

# Toward the effective protection of religious freedom in Mexico

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## Abstract

Although religious freedom is protected under Mexican law, its enforcement is challenging. I review the current state of religious freedom research and the legal and policy framework governing religious freedom. I identify where problems exist in the legal system or the progress of religious freedom is complicated, and whether the problems are due to a legal loophole, deficient regulation, or the absence of a public policy. I argue that the Mexican legal framework understands religious freedom too narrowly as referring only to church-state relations, overlooking the rights of religious believers, and the mechanisms necessary to make these rights effective.

**Keywords** religious freedom, religious discrimination, religious persecution, Mexico.

## 1. Introduction

In the last 100 years, the most relevant amendments in Mexico regarding religious freedom were undoubtedly the reforms of articles 3, 5, 24, 27 and 130 of its Constitution, which were published in the *Official Gazette of the Federation* on January 28, 1992. In these reforms, religious associations were recognized as legal entities and some rules for exercising freedom of worship in the country were established.

Unfortunately, on that occasion the legislators seem to have shown no interest in consulting the academic publications existing to date, and therefore they were not taken into consideration at any stage of the legislative process (Supreme Court of Justice of the Nation 2017). As Rodrigo Guerra states, “It could be perceived that the argumentation did not rest on the understanding of the validity of the human right to religious freedom or on the need to comply with Mexico’s international obligations in this matter, but on the practical need to politically improve relations with the churches” (Guerra 2005).

Almost three decades after those amendments, this paper emphasizes the benefits of building a bridge of dialogue between academia and decision makers in

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the public sphere, so as to respond to the needs of practical reason<sup>2</sup> (Ortíz-Millán 2005) and contribute to the improvement of laws and public policies governing religious freedom in Mexico. The purpose here is not to establish special privileges in favor of religious associations, as some legislators argued during the 1992 Constitutional amendment process, but to recognize the human rights of people who want to exercise their religious freedom.

Toward this end, I first provide an overview of the current situation in Mexico, as well as the main problems that have been observed. I then examine the corresponding regulatory framework and its implications, and I close by discussing what is needed to improve the situation. My approach involves imagining the process one must follow when seeking to ensure the fulfillment of this human right, so as to detect in which areas of the legal system problems exist or the progress of religious freedom is complicated, and whether the problems are due to a legal loophole, deficient regulation, or the absence of a public policy.

In this article, I consider various federal laws that establish rights and obligations regarding religious freedom, the rules that design the structure of the public administration that currently addresses or could address violations of this human right, the rules that regulate the processes that could be used to demand compliance, and the rules establishing the regime of sanctions that could be imposed for noncompliance. I also investigate whether there is any public policy regarding religious freedom at the federal level that would facilitate its protection.

The result of this review is a preliminary diagnosis of the status of religious freedom in Mexico, which could be enriched in the future by other studies to deepen our understanding of the rights of religious believers and the relevant regulatory and public-policy framework.

## 2. Overview of religious freedom in Mexico

Among the main results of the 2017 National Survey on Discrimination (ENADIS 2017),<sup>3</sup> it is noted that the second most frequent cause of discrimination in Mexico is on the grounds of religious beliefs.<sup>4</sup> The portion of the population age 18 and

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<sup>2</sup> Ortiz-Millán, following the philosophical tradition of the Western world, explains that: “practical rationality has to do with the reasoning that leads to action or that determines what one should do, as opposed to theoretical rationality, which has to do with the discovery of what the world is like, and with the formation and justification of our beliefs.”

<sup>3</sup> The methodology consisted of conducting a questionnaire to a national sample of 39,101 households, representing 102,245 people age 18 and older, to study the following populations or topics: indigenous people, the disabled, religious diversity, the elderly, children, adolescents and young people, and women.

