

Religion and the Secular State in Perú

I. SOCIAL CONTEXT

The most professed religion in Perú is Catholicism. In a recent poll performed by the Catholic university “Pontificia Universidad Católica del Perú,” from a population of 27 million, 79.21 percent, recognized themselves as Catholic, while 12.89 percent reported being members of an Evangelical Church. Much smaller percentages represented other groups: 1.92 percent reported as Jehovah’s Witnesses, 1.65 percent as Adventists, 0.19 percent as members of the “*Iglesia Israelita del último pacto universal*” (religious group of Peruvian origin); 3.19 percent reported that they believed in God without participating in any specific religious group, and 0.65 percent reported as “members of a different faith.”¹

II. THEORETICAL AND SCHOLARLY CONTEXT

To a certain degree, it is difficult for the Peruvian State to exist because Perú has its roots in a syncretic Andean-Catholic Religion. This syncretism provides Perú its ontological value. Spanish monarchs between the fifteenth and nineteenth centuries supported their titles of conquest and permanence in Perú by legal regulations, known to Popes as Alexandrine Bulls, that constituted their mandate (Alexandre VI and July II) from the Spanish Kings of spreading Catholic faith in exchange of possessing, administrating, exploiting, and governing the territory. After gaining independence from Spain, Perú determined its borders according to the territory that the Church considered as the Metropolitan Archbishopric of Lima.

As long as territorial controversies persist, the state must give the Catholic Church legal preeminence to avoid weakening its own title in the occupied territory. As a matter of fact, due to rough Peruvian geography, the state, since its foundation until now, relies on the Catholic Church for legal presence throughout the territory similar to that of the Catholic Church due to its 15th century missionary labor. It is said in Perú that “wherever there is a Church there is also a Peruvian flag.”

Due to the Peruvian people’s strong allegiance to the Andean-Christian faith, the state must also turn to the Catholic Church to solve social problems, especially in places far away from Lima, the capital. Jeffrey Klaiber² says that it is important to mention that the Catholic Church in Perú, as in any other part of the Catholic world, has been influenced, molded, and conditioned by its social surrounding. It is important to note that the Church does not remain isolated from society, but society and church mutually influence each other; further, many problems the Church currently faces are due to societal circumstances, not necessarily any wrong decisions made by the Church. This mutual

CARLOS VALDERRAMA ADRIANSÉN is President of the Instituto de Derecho Eclesiástico (Institute of Ecclesiastic Law) in Lima, Peru, President of the Latin American Freedom of Religion Consortium, and Professor of Freedom of Religion Rights at the Catholic University of Peru.

1. *El Comercio Newspaper (Lima)*. Year 166, edition N° 85,642. Friday 14 April 14 2006, A2. *Technical File*: Poll performed by Pontificia Universidad Católica del Perú. Register number: 0108-REE/JNC. Date: March 24 to 26, 2006; Sample: 1,945 people of 24 provinces of country; Error of margin: +2% -2%. Trust level: 95%.

2. *Klaiber, Jeffrey*. “La Iglesia en el Perú” Fondo Editorial de la Pontificia Universidad Católica del Perú. Lima 1988.

influence will be key to understanding the relations between the powers of the state and religious groups in Perú.

III. CONSTITUTIONAL CONTEXT

Because high clergy and hierarchy during Independence were Spanish and realist, they abandoned Peruvian territory during the Wars of Emancipation and the parishioners of the Catholic Church had no religious authorities. The Peruvian State, in its first years, had to assume the role of ecclesiastical authority in order to preserve the Catholic religion as the only element of unity in a multicultural, multiethnic, and geographically rough environment. This role started diminishing in 1880 with the dictatorial decree of 27 January 1880, of President Nicolás de Pierola and Praeclara Inter beneficia Bull of Pope Pío IX and formally ended when the Peruvian State resigned its ecclesiastical prerogatives through the law 23147 of 16 July 1980.

The current constitutional model of the relations between the state and religion is considered cooperative by ecclesiastical doctrine. The state and Catholic Church determine their legal entailment in mutual cooperation for the benefit of mankind. This collaborative regime, valid in almost all Latin American countries, strengthens when the state decreeing freedom of religion and conscience decides, due to legal and historical reasons, to maintain special entailments with the prevailing religion. Church-state relations within this regime of religious freedom are not considered a private matter, but a valuable element for the community; churches do not receive the ordinary treatment of associations subordinated to common law, but instead have specific regulations due to their status as collective subjects of religious freedom.

