

RELIGIOUS FREEDOM AND NONDISCRIMINATION OF NEW SUSPECT CATEGORIES IN LATIN AMERICA: CONFLICT LATENT

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Just as has happened in Europe and North America, religious freedom has begun to address tensions in Latin America product of the progressive reception in the domestic or international law of some categories considered suspicious in the field of non discrimination such as gender and sexual orientation. This paper aims to make a systematization of the conflicts in the present in Latin America so as to relieve them.

This comes from direct reception in legal texts or recent national or international judgments of these new categories, in areas such as the concept of family, marriage, parenthood, custody of the children or the right of parents to educate their children that come into direct collision with the founding principles of personal belief or religious entities in terms that the primacy of these categories on the latter assumed finally a lack of knowledge or even a denial of the exact content and scope of the right to religious freedom.

These are also the same conflicts that have been or are being raised in Europe and North America in terms that shows and notice the direct influence that these legal systems are having in Latin America on those subjects at the point that the arguments used to defend the primacy of those categories above religious freedom are the same.

The second part intends to make a critical review of those conflicts in order to notice, first, that the lack of understanding of the proper content of the right to religious freedom is general in this region of the world has in some cases prevented to highlight the violation that certain claims in the aforementioned cases pose to religious belief. On the other hand, this raises the urgent challenge of developing a consistent doctrine on this essential right in terms of note that the explicit recognition that, in most Latin American legal systems has freedom of religion, belief or of worship is not only a programmatic statement but a fundamental human right that must be recognized and secured.