<sup>4</sup> The leading cause of discrimination is appearance. After religion, the next six causes are sex, age, where one lives, how one speaks, social class, and sexual orientation.

above, out of the national sample surveyed, who indicated having been discriminated against in the past year on the basis of their religious beliefs was 32.3% for women and 24.8% for men. They said that they experienced this discrimination on the streets, in public transportation, at work, at school, and in the family, although the survey did not ask respondents to specify how this discrimination happened (National Institute of Statistics and Geography et al. 2018).

The main rights of which people reported having been deprived due to religion were access to medicine or medical care, support from social programs, and services from government offices (National Institute of Statistics and Geography et al. 2018).

The British religious freedom organization Christian Solidarity Worldwide, in its report on its March 2017 visit to Mexico, stated that violations of religious freedom continued in the states of Chiapas, Oaxaca, and Hidalgo,<sup>5</sup> and that impunity of violators was the main obstacle to any resolution of this problem. The violations that this organization denounced included (1) cutting off basic services such as water and electricity; (2) deprivation of access to education; (3) deprivation of access to medical services; (4) arbitrary detention; (5) forced conversion; (6) physical violence; and (7) damage, expropriation of property, and forced displacement (Christian Solidarity Worldwide 2017).

The Mexican Roman Catholic Multimedia Center, in its report entitled “2017: A Disastrous Year for Mexican Priests,” stated that Mexico ranked first in hate crimes against Priests, religious workers, and laity in Latin America, for the ninth consecutive year (Centro Católico Multimedial 2017). In its latest annual report, the center stated that in Mexico, 27 homicides of priests and two forced disappearances of priests occurred from 2012 to 2019 (Centro Católico Multimedial 2019).<sup>6</sup>

In addition, 2019 was notorious for attacks on places of worship, which affected more than 26 sites per week throughout the country. Such attacks involved the theft of money from offertory boxes; the robbery of various devices or liturgical objects such as vessels, ciboria, and chalices; theft from parishioners attending liturgical services; the desecration of Eucharistic species; the theft of consecrated hosts for sacrilegious purposes; contempt or mockery of sacred places in ideological demonstrations; the closure of more than 1,000 places of worship that were damaged by the 2017 earthquakes;<sup>7</sup> and the theft of sacred art (Centro Católico Multimedial 2019).

<sup>5</sup> These states have a high percentage of indigenous population: Chiapas 30.9%, Oaxaca 55.7%, and Hidalgo 25.9% (National Population Council 2005).

<sup>6</sup> For more information on the cases of violence by extortion, kidnapping, and homicide that priests in Mexico have suffered in recent years, see Sotelo (2017).

<sup>7</sup> Several of these places of worship are owned by the national government.

As of 2021, Mexico ranked 37th on the World Watch List of the top 50 countries where it is most difficult to follow Jesus, in the opinion of Open Doors. The following explanation was given:

The increasing presence of criminal groups and their struggle for territorial control create an environment where Christians – and particularly Christian leaders – face the constant risk of being targeted for violence. Christians are perceived as a threat to criminal activities because they oppose corruption and drug use, or because they explicitly reject any demands or requests of criminal organizations. Christians who are outspoken about the hope of Jesus in the face of drug trafficking and violence are often targeted by gangs to remove any obstacle in their quest for control.

In indigenous communities, anyone who decides to abandon the community's religious beliefs or syncretistic practices often faces rejection and punishment in the form of fines, incarceration or forced displacement.

Finally, there has been an increase in violent and discriminatory acts against Christians by people who believe Christians are bigoted, xenophobic or opposed to women's rights. Churches have been attacked and graffitied by protestors, and reports on the ground suggest openness to Christian ethics in the public sphere is decreasing, even though Mexico is supposed to value pluralism. (Open Doors 2021)

To more fully illustrate the serious escalation of violence and impunity at the national level, the case of the attack on Sacred Heart Church, located in the city of Fresnillo in the state of Zacatecas on 9 May 2019, could be cited. A grenade caused serious injuries to four children who were playing in the church's courtyard. Bernardo, only six years old, suffered serious injuries to his feet and lost a hand; Bryan, 11 years old, suffered perforations in his intestine (Vanguardia MX 2019). An investigation was initiated, but the party or parties responsible for the attack were not determined (Attorney General's Office of the State of Zacatecas n.d.).