This cooperative model is not only expressed in substantial aspects or aspects public aid of the individual or collective exercise of religious freedom, but also in a regulated or formal dimension. The Concordats and agreements create comprehensive negotiating regulations that suppose a state recognition of common matters to be mutually decided (i.e., churches and the state together establish prime aspects of their legal regime). Note, for example, the agreement signed by the British Plenipotentiary Minister of Queen Victoria and Peruvian Chancellor representing the Peruvian President Marshal Andrés Avelino Cáceres on 5 January 1846, and the International Agreement signed by Perú and the Vatican on 19 January 1980. Constitutional regulations consecrate the principle of respect to religious freedom. However, in a country that consecrates religious freedom, it is contradictory for constitutional law to protect one religion over another, because protection necessarily implies intervention. Therefore, Subsection 3 Article 2° of the Peruvian Constitution declares that “Every person has the right to freedom of conscience and religion, *individually or as an association. There should not be persecution due to ideas or beliefs. The public exercise of all creeds is free, if it does not affect the morale or alter public order.*”

The Catholic Church, therefore, may appear privileged in Perú. However, the opposite is true: the Catholic Church does not receive any privilege from the state and the law, but rather is required to end the formation of a national identity. Because of this, Article 50 of the Peruvian Constitution states “Within an independent and autonomous regime, the state recognizes the Catholic Church as an important element in Peruvian historic, cultural, and moral formation *and cooperates with it.*” The constitutional regulation recognizes, as mentioned above, that the state needs the Catholic Church to form its own identity; cooperation is due to this process of formation and not the religious aspect of the Catholic Church. If the state cooperates with an entity because it is religious, the cooperation would be dangerously close to state denominationalism. States that claim equality and religious freedom should pay no attention to religious entities for their religious aspect.

There is an important reference to God as a base or source of law in the introduction of the Constitution: *“The Constitutional Democratic Congress, invoking Almighty God, complying with Peruvian people mandate and remembering the sacrifice of all the generations that have preceded us in our country, has decided to issue the following Constitution.”*

In this respect, the procedural regulations contained in the Procedural Constitutional Code, in Article 37, are pertinent, which states: *“Protection proceeds when defending the following rights: 1)Of equality and non-discrimination due to origin, sex, race, sexual orientation, religion, opinion, economic or social condition, language, or any other type; 2)The public exercise of any religious creed; 17) To education, as well as the right of parents to choose the school and to participate in their children’s education process.”* Protection is a legal action that, when submitted to a judge, permits the state to suspend, defend, or allow the exercise of fundamental rights contained in the Constitution, international agreements, and other relevant regulations. This appeal for legal protection, a summary procedure is a common protective action usually allowing neutrality and equality among religions.

Perú’s cooperation with religious groups is not supported by their religious status, but by their labor in the social, educational, and cultural fields. These benefits to the state are balanced by providing certain facilities and tax exemptions. A careful reading of Article 50 reveals that the cooperation between the state and Catholic Church occurs not because cooperation is a religious creed, but because of its permanent work in the historical, cultural, and moral formation of Perú.

Perú regards other religions the same, as established in the second paragraph of Article 50: *“The state respects other creeds and may establish forms of cooperation with them.”* The regulation does not mention “recognize” or “accept” because those verbs go against the real sense of religious freedom, which is consecrated only with the abstention of public power; thus the Peruvian Constitution uses the term “respect” to express consideration, deference, and compliance, due to courtesy; there is no state interventionism in religion whatsoever.

IV. LEGAL CONTEXT

A. This section simply transcribes fundamental portions of a jurisprudential and doctrinal sentence about religious freedom issued by the Constitutional Court on 15 May 2004³ that will provide a clear idea of what is officially thought and supported:

It is objectively clear that the freedom to profess any creed and, especially the freedom to become or refrain from becoming part of any religious worship is a central consequence of the principle of autonomy of the person. In the same sense, freedom is something that man naturally has and possesses in the order of being, in ontological dimension or natural right. In this perspective, a person may choose to establish a relation with what he/she considers transcendent, a deity, or god. Therefore, religious freedom is not something to reach, but a quality of the desire of human being.

No one can be prevented from exercising his/her option to adore any deity because it is one’s free expression of conscience, which previously starts from the recognition of the existence of an individual’s reserved field where interference by a third party cannot take place.

