protecting life, not only of women and girls, but for all its citizens, including preborn babies.

22. In addition to protecting the lives of preborn babies, Mexico also has a responsibility to protect women. It has been documented that abortion can have a devastating impact on the health of the woman. For example, abortion can result in the perforation of the uterus or the laceration of the cervix.<sup>56</sup> Furthermore, abortion deprives women of the health benefits that come from continuing pregnancy, such as the elimination of the protective effect a full-term pregnancy has against breast cancer.<sup>57</sup> Abortion can also mask other dangerous symptoms, like an undiagnosed ectopic pregnancy.<sup>58</sup> In fact, the World Health Organization even acknowledges the complications of abortion in its 2022 "Abortion care guideline."<sup>59</sup>

23. Furthermore, women who have undergone abortions have also experienced negative psychological side effects, from shame to drug abuse to suicidal thoughts.<sup>60</sup> All of these reasons

show why Mexico must make it a priority to protect both women and preborn children from the devastating effects of abortions.

24. Unfortunately, since Mexico's last UPR, Mexico has begun expanding access to abortion which will only lead to the deaths of more preborn children and will result in more harm to women.

25. We are also concerned about the lack of protection for conscientious objectors. In September 2021, the Supreme Court of Mexico voted eight to three to invalidate a provision that "established conscientious objection for medical personnel and nurses, limiting it only when the patient's life is put at risk or it is an emergency."<sup>61</sup> No healthcare worker should be required to carry out or take part in a procedure that deliberately takes the life of a human being. Abortion is not healthcare. It is a life ending procedure that fosters insensitivity to, and disdain for, the life in the womb.

## Recommendations

26. Mexico must take immediate steps to protect Christians from indigenous communities and criminal gangs. It is critical that Mexico take an active role in preventing religious persecution so that everyone can safely and freely practice their religion.

27. The above-mentioned ruling by the Supreme Court of Mexico opened the door for states to enact liberal abortion laws. As we demonstrated above, however, there is no right to abortion, and Mexico has, in fact, historically acknowledged the sanctity of life. It should not feel pressured into removing protections from the most innocent human lives and abandon the moral tradition it has held for a long time. We also urge Mexico to provide protections for conscientious objectors.

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<sup>1</sup> Mexico, THE WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/mexico/> (June 9, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> Mexico, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/mexico/> (last visited June 15, 2023).

<sup>4</sup> *Universal Periodic Review – Mexico*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/mx-index> (last visited June 15, 2023).

<sup>5</sup> *Mexico Infographic 31st*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/MX/MEXICO\\_Infographic\\_31st.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/MX/MEXICO_Infographic_31st.pdf) (last visited June 1, 2023).

<sup>6</sup> OHCHR, UPR of Mexico (3<sup>rd</sup> Cycle – 31<sup>st</sup> Session): Thematic List of Recommendations, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/MX/UPR31\\_Mexico\\_Thematic\\_list\\_of\\_Recommendations\\_E.docx](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/MX/UPR31_Mexico_Thematic_list_of_Recommendations_E.docx) (last visited June 1, 2023).

<sup>7</sup> *Id.*

<sup>8</sup> Constitución Política de los Estados Unidos Mexicanos, CP, art. 24, Diario Oficial de la Federación [DOF] 05-02-1917, últimas reformas DOF 2015, [https://www.constituteproject.org/constitution/Mexico\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Mexico_2015.pdf?lang=en).

<sup>9</sup> *Reporting Status for Mexico*, OHCHR, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=MEX&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=MEX&Lang=EN) (last visited June 1, 2023).

<sup>10</sup> International Covenant on Civil and Political Rights art. 18, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

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<sup>11</sup> *Abortion: Mexico*, HUMAN RIGHTS WATCH, <https://www.hrw.org/legacy/women/abortion/mexico.html> (last visited June 15, 2023).

<sup>12</sup> *Id.*

<sup>13</sup> Karol Suarez & Sharif Paget, *Mexico Supreme Court Rules Criminalizing Abortion is Unconstitutional*, CNN, <https://www.cnn.com/2021/09/07/americas/mexico-criminalizing-abortion-unconstitutional-intl-latam/index.html> (Sept. 7, 2021, 8:43 PM).

<sup>14</sup> *Mexican Supreme Court: Landmark Decisions at the Vanguard for Reproductive Rights Worldwide*, SUPREMA CORTE DE JUSTICIA DE LA NACIÓN (Oct. 1, 2021), <https://www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=6606>.

<sup>15</sup> *Id.*

<sup>16</sup> *Mexico's Border State Quintana Roo Becomes 11<sup>th</sup> to Allow Abortion*, REUTERS (Oct. 26, 2022, 2:53 PM), <https://www.reuters.com/legal/mexicos-border-state-quintana-roo-becomes-11th-allow-abortion-2022-10-26/>.

<sup>17</sup> Carli Pierson, *Mexican Women Win Abortion Rights, State by State*, OPEN DEMOCRACY (Nov. 2, 2021, 10:50 AM), <https://www.opendemocracy.net/en/5050/mexico-abortion-rights/>.

<sup>18</sup> *Mexico: Conscientious Medical Objection to Abortions Invalidated*, AP NEWS (Sept. 20, 2021) <https://apnews.com/article/noticias-a426f5780f0104dc9699192d4f8aada4>.

<sup>19</sup> Ley General de Salud (General Health Law), art. 10 Bis, Diario Oficial de la Federación [DOF] 11-05-2018 (Mex.), <https://abortion-policies.srhr.org/documents/countries/04-Mexico-Nayarit-Addition-of-article-10-BIS-to-the-General-Health-Law-2018.pdf> (unofficial internal translation).

