

## ESSAY

### Freedom of Conscience and Religion in the Americas: Following OAS General Assembly resolutions to promote pluralism and strengthen communities

### Libertad de conciencia y religión en las Américas: Siguiendo las resoluciones de la Asamblea General de la OEA para promover el pluralismo y fortalecer las comunidades

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### **Abstract**

This article aims to highlight the directive placed on OAS member states to engage with the topic of freedom of conscience and religion or belief in a meaningful way through promoting pluralism. By its own language, this is to occur through (1) refocused efforts to protect places of worship and sacred sites, (2) building on or developing inclusive mechanisms through public policy aimed at promoting tolerance and peace, and (3) by engaging in regional or international forums that provide a platform for discussing best practices. This essay analyzes the language of the General Assembly Resolution that deals with this topic and suggests useful mechanisms and regional forums for member states to engage with. It also provides a framework under which to work and better discuss the concept within the Inter-American System. It is important to recognize the ways promoting pluralism (through protection of places of worship and sacred sites) strengthens community engagement with government leaders and equips individuals and groups to confront unjust laws, foster interfaith dialogue, and better protect human rights. By exploring aspects of engagement and the benefits they create, the OAS can better lead on issues of pluralism in the region and advance a framework for member states to adopt and build upon.

**Keywords:** OAS, pluralism, sacred sites, places of worship, religious freedom, community engagement, interfaith dialogue, cultural heritage framework.

### **Resumen**

El objetivo de este artículo es poner de relieve la directiva impuesta a los Estados miembros de la OEA para que aborden el tema de la libertad de conciencia y religión o creencia de forma significativa mediante la promoción del pluralismo. Según su propio lenguaje, esto debe ocurrir a través de (1) esfuerzos reorientados para proteger los lugares de culto y los sitios sagrados, (2) la construcción o el desarrollo de mecanismos inclusivos a través de políticas públicas destinadas a promover la tolerancia y la paz, y (3) mediante la participación en foros regionales o internacionales que proporcionan una plataforma para discutir las mejores prácticas. Este ensayo analiza el lenguaje de la Resolución de la Asamblea General que aborda este tema y sugiere mecanismos útiles y foros regionales en los que los Estados miembros pueden participar. También proporciona un marco bajo el cual trabajar y discutir mejor el concepto dentro del Sistema Interamericano. Es importante reconocer el modo en que la promoción del pluralismo (a través de la protección de los lugares de culto y los sitios sagrados) refuerza el compromiso de la comunidad con los líderes gubernamentales y capacita a individuos y grupos para enfrentarse a leyes injustas, fomentar el diálogo interreligioso y proteger mejor los derechos humanos. Al explorar los aspectos del compromiso y los beneficios que generan, la OEA puede liderar mejor las cuestiones de pluralismo en la región y avanzar en un marco que los Estados miembros puedan adoptar y aprovechar.

**Palabras clave:** OEA, pluralismo, lugares sagrados, lugares de culto, libertad religiosa, compromiso comunitario, diálogo interreligioso, marco del patrimonio cultural.

## Introduction

As Latin America and the Caribbean face increasing challenges related to freedom of religion or belief (FoRB) and conscience, the region's approach to promoting and protecting its bundled nature must evolve. Attacks on places of worship and religious or cultural sites are damaging anywhere, and this is certainly true in the Western Hemisphere. Desecration of sacred sites or hostilities towards places of worship (and their leaders) threaten not only the rights of individuals but also the cultural fabric of entire communities.

To address these threats and build a stronger foundation for freedom of conscience and belief, the Organization of American States (OAS) must refocus its efforts on General Assembly Resolution XXVI, which emphasizes protection of these sites through new or strengthened mechanisms. By prioritizing this resolution in the upcoming months and years, OAS member states can take meaningful steps to ensure FoRB's multifaceted nature is not only enshrined in law but also respected in practice throughout the Americas.