Therefore, religious freedom takes the form of a “reserved area” and it is forbidden for the state or the society to intervene. It is a negative freedom, regarding it

3. EXP. N.º 3283-2003-AA/TC. JUNÍN - TAJ MAHAL DISCOTEQUE Y OTRA.

the state must only limit itself to forbid or restrict certain behaviors (not convictions) that attempt on religious freedom, or public order and social morale. The recognition of a religious profession produces, by consequence, the rights to practice acts of worship and to receive religious assistance from the faith itself; to celebrate festivities and wedding rites; and to receive and teach religious information of all kinds according to one's own convictions. In accordance to these faculties the principles of immunity to coercion and non-discrimination are created.

The principle of immunity to coercion consists of the idea that no person can be obliged to act against his/her religious beliefs; that is to say, he/she cannot be obliged or legally compelled to act opposing those convictions. This exemption also includes atheists and agnostics, which cannot be ordered to take part in any kind of worship or to act according to rites or practices derived from a religious dogma or to swear under these forms or convictions. In accordance with this principle "no one could be subject to coercion that could infringe on the freedom to have his/her own religion or convictions. The state cannot forbid people to act or stop acting in accordance with their religious beliefs, as long as they are not detrimental to third parties or break political order or social morale. This consideration is also valid for nonbelievers.

The principle of non-discrimination establishes the proscription of an agreement that excludes, restricts, or separates, undermining the dignity of the person and preventing him/her from enjoying his/her fundamental rights. It is applicable to the unjustifiable differentiation in the working, educational fields, etc., or to the performance of public functions or positions that are conditioned to taking part in or abstaining from a religious group.

Religious freedom takes the form of an individual and collective right, because it is applied to the person individually as well as the group of associates of a church, creed, or religious community. In the last case, it is expressed in the right to establish places of worship, to form and name religious operators, to teach and spread faith of the religious association, etc.

Religious freedom is not only expressed positively in the right to believe, but also in the right to practice. In this context, freedom of worship appears as the power that any person has to act and participate in representative ceremonies connected to his/her religious beliefs. Therefore, when the religious conviction is formed, faith goes beyond the believer's heart and is shown socially, having the power to attend places of worship and practice worship rites or adoration to "their" deity and even the adoption of certain rules of social interaction (greeting, clothing, etc.). The existence of religious worship harnesses the possibility of sacred constructions; the usage of formulas and rite objects; the exhibition of symbols; the observance of religious holidays; and even the prerogative of asking for voluntary contributions. As long as it produces social relations that gravitate around social life, worship can be subject to legal regulation, but only in a negative sense. Law cannot tell which actions could be the content of worship, it may only limit itself to describe the reserved behaviors, due to religious practice.

Along that line, the principle of no grievance to rights of third parties, as a basic guideline, that contains an objective limit to freedom of worship, consists of the proscription of pernicious behaviors or inconvenience during the exercise of religious worship or practice, which damage or undermine the rights that the Constitution and the law grant to the believers and nonbelievers of different creeds.

About this matter, damage to third parties could not consist of the nuisance that they suffer when they witness or know the exercise of worship that they do not share because of their own intolerant attitudes regarding those worships. The damage that comes from not accepting the personal autonomy in matters of conscience could never be considered for the application of this principle.

Within a denominational state the relationship between political bodies and churches that come from the recognition of religious pluralism that is ruled by the principle of reciprocal incompetence; that is to say, on one side, the state recognizes the existence of “spaces” in the life of people where it cannot regulate or act. In accordance with this, churches accept as an ethical and legal fence the prohibited institutional intervention in state matters.

We recognize a denominational state as “one with no official religion, which allows the existence of several religions, but recognizes special cooperation of the State with the predominant religion.” In this state modality it is assigned the personal power to reach the substantial aim, in accordance with its own conscience convictions: accepting or rejecting the existence of God, and the unconditional spiritual fulfillment. Therefore, it is denied to political power the faculty to recognize a theological truth, although it can recognize the historical, social, or cultural role developed by a church, creed or religious community in favor of the institutionalization and development of that political society.