Religious freedom in Mexico faces a wide range of challenges, and it would be impossible to cover them exhaustively in this paper. However, the examples cited in this paper will help us understand the context in which this human right is intended to be exercised.

### **3. Construction and analysis of the regulatory framework**

In view of the situation described above, the first question a reader might ask is whether the laws of Mexico really recognize and protect religious freedom. To resolve this particular question, I considered the regulatory framework that determines the content and scope of religious freedom in Mexico. It is composed pri-

marily of the Political Constitution of the United Mexican States,<sup>8</sup> the international human rights treaties duly signed by Mexico,<sup>9</sup> the Law of Religious Associations and Public Worship,<sup>10</sup> and the regulations implementing this law. Based on the above documents, it could be said that Mexico has a regulatory framework that recognizes and protects religious freedom in general, even though it presents a significant number of restrictions and legal loopholes related to the exercise of this right.

Once the regulatory framework of religious freedom in Mexico was constructed, I review it from the perspective of its concrete application. In other words, I look at its substantive content, administrative structure, processes, and regime of sanctions, to detect where problems exist. The results obtained are described in the following sections.

### 3.1 Substantive content

Among the provisions that grant rights and impose obligations, several that protect religious freedom in a general manner were found in the Political Constitution of the United Mexican States and in the international treaties on human rights that Mexico has signed. However, upon reviewing the content of the related law (i.e., the Law of Religious Associations and Public Worship) and its regulations, we can see that the main priority is to regulate religious associations, ministers, and the exercise of public worship.

There are few specific articles that incorporate religious freedom in the ordinary laws and their regulations, in order to clearly establish the rights of believers and ensure their effective protection. These include Article 10 bis<sup>11</sup> of the General Health Law, which establishes a mechanism to guarantee the right of conscientious objection of medical and nursing personnel, and Article 38 of the Regulations of the Military Service Law, which exempts ministers from performing compulsory military service.

The lack of specific rules in the ordinary laws of Mexico (whose legal system developed under the civil law tradition) often leads concerned persons to aban-

<sup>8</sup> Articles 1 and 24 of the Political Constitution of the United Mexican States, as well as the restrictions contained in Articles 3, 27, 40, 55, 58 and 130 of the aforementioned Constitution (Constituent Congress 1917).

<sup>9</sup> Article 18 of the Universal Declaration of Human Rights (United Nations 1948); Article 18 of the International Covenant on Civil and Political Rights (United Nations 1966); Article 3 of the American Declaration of the Rights and Duties of Man (Organization of American States 1948) and Article 12 of the American Convention on Human Rights (Organization of American States 1969).

<sup>10</sup> In addition, there are laws on other matters that regulate specific aspects related to religious freedom, such as the General Education Law, the General Health Law, and the General Law of Electoral Institutions and Procedures, among others.

<sup>11</sup> The adjective “bis” in Latin means twice or repeated and is used when an article is inserted between existing articles and the numbering cannot be changed.

don their attempts to preserve their rights or to request the competent authorities to apply the aforementioned general provisions directly. Unfortunately, experience shows that getting the authorities' attention promptly is not always as easy as the persons concerned would like it to be. One example could be the 1,110 complaints that had to be filed with the National Human Rights Commission, between June 1991 and March 2003, to achieve the direct application of the general provisions that protect religious freedom, in the absence of a specific article in the General Education Law. Finally, after 12 years of advocacy efforts, general recommendation number 5 of the National Human Rights Commission asked educational authorities throughout the country to refrain from sanctioning students who, because of their religious beliefs, refused to honor the flag or sing the national anthem during the civic ceremonies that take place in educational centers (National Human Rights Commission 2003).