While OAS resolutions and declarations are not legally binding, they carry significant political weight and should be taken advantage of. Certainly, the region faces a range of pressing issues apart from human rights, including rising crime and violence, foreign influences through authoritarian regimes and ports, the ongoing crisis in Haiti, and complex foreign policy debates over trade and migration. But for the OAS, protecting places of worship should remain a top priority as it will strengthen both individual and collective rights while equipping communities to engage in dialogue that helps confronts many of these challenges. The promotion of pluralism across the Americas strengthens the rule of law and aligns domestic laws and policies with regional principles that keep human rights protection at the center.

This purpose of this essay is twofold. On one hand, it reiterates the directive placed on OAS member states to engage with the topic of freedom of conscience and religion or belief in a meaningful way through promoting pluralism. By its own language, this is to occur through (1) refocused efforts to protect places of worship and sacred sites, (2) building on or developing inclusive mechanisms through public policy aimed at promoting tolerance and peace, and (3) by engaging in regional or international forums that provide a platform for discussing best practices. The first part of this essay will therefore analyze the language of the General Assembly Resolution, suggest useful mechanisms and regional forums, and provide a framework under which to work. On the other hand, this essay simply seeks to touch on the ways promoting pluralism (through protection of places of worship and sacred sites) strengthens community engagement, thereby equipping individuals and groups to confront unjust laws, foster interfaith dialogue, and protect human rights. The argument is that the OAS can lead on this, and that it should.

## A Clear Directive from the 54th General Assembly

In its 54th General Assembly (GA) hosted in Asunción, Paraguay in June 2024, the OAS adopted important resolutions for the upcoming year. Of those, one resolves to “strengthening protection and promotion of the right to freedom of conscience and religion or belief” in the region. There, drafters reiterated the need to better promote and protect “religious pluralism, respect, and tolerance” in the hemisphere, encouraging member states to direct their attention to places of worship and sacred sites. Indeed, this focus understands that central to religious freedom is human dignity since, to fully affirm an individual’s humanity, their search for truth—in whatever peaceful form that takes shape—must be protected.

Places of worship, or physical spaces for religious practice, includes both buildings – like churches, mosques, or synagogues – and locations designated for spiritual or ritualistic activities. Similarly, sacred sites hold religious, spiritual, or cultural significance and include both man-made and natural sites or landmarks (as is the case for various indigenous communities). Cultural heritage is a broader concept that encompasses customs, traditions, and places of cultural and/or spiritual significance. Indeed, cultural heritage includes tangible and intangible elements as well as natural sites which are often integral to a community’s identity and preservation of tradition.

Given the essential role each of these play in the context of human rights, it is commendable that they were given attention at the 54th GA. Still, their promotion requires targeted action. To achieve this, the OAS might consider, broadly, cultural heritage protection as a framework for religious freedom promotion, appreciating the impact places of worship and sacred sites have on the vibrancy – and vitality – of their communities. As my Pepperdine colleague Emily Scolaro writes, “Challenges facing persecuted and minority faith communities in exercising their freedom to worship at ancient heritage sites with deep religious significance have only become more prominent,” making preservation of cultural heritage “a central component of protecting the human right to freedom of religion or belief.”

A cultural heritage framework can play a pivotal role in strengthening FoRB in Latin America by recognizing, preserving, and promoting the diverse religious and spiritual traditions that are integral to the region’s cultural fabric. This type of framework recognizes the inherent link between cultural spaces and full enjoyment of religious or spiritual practices, and in Latin America and the Caribbean, this is vital. Appreciation for these specific sites and places across the region will not only foster peace, dialogue, and interfaith tolerance among diverse communities but will strengthen an array of other human rights that build upon FoRB’s protection.

### Resolution XXVI

General Assembly Resolution XXVI explicitly reaffirms a series of declarations related to places of worship and sacred sites in the Western Hemisphere:

*RECALLING Article 12 of the United Nations Declaration on the Rights of Indigenous Peoples that: “the right to maintain, protect, and have access in privacy to their religious and cultural sites”;*

*RECOGNIZING that deliberate destruction of, or otherwise harmful actions against, places of worship and religious and cultural sites impede individuals’ abilities to worship and undermine the right to freedom of conscience and religion or belief; and*

*REAFFIRMING that all human rights, including freedom of conscience, religion or belief, and freedom of expression are universal, indivisible, interdependent and interrelated and mutually reinforcing.*

From there, areas of focus for 2025 are clear as the resolution resolves:

...