Another aspect regards the implications of Catholicism in a state like ours and its relation to the exercise of several fundamental rights of people, whether natural persons or legal entities. In this respect, our Constitution cites religious freedom as an essential characteristic of every person (Article 3°, Section 2). The systemic reading of the Constitution makes it clear that the state dissociates the temporal matters from the spiritual ones: aspects relating to transcendental faith and morale are left exclusively to the conscience of each person. Nevertheless, it cannot be avoided that the Catholic religion has been and is the traditional faith of Peruvian people – which for several reasons is articulated to our concept of nation – and that has determined that Article 50° of the Constitution establishes as a recognition to its institutional tradition, that “within the regime of independence and autonomy, the state recognizes the Catholic Church as an important element in the historical, cultural, and moral formation of Perú and cooperates with it.” This cooperation was formalized through Concordat with the Vatican of 1980, where a special regime was established; this regime rules the subventions for people, works, and services of the Church, besides the exonerations, benefits and tax franchises, completed liberty to establish schools under ecclesiastical administration, and the subject of religion as a regular school subject, among other agreements. Also, it establishes other forms of cooperation between them: the commitment of religious provision for Catholic staff in the Army and National Police through a military vicar and religious services for the faithful of this religion that are in hospitals, tutelary centers, and prisons of the state. However, the duty of state cooperation in favor of the Catholic Church as a recognition of its important role in the historical, cultural, and moral formation of the country, does not mean that it is allowed to invade the area of other creeds or ways of thinking, because if so it would have no sense that the Constitution stated freedom and it would then neutralize other religions. Even though there are religious customs rooted in our community, that does not mean that the state, in a broad sense, could establish prohibitions that are not compatible with the Catholic dogmas and rites; it is clear that those behaviors could not infringe on public order or offend public morale. That is why, if any state organization banned people against acting according to their religious customs, it would be going against the principle of immunity to coercion, and thus going against the freedom of religion and conscience.

Public order is the group of values, principles, and guidelines to political, economic, and cultural behavior in its broad sense, which purpose is the conservation and adequate development of coexistent life. In that sense, plurality of creeds, interest, and community practices aim to the same purpose: the social fulfillment of the members

of a state. Public order refers to the basics and fundamentals for community life; that is why it is constituted in the foundation of an organization and structure of a society. In this context, the state may establish restrictive measures in the freedom of citizens in order to avoid the consummation of acts that could produce disruption or conflict in the specific case of defending values as peace or principles such as security. Therefore, to protect material order – an element of public order – the state could regulate behaviors that could help to support public and citizens' peace, etc.”

B. In the Department of Justice, within the General Justice Affairs Office, there are two general sub-departments by resolution of the Organic Law regulating this Department: “The Inter Confessional Affairs Office” and “The Catholic Affairs Office.” The first performs duties such as “coordinating and stimulating the affairs between the government and other religions different from the Catholic. This Office is in charge of: a) Organizing and coordinating any course of action that will strengthen the relationship between the government and other religions different from the Catholic to promote religious freedom; b) answering any inquiries and coordinating any issues related to this office; c) sending reports and endorsing any donations coming from abroad aiming to benefit the religious groups; and, d) performing any other duty appointed by the National Director.”

On the other hand, under the law, this sub-department was appointed to administrate the Special Record of Religious Organizations other than Catholicism, so as to legalize the signatures of the authorities belonging to these religions other than Catholicism, and who have been previously registered and have provided the migration documents of their staff as well as other ecclesiastical papers to be used abroad for civil purposes. Moreover, the Inter-Confessionals Affairs Office is in charge of implementing the record for administrative purposes. They deliver judgment on the admissibility or the inadmissibility of the registration of a confession in the Inter-Confessionals Affairs Office. Finally, they are in charge of making the registration of a confession viable, as appointed by the National Justice Office, when this office declares upon resolution the admissibility of its registration, by delivering the Registration Certificate to whom it may concern.

The Special Record of Religious Organizations differs from the Catholic Record as it works under administrative regulations and not constitutive ones, since the registration in this Record does not provide any Legal Personality to the confession but assumes that the confession is an association and is registered in the Public Records Office, as a Legal Personality of Private Right.

The law does provide any constitutive characteristics to the registration of the confessions, registration being the only requirement needed to recognize the confession as an association. However, according to the Civil Rights, Article 81, in order to become a religious association, confessions need the approval of an authority recognized by the Record Office, and even then, the confession cannot be registered without a Legal Personality recognized by its authority, which can be recognized while it has not been registered in the Record of Confessions. This circumstance has created a major legal contradiction, since the future association with religious purposes cannot become such without an accepted authority when the association is registered according to the Organic Law of the Department of Justice, as required by the Civil Rights to become an association. Now, there is an impossible legal answer between both laws. In some cases, to be constituted and registered, the confessions have had to resort to the Catholic Church to approve its constitution and pass its regulations, because the acknowledgement of the authorities of this Church is recognized according to other laws. The confessions registered in the previously mentioned Record were able to do so because there were other civil associations with religious characteristics before the Record was created. In practice, the new confessions struggle with a number of bureaucratic difficulties with registration.