### 3.2 The structure of public administration

Regarding the rules that establish the design of administrative agencies at the federal level that address or could address matters related to religious freedom, the following information was ascertained.

The Ministry of the Interior has a General Directorate of Religious Affairs that is empowered to oversee relations between the Federal Executive Branch and religious associations, develop corresponding programs and actions, and attend to a series of administrative procedures.<sup>12</sup> However, it lacks the authority to address complaints by believers in matters of religious freedom.

The National Human Rights Commission may have up to six general rapporteurs,<sup>13</sup> who are in charge of various programs concerning different vulnerable groups,<sup>14</sup> but none of them specialize in resolving complaints filed due to violations of religious freedom.

The National Council for the Prevention of Discrimination has an Adjunct General Directorate for Complaints,<sup>15</sup> which reviews the claims submitted by all persons who state that they have been victims of any type of discrimination.

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<sup>12</sup> Article 86 of the Internal Regulations of the Ministry of the Interior (President of the United Mexican States 2019).

<sup>13</sup> Article 53 of the Internal Regulations of the National Human Rights Commission (Advisory Council of the National Commission on Human Rights 2003).

<sup>14</sup> The National Human Rights Commission's assistance programs are described at: <https://www.cndh.org.mx/>.

<sup>15</sup> Articles 11 (Section II, paragraph c) and 54 of the Organic Statute of the National Council for the Prevention of Discrimination (Governing Board of the National Council for the Prevention of Discrimination 2015).

The Attorney General's Office has a Specialized Prosecutor's Office for Human Rights,<sup>16</sup> among other specialized prosecutors, but none of these prosecutors have been designated specifically to resolve complaints regarding violations of religious freedom.

In summary, no specialized units were found within the federal public administration whose mission includes addressing complaints about alleged violations of religious freedom with a higher level of training and effectiveness.

### 3.3 Processes

Among the norms that regulate the different processes that can be pursued at the federal level to demand the effective protection of the human right to religious freedom, there are no special provisions by which to obtain expedited review. Therefore, concerned persons must use the following ordinary processes.

The first option is to present a writ of protection (*amparo*). This would have the purpose of resolving any controversy that arises from general norms, or from acts or omissions by the authorities (or by individuals when they carry out acts equivalent to those of the authorities), that violate the recognized human rights and the guarantees granted by the Political Constitution of the United Mexican States, as well as by the international treaties to which Mexico is a party.<sup>17</sup>

The second option would be to file a complaint before the National Human Rights Commission alleging acts or omissions by the federal administrative authorities that violate human rights.<sup>18</sup> In the event that the act or omission is attributable to an authority of the states that make up the Mexican Republic, then the complaint would have to be filed before the corresponding local human rights commission.

The third option would be to file a complaint before the National Council for the Prevention of Discrimination, alleging discriminatory acts, omissions, or social practices, attributed to individuals, natural or legal persons, federal public servants, or federal public authorities.<sup>19</sup>

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<sup>16</sup> Article 11, Section VII of the Law of the Attorney General's Office (Honorable Congress of the Union 2021).

<sup>17</sup> Article 1, Section I and Article 5, Section II, second paragraph of the Writ of Amparo Law, which regulates Articles 103 and 107 of the Political Constitution of the United Mexican States (Honorable Congress of the Union 2013).

<sup>18</sup> Article 6, Section II and Article 25 of the Law of the National Human Rights Commission (Honorable Congress of the Union 1992). The National Human Rights Commission was consulted to find out how many complaints it has registered regarding violations of religious freedom, since the last reform of Article 24 of the Constitution. It stated that, during the period from January 1, 2013 to February 13, 2020, it had received only nine complaints.