*To urge member states to end discrimination based on religion or belief, or non-belief, especially against persons belonging to marginalized or minority religious groups.*

*To call upon member states to protect the ability to worship and other expressions of religion or belief, as well as all places of worship and sites of religious, cultural, and spiritual significance, so as to allow individuals to peacefully and safely practice and live out their religions or belief and observe religious, belief, faith, and spiritual traditions individually or in community with others.*

*To encourage member states to develop and present reports on best practices to ensure the protection of places of worship and other sacred spaces, to include the religious and cultural sites of Indigenous peoples.*

Ending discrimination based on religion or belief (or non-belief) is a bold request. While member states will not eradicate all forms of discrimination or hate against their minority faith communities this year, they can start to by emphasizing the need for greater interfaith dialogue at local levels. Protecting places of worship and sacred sites provides a starting point for fostering these discussions. Furthermore, in order to better advocate for policies that will protect community needs, citizens must be empowered to speak to unjust laws or disparate impact. They must be given the space to communicate with each other and local officials, and that space must be equipped to handle diverse groups. Sacred sites and places of worship may provide neutral spots to foster such discussions.

OAS member states can also encourage their nations’ ministers of religious affairs and other government officials to convene with key religious leaders to discuss community challenges

specifically regarding safety and tolerance. Ministers of religious affairs are positioned well to organize national and regional interfaith forums and encourage interfaith collaboration with respect to various issues—one being education. With respect to education, in addition to interfaith dialogue, curriculum that emphasizes living in pluralistic societies is vital for elementary schools, high schools, and universities. Certainly, the nuances of freedom of conscience and conscientious objection is a ripe debate for the university setting across the Americas.

The resolution also determined to strengthen or develop “inclusive mechanisms” that protect and promote FoRB-focused public policies. Specifically,

*To encourage member states to strengthen or to develop inclusive mechanisms to protect and promote freedom of conscience and religion or belief through public policies aimed at promoting and protecting religious pluralism, respect, and tolerance.*

Yes, developing and presenting reports on best practices around protecting places of worship and sacred sites will require greater scholarship into the area of law and religion, but it will also hinge largely on access to religious communities. In this respect, member states can work with civil society organizations on the ground who are connected to faith leaders, since it is they who understand the complexities of their respective communities. Indeed, public policies cannot be implemented, let alone generated, without first engaging with the diverse faith communities that make up a given society.

Regarding other general efforts to help protect sacred sites and promote FoRB in Latin America and the Caribbean, key considerations might include: (1) reviewing policies and the interplay between international, domestic, and customary laws, including differentiating between doctrine, implementation, and enforcement; (2) understanding the legal mechanisms that already exist both at local and federal levels as well as within the Inter-American System; (3) examining precautionary measures requested before the Inter-American Commission on behalf of faith groups or religious communities (including indigenous communities) to determine if any violations implicated places of worship/sacred sites and what implementation, if any, followed the Commission’s recommendation(s). (See American Convention Art. 21; OAS Charter Art. 3(m), 45(a).)

Enhancing the role of institutions like the Inter-American Commission on Human Rights and the Inter-American Court to address specific FoRB violations is an important place to start. By encouraging the submission of petitions before the Commission related to FoRB violations involving sacred sites or places of worship, the region can develop a more robust legal framework for member states to build from. With this, analyzing previous precautionary measures submitted before the Commission may be helpful in shaping dialogue. It is important to determine what cases were referred to the Inter-American Court, and what recommendations by the Commission were implemented or enforced at the state levels that have had an impact on strengthening pluralism.

Additionally, by formally recognizing sacred sites and places of worship as part of cultural heritage, the state can acknowledge the legitimacy of the customary laws that govern these spaces. This helps integrate indigenous and local customary legal systems into national legal frameworks, ensuring that they are respected and upheld alongside formal legal systems. The OAS is the perfect place to foster discussions around this topic and highlight the positive impact it could have at the grassroots levels in various countries with large indigenous populations.