<sup>20</sup> ICCPR art. 6, *supra* note 10.

<sup>21</sup> *Mexico*, *supra* note 3.

<sup>22</sup> *Id.*

<sup>23</sup> Open Doors, *Following Jesus in Mexico can be Dangerous*, RADICAL (Oct. 4, 2019), <https://radical.net/article/following-jesus-in-mexico-can-be-dangerous/>.

<sup>24</sup> *Mexico*, *supra* note 3.

<sup>25</sup> *Id.*

<sup>26</sup> Voice of the Martyrs, *MEXICO: Pastor Attacked with Machete for His Faithful Witness*, PULSE 941 (Aug. 17, 2022), <https://pulse941.com.au/mexico-pastor-attacked-with-machete-for-his-faithful-witness/>.

<sup>27</sup> *Priest Killed in Mexico, Threats Force Concert to Cancel*, AP NEWS (Feb. 12, 2023), <https://apnews.com/article/caribbean-mexico-city-concerts-religion-music-d1e6ce09a987d259997be3506b889287>.

<sup>28</sup> Voice of the Martyrs, *supra* note 26.

<sup>29</sup> *Id.*

<sup>30</sup> Maria Verza, *2 Priests Killed in Mexico Devoted Decades to Remote Region*, CRUX (June 23, 2022), <https://cruxnow.com/church-in-the-americas/2022/06/2-priests-killed-in-mexico-devoted-decades-to-remote-region>.

<sup>31</sup> *Id.*

<sup>32</sup> *Three Christians Jailed in Southern Mexico are Released*, MORNING STAR NEWS (Jan. 6, 2022), <https://morningstarnews.org/2022/01/three-christians-jailed-in-southern-mexico-are-released/>.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> OPEN DOORS, MEXICO: FULL COUNTRY DOSSIER 7 (2022), [https://www.opendoors.de/sites/default/files/country\\_dossier/mexico\\_wwl\\_2022\\_country\\_dossier.pdf](https://www.opendoors.de/sites/default/files/country_dossier/mexico_wwl_2022_country_dossier.pdf).

<sup>39</sup> *Id.*

<sup>40</sup> *Evangelical Christians Persecuted in Chiapas, Forced to Become Refugees*, MISSIONS BOX (Mar. 13, 2020), <https://missionsbox.org/news/chiapas-mexico-persecution/>.

<sup>41</sup> *Id.*

<sup>42</sup> Tola Mbakwe, *Mexican Pastor Shot and Killed After Service*, PREMIER CHRISTIAN NEWS (Aug. 20, 2019), <https://premierchristian.news/en/news/article/mexican-pastor-shot-and-killed-after-service>.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Mexican Supreme Court: Landmark Decisions at the Vanguard for Reproductive Rights Worldwide*, *supra* note 14.

<sup>46</sup> *Mexico's Border State Quintana Roo Becomes 11<sup>th</sup> to Allow Abortion*, *supra* note 16.

<sup>47</sup> Wm. Robert Johnston, *Historical Abortion Statistics, Mexico*, JOHNSTON ARCHIVE, <https://www.johnstonsarchive.net/policy/abortion/ab-mexico.html> (Apr. 16, 2023).

<sup>48</sup> *Id.*

<sup>49</sup> International Conference on Population and Development, *Report of the International Conference on Population and Development*, ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev.1, [https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/icpd\\_en.pdf](https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/icpd_en.pdf).

<sup>50</sup> *Id.* ¶ 7.24 (emphasis added).

<sup>51</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights, pmbl., art. 3 (Dec. 10, 1948) (emphasis added).

<sup>52</sup> ICCPR art. 6, *supra* note 20 (emphasis added).

<sup>53</sup> U.N. Charter pmbl.

<sup>54</sup> *The World's Abortion Laws*, CTR. FOR REPROD. RTS. (Sep. 27, 2022), [https://reproductiverights.org/wp-content/uploads/2022/09/WALM\\_20220927\\_V1.pdf](https://reproductiverights.org/wp-content/uploads/2022/09/WALM_20220927_V1.pdf).

<sup>55</sup> *Id.*

<sup>56</sup> *Women's Right to Know: Abortion & Pregnancy Risks*, LA. DEP'T OF HEALTH, <https://ldh.la.gov/page/915> (last visited Apr. 14, 2023).

<sup>57</sup> See Justin D. Heminger, *Big Abortion: What the Antiabortion Movement Can Learn from Big Tobacco*, 54 CATH. U.L. REV. 1273, 1288-89, 1290 n.119 (2005).

<sup>58</sup> See generally *Physical Effects of Abortion: Fact Sheets, News, Articles, Links to Published Studies and More*, THE UNCHOICE, [www.theunchoice.com/physical.htm](http://www.theunchoice.com/physical.htm) (last visited Mar. 6, 2023) (listing sequelae and referencing sources).

<sup>59</sup> *Abortion Care Guideline*, WORLD HEALTH ORG. & HUM. REPROD. PROGRAMME 79 (Mar. 8, 2022), <https://www.who.int/publications/i/item/9789240039483>.

<sup>60</sup> Priscilla K. Coleman et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 J. AM. PHYSICIANS & SURGEONS 113, 116-17 (2017), <https://www.jpands.org/vol22no4/coleman.pdf>.

<sup>61</sup> *Mexico: Medical Conscientious Objection Invalidated in Abortions*, *supra* note 18.