<sup>19</sup> Article 43 of the Federal Law to Prevent and Eliminate Discrimination (Honorable Congress of the Union 2003). The National Council for the Prevention of Discrimination was consulted to ascertain how many complaints of discrimination on religious grounds it has registered since the last reform

The fourth option would be to file a complaint with the Attorney General's Office of the Republic, in the case of a federal crime,<sup>20</sup> or with the Attorney General's Office of the corresponding state, in the case of a local crime.

An example of how an ordinary process can be used to achieve the effective protection of religious freedom in Mexico is the writ of *Amparo 854/2018*, resolved on 7 August 2019 by the Second Chamber of the Supreme Court of Justice of the Nation, wherein the Legal Counsel of the National Normative Committee of Medical Specialties Councils was ordered to indicate whether it could offer an alternative date (not on a Saturday) for the interested party to take the examination of the Mexican Board of Ophthalmology and Otolaryngology or, if that was not possible, to schedule the next specialty examination on a date and time that would not contravene the religious convictions of the interested party (Supreme Court of Justice of the Nation 2019).

### 3.4 The regime of sanctions (punishments)

A review of the regime of sanctions is essential because, since the Enlightenment, it has been established that there must be no punishment without law.<sup>21</sup> This principle evolved over time and was expressed in the Latin aphorism *nullum crimen, nulla poena sine lege*,<sup>22</sup> which means there is no crime or penalty without law. Thus, a judge cannot deprive an accused person of liberty unless the action committed has previously been established as a crime in the laws of the country.

In this sense, the only delineation of a crime that expressly protects religious freedom in the Federal Criminal Code is genocide for religious reasons.<sup>23</sup> In contrast, there are many crimes that specifically call for punishment of ministers or persons who have a religious relationship with the victim, such as the corruption of

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of Article 24 of the Constitution. It indicated that from January 2013 to January 2020, it received a total of 66 complaints and claims, against individuals and legal entities, public servants and federal public authorities. Of these cases, 60 have been closed. Some Mexican states, but not all, have their own local council to prevent discrimination.

<sup>20</sup> Articles 221 and 222 of the National Code of Criminal Procedure (Honorable Congress of the Union 2014).

<sup>21</sup> In 1764, César Bonesana, Marquis of Beccaria, laid the foundations of this principle by stating that: "only laws can decree penalties for crimes; and this authority must reside solely in the legislator, who represents the whole of society united by the social contract. No magistrate (who is part of it) can justly decree at will penalties against another individual of the same society. And a penalty cannot be extended beyond the limit indicated by the laws and what it views as a just penalty; it follows, that no magistrate under pretext of zeal or public good, can increase the penalty established against a delinquent citizen" (Bonesana 1992:12).

<sup>22</sup> Johann Paul Anselm von Feurbach, cited in Resta (2019:25).

<sup>23</sup> Article 149 bis of the Federal Criminal Code (Honorable Congress of the Union 1931). The Mexican Republic is composed of 31 states plus Mexico City, and each state has its own Local Criminal Code. In this research, only the federal regulatory framework was consulted.



persons under age 18; the arrangement of sexual relations involving persons under age 18; failure to prevent a crime infringing against the free development of one's personality, human dignity, or physical or mental integrity; pederasty; and inducing the electorate to vote for or against a candidate or political party.<sup>24</sup>

In the administrative sphere, the Law of the National Human Rights Commission establishes that authorities can only issue recommendations suggesting the appropriate measures for the effective restitution of the rights of the affected persons and, if applicable, for the restitution of the damages caused.<sup>25</sup> The Federal Law to Prevent and Eliminate Discrimination contemplates various measures to prevent and eliminate discrimination, as well as to obtain reparations.<sup>26</sup>

#### **4. Public policy on religious freedom**

Additionally, I investigated whether Mexico currently has any public policy on religious freedom at the federal level.<sup>27</sup>

The authority in charge of guaranteeing the secular nature of the state, conducting relations between the state and the churches, and applying the Law of Religious Associations and Public Worship is the Ministry of the Interior.