Supporting public policies that emphasize community-led peace building and security initiatives is also an important aspect of developing inclusive mechanism. Member states could seek to prioritize bridging these topics at regular sessions to highlight their value and protect human rights broadly. Again, the goal of discussions around these initiatives at the OAS would be to ultimately trickle down and naturally lead to community dialogue that fosters a culture of trust across religious and political lines, strengthening the common good.

Getting youth involved in these peace building projects is also imperative. With that, OAS member states could reiterate a call for the drafting of education initiatives that emphasize pluralism and cultural preservation as key aspects of learning across diverse schools and universities.

With respect to policy and legislation, a cultural heritage framework for discussing freedom of religion or belief in the OAS setting may spur conversations about inclusive heritage legislation at the state and local levels in the future. Member state representatives should therefore model this idea. While the OAS itself has no legislative power, its influence is clear.

Finally, the last point of Resolution XXVI is key:

*To encourage member states, as well as the General Secretariat, to organize and participate in global, regional, and subregional conferences, where appropriate, and events that commemorate or promote respect for the right to freedom of conscience and religion or belief and to share any conclusions and best practices, discussed during these events.*

Member states should inform the OAS General Secretariat of their desire for dialogues within its structure where these topics can be explored in more details, allowing religious freedom experts to facilitate. A 2025 OAS event modeled after the September 2023 “Dialogue in Support of Freedom of Conscience, Religion or Belief and Pluralism in the Americas” would be helpful. It could emphasize ways to protect places of worship and sacred sites in specific regional contexts—including the distinct challenges Caribbean nations face—and offer details into refining a cultural heritage framework to address those challenges.

Additionally, promoting interfaith dialogue gains support through the inclusion of civil society perspectives. The Interreligious Forum of the Americas (FIDELA) is one strong example of this. Similarly, attendance at annual platforms such as the G20 Interfaith Forum would also be positive.

And finally, more Latin American and Caribbean countries joining the International Freedom of Religion or Belief Alliance (IRFBA) would afford development alongside other nations committed to the promotion of this right.

### **Religious and Cultural Sites of Indigenous Peoples**

Notably, Resolution XXVI also resolves to develop and present reports on best practices to ensure the protection of places of worship and other sacred spaces include “the religious and cultural sites of indigenous peoples.” This means member states cannot simply acknowledge physical spiritual sites exist but also understand (at least generally) what these sites mean to those respective communities as it relates to FoRB. Importantly, this aspect of the resolution cannot come at a cost to, or be elevated to greater importance than, the rights of other faith communities, such as Christian, Jewish, Muslim, or Afro-Indigenous communities, who do not observe land in the same way. One community’s FoRB right is not greater than another’s.

To better approach this part of the resolution, recognizing the connection between indigenous worldviews and ancestral lands is important. In other words, because indigenous ancestral lands are often inherently linked to spiritual and cultural practices, full enjoyment and exercise of the right to freedom of religion or belief often depends on their protection. Customary laws may provide insight into communal faith practices to help inform government interactions with these communities, especially those regarding forestry, mining, or other natural developments on their lands.

Indeed, our research at Pepperdine’s Program on Global Faith and Inclusive Societies has found the connection between land rights violations and FoRB cannot be overstated in Latin America. While territory is important in and of itself with respect to property rights, the ability to hold ceremonies and practice spiritual traditions in these communities often hinges on land or landmarks. Still, member states will have compelling interests regarding development on many of these territories.

In this respect, a difficult but necessary balancing act is inevitable regarding use of land for the development of a society and the collective rights of a particular people group. Nevertheless, when decisions have a direct effect on a fundamental right such as FoRB, those considerations should not be examined lightly.

### **Greater Emphasis on Protection of Places of Worship and Sacred Sites to Help Slow the Spread of Organized Crime and Strengthen Communities**

Organized crime exerts a profound impact on freedom of religion or belief (FoRB) in the region, though its influence is often underestimated due to its pervasive reach across citizen life. Multiple countries in Latin America and the Caribbean remain overwhelmed by violence which both disrupts community life and undermines government efforts to safeguard human rights, including FoRB. While this is especially true in Ecuador, Brazil, Colombia, and Mexico today, it is endemic



to this part of the world. Indeed, with high rates of homicidal violence related to organized crime, the Americas have the highest regional homicide rate in the world.