Within the Ministry of the Interior, the General Directorate of Religious Affairs is in charge of Budgetary Program P018, called "Conduct of the Federal Government's Policy on Religious Matters."

The public services offered by the General Directorate of Religious Affairs under the aforementioned budget program consist of nine administrative procedures, described on its web page (General Directorate of Religious Affairs), and are oriented to the registration, control, and surveillance of religious associations and ministers of worship in the country.

Consequently, the aforementioned budget program has no practical significance in addressing and reducing the aforementioned violations of religious freedom, since this goal is not even among the State's priorities.

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<sup>24</sup> Articles 200, 201, 204, 205 bis-h, 209, 209 bis, and 404 of the Federal Criminal Code (Honorable Congress of the Union 1931).

<sup>25</sup> Article 44 of the National Human Rights Commission Law (Honorable Congress of the Union 1992).

<sup>26</sup> Articles 83 and 83 bis of the Federal Law to Prevent and Eliminate Discrimination (Honorable Congress of the Union 2003).

<sup>27</sup> The Organic Law of the Federal Public Administration (Honorable Congress of the Union 1976), the Internal Regulations of the Ministry of the Interior (President of the United Mexican States 2019), and the National Development Plan for 2019–2024 (President of the United Mexican States 2019) were reviewed; and three rounds of requests for access to public information were made through the National Transparency Platform on the Internet, resulting in a total of 17 queries to 15 public entities of the federation.

## 5. Discussion<sup>28</sup>

The previous discussion of the legal and policy framework governing religious freedom in Mexico raises four general questions.

The first question is directly related to the overall theme of this issue: in what ways has research on religious freedom informed this framework? The perhaps unfortunate answer to this question seems to be that it has not, as the following two examples illustrate.

The softening of Mexico's most anticlerical constitutional provisions in 1992 seems to have been mainly motivated by political concerns. Some authors, such as Rodrigo Guerra state that the main reason was the practical need to politically improve the relationship with the churches (Guerra 2005). Others, such as Michael Tangeman and political scientist Anthony Gill posit it was the outcome of a *quid pro quo* agreement between President Salinas de Gortari (1988-1994) and church leaders in which the latter tacitly agreed not to publicly criticize the fraudulent election of the former, in exchange for a broadening of religious rights (Tangeman 1995; Gill 1998, 2018). Whatever the case, it appears that research on religious freedom has not played a role in the congressional debates leading to the 1992 constitutional amendment.

Similarly, the considerable documentation efforts by a coalition of national and international advocacy organizations during the last decade have raised awareness regarding violence against Catholic priests but had little to no effect on public policy (De Bruin 2021).

The second question logically follows: why does religious freedom research have so little impact on the legal and policy framework? Two possible explanations can be given. First, although some research on religious freedom in Mexico does exist, it is not yet sufficiently comprehensive and leaves many gaps. Indeed, most research on religious freedom in Mexico is conducted by faith-based advocacy organizations such as Open Doors International, Christian Solidarity Worldwide, the Catholic Multimedia Center, *Conciencia Nacional por la Libertad Religiosa* and *Artículo 18*.<sup>29</sup>

Academic work on religious freedom in Mexico, however, is relatively limited, with Gill (1998, 2008), Guerra (2005), Gómez et al. (2018), Petri (2020) and, at an organizational level, the Centro de Investigación Social Avanzada (CISAV) and the Observatory of Religious Freedom in Latin America (OLIRE) being the most noteworthy exceptions. Academic networks focusing on religious studies, such as the Red de Investigadores del Fenómeno Religioso en México, RIFREM (Network

<sup>28</sup> I am grateful for the assistance of Dennis P. Petri in developing this section.

<sup>29</sup> Marcelo Bartolini is the founder and director of this organization.

of Researchers of the Religious Phenomenon in Mexico), or the Annual Congress on Ethnography of Religion, rarely take an interest in religious freedom. The only field related to religious freedom that has received substantial academic attention is secularism and the relationship between church and state (González 2003; Blancarte 2004; Adame 2010; Traslosheros 2012; De la Torre and Martín 2016; De la Torre Hernández, and Gutiérrez 2017; Ramírez and Porras 2018; Capdevielle, Chorny, and Maisley 2019).

The second reason for the lack of impact of research on religious freedom seems to be that the regulation of religion is more often the outcome of a political *rapport de forces*, as Gill argues in *The Political Origins of Religious Liberty* (Gill 2008) and Johnson and Koyama in *Persecution and Toleration* (2019), rather than the result of a careful review of academic reflections on religious freedom. In other words, the core assumption of interpreters in the field of religious economy – namely, that politicians will expand religious freedom only if this serves their interests, regardless of what scholars may publish – seems to apply to Mexico.

A third question arises from the overview presented in section 3 above: why have the provisions for religious freedom in Mexico, in particular since the 1992 amendment, not led to structural improvements of the overall religious freedom situation in the country, nor (as noted in section 4) to the implementation of any significant religious freedom policy? The immediate answer to this question seems to be that the Mexican legal framework understands the right to religious freedom narrowly as referring almost exclusively to church-state relations (in particular freedom of worship), thereby ignoring many other dimensions of the right to religious freedom, such as freedom of education, matters related to conscientious objection, the interface of religious freedom and organized crime, or the tensions between indigenous self-government rights and the enforcement of religious freedom (Petri 2020).

Additional, albeit speculative, possible answers to this question would deserve further research: the generalized impunity and weak state capacity in parts of the Mexican territory to enforce the rule of law (Schedler 2015), which, by extension also implies enforcement challenges of religious freedom provisions; the structural failure of the Mexican state to comply with its duty to register human rights violations (including religious freedom violations), as has been denounced by a 2015 report of the Inter-American Commission on Human Rights, leading not only to their invisibility but to the absence of proper policy responses; and the general lack of religious literacy in public administration, which may also be related to the anti-religious sentiment inherited from the country's anticlerical history (Petri 2021).

Finally, what priorities are there for research to contribute to improving the religious freedom legal and policy framework of Mexico? The discussion of the legal and policy framework governing religious freedom in the previous two sections fills an im-

portant knowledge gap, as this topic has never been analyzed in a systematic manner. However, more research is needed. In this section, I have already mentioned several research priorities, which are complemented in the concluding section of this article.

## 6. Conclusions

Based on the current situation concerning religious freedom in Mexico, it would be desirable for the country to attend with greater diligence to the social problems described above, so that Mexico does not become responsible for noncompliance with its duty to respect, guarantee, and adopt the necessary measures to make the right of religious freedom effectively available throughout the country, as foreseen in articles 1.1, 2, and 12 of the American Convention on Human Rights, also known as the Pact of San Jose (Organization of American States 1969). The most urgently needed step is to incorporate the rights of the aforementioned believers in the ordinary laws and their regulations, as well as the corresponding sanctions or aggravating factors of the corresponding offenses in the case of noncompliance. This should be done in such a way that the regulatory framework of religious freedom complies with the principle of the universality of human rights (Ramírez-García 2021) by protecting all persons in Mexico and is not limited only to regulating the relationship between the state and the churches.

With these legislative and regulatory changes, religious freedom would become more broadly treated as a legally protected right in itself and not only as a mere circumstance of time, manner, or place, thereby allowing it to be established more firmly in judicial proceedings.

Finally, it would also be desirable to have a public policy on religious freedom at the federal level, which would permit the hiring of specialized personnel to disseminate information in support of this human right, as well as the training of public servants within the various agencies empowered to deal with violations of this human right at the national level. These steps could help to prevent and mitigate the identified social problems related to violations of religious freedom.

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Heiner Bielefeldt

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