Even so, the impact organized crime has on FoRB rights and specifically, on religious leaders is underappreciated, and the effect on community development or the ability for citizens to react to unjust laws or government impunity “from below” is greatly diminished. As the United Nations Plan of Action to Safeguard Religious Sites states, “Religious leaders play a crucial role in building trust, fostering dialogue, stressing unity, solidarity, and mutual understanding, and in offering positive and moderate narratives in response to hatred and division.” If places of worship are not protected, religious leaders become more vulnerable, and the community life inevitably suffers.

In this way, a cultural heritage framework to FoRB (which reinforces protection of places of worship and sacred sites) can foster community cohesion, reinforce the rule of law, and promote social resilience, deterring gang violence. But again, this framework needs directed government measures to work, measures that will naturally impact ethnoreligious minorities as well who battle their own separate challenges alongside gang oppression. As Teresa Flores keenly observes, “The level of violence exercised by criminal groups [...] affects entire communities and, on many occasions, causes massive, forced displacement [...] particularly affect[ing] indigenous leaders defending ancestral territory, who are the targets of threats, assassinations, and even disappearances.”

But religious communities in Latin America and the Caribbean, particularly those that are predominantly Catholic or Protestant, may be less vulnerable to the impact of organized crime if (1) the social environment is reinforced by norms rooted in shared beliefs and (2) faith leaders are held out as key figures of advocacy and support for economic and humanitarian aid. In societies that are or becoming more pluralistic, especially in South America, ongoing public interfaith dialogues will reinforce a sense of shared humanity and help promote social cohesion, fostering peace and tolerance which, again, may reduce the ability for gangs to acquire or maintain footholds in certain areas. Places of worship can again be points of reference to begin these dialogues. In countries like Brazil, Peru, and Colombia where local resources are often exploited through illegal mining, drug trafficking, and extortion, emphasizing the value of cultural heritage sites may help limit, or perhaps deter, gang reach.

Indeed, the recognition and protection of sacred spaces demonstrate a commitment to inclusive legal reform that takes into account the cultural, spiritual, and social needs of all communities. By embedding pluralism into legal and political frameworks, judicial systems become more attuned to the realities of diverse groups, ensuring that laws are applied more equitably and that judicial reforms reflect the interests and rights of all citizens, regardless of their religious or cultural background. The positive outcomes of this include deterring crime and violence as well as reducing divisive narratives around certain religious or spiritual practices, fostering more just societies. With this comes greater tolerance, greater peace, and stronger leadership at the local and national levels to uphold human rights.

## Conclusion

The protection of places of worship and sacred sites in Latin America and the Caribbean must be elevated as a central concern for OAS Member States in 2025. General Assembly Resolution XXVI provides a powerful starting point. By acting on this resolution and appreciating the framework of cultural heritage protection, OAS members can strengthen the broader human rights landscape. In an increasingly fragmented region, where communities face ongoing challenges, prioritizing the protection of sacred and cultural spaces reinforces a collective commitment to tolerance, peace, and the flourishing of human dignity. Member States should commit to ensuring that religious pluralism, freedom of conscience, and cultural heritage are upheld as foundational pillars of community life in the upcoming year. As a recent OAS General Secretariat Declaration noted,

“...[R]eligious pluralism goes beyond religious diversity. This distinction emphasizes the fact that the recognition of the diversity of belief and spirituality must be translated into concrete actions and policies of inclusion, dialogue and articulation in broader instances. It is important to value the role of religion and spirituality in the construction of democracy and social well-being, together with States, religious leaders, faith-based organizations, civil society, social movements and international organizations.”

Importantly, incorporating mandates from Resolution XXVI into concrete policies will also help safeguard other human rights which depend upon, and are strengthened by, the protection of freedom of religion or belief and conscience. Indeed, protecting places of worship and sacred, spiritual, or cultural sites ultimately advances free thought and expression, freedom of movement and development as well as various facets of economic, social, and cultural rights. This alone should encourage member states to act.

Protecting places of worship and sacred sites to promote pluralism will strengthen community engagement in Latin America and the Caribbean because it necessitates a collective vision, urges collaboration, and requires the reaching across of ethnoreligious lines.

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