Confessions other than the Catholic Church are entitled but not required to register in the Special Record of Religious Organization. Nevertheless, since the laws of VAX payment exemption are general, property exemption depends on the purposes of the property and not on its religious origin. For instance, property belonging to the fire department, medical services, churches and others are free of taxes. Following this criterion, the Record Office offers the registered religious confession administrative fiscal capability so their sites of worship are recognized legally as temples and are therefore tax free. The statement of precedence of registration will generate a Certificate from the National Head of Justice, which verifies the status of Confession other than the Catholic Church for all purposes before national, regional, local, and other authorities, whenever it shall be required or established.

The second general sub-department of the Catholic Affairs Office is in charge of coordinating the affairs between the government and the Catholic Church. Their duties are (a) Direct and coordinate actions aiming to deepen the collaboration between the government and the Catholic Church; (b) Answer any inquiries and coordinate affairs related to its office; (c) Plan decrees to create or suppress ecclesiastic jurisdictions appointed by the Holy See, as well as resolutions recognizing the appointment of the members of the ecclesiastic hierarchy, and the pensions granted to resigning Bishops; (d) Legalize the signatures of the authorities of the Church in migration documents related to their staff as well as other ecclesiastic documents to be used abroad for civilian purposes; (e) write reports and arrange the approval of donations from abroad to benefit jurisdictions of the Catholic Church; and (f) perform any other duty appointed by the National Director.

There are two different offices in the Department of Justice because affairs concerning the religious confessions other than the Catholic Church are ruled by the Internal Public Laws, whereas the affairs concerning the Catholic Church are ruled by the International Public Laws.

C. There are formal bilateral relationships between the government and the religious communities. Whether or not these relationships are based on equal terms, they are only valid for the Catholic Church, since it is governed by The Holy See, which is a Legal Personality with International Public Rights, and both the government and the Catholic Church are deemed "Perfect Societies" as they do not recognize any higher power or authority; their relationships are based on equal terms according to the International Public Rights. In the other cases, as it is stated in the second paragraph of Article 50 of our Constitution, the government respects all confessions. However, when in times of great national need, the government summons the help of the Catholic Church, as well as the Evangelical Church, in equal terms and rank.

V. THE STATE AND RELIGIOUS AUTONOMY

Religious confessions are usually composed of religious communities, but in Perú the two can be distinguished based on Andean religious syncretism. The religious confession is identified by its hierarchy and the religious community by its social grassroots organizations, which practice Catholicism but keep their original Andean social structures and social network through a syncretic devotion. For instance, the official affairs between the Catholic hierarchy and the state government are structured according to principles of western judicial autonomy, independence, and mutual collaboration, but the grassroots organizations of Catholic parishioners are forbidden to own property and legal existence must be first authorized by the Catholic hierarchy.

There is, then, a double standard, with the Catholic hierarchy enjoying a cooperative and mutually respectful relationship with the Peruvian Government, and the non-

hierarchical religious communities being persecuted as the law forbids property ownership and requires previous approval of the official hierarchy for legal recognition; this situation has been confirmed by President Alan Garcia Perez, during his first government, by Law 25046 from 15 June 1989. Regarding confessions other than Catholicism, Peruvians in general recognize that non-Catholic religious leaders are good-hearted people who share the word of God, encourage parishioners to avoid alcohol and other vices, and participate actively in grassroots organizations.

This last point is perfectly understandable considering the consequences of the eradication of idolatries during the Spanish presence in Perú.

VI. RELIGION AND THE AUTONOMY OF THE STATE

In Perú, no religious confessions participate actively in the administration and politics of the state. However, in times of great national need, they make their point of view clear, more as guidance than as imposition, generally from a moral perspective of respect towards the Peruvian culture. That does not mean that religious members of certain confessions endorse one political side, though this occurs in isolated, infrequent cases. No confession has been granted the power to rule another, except by the second paragraph of Article 81 of the Civil Law, which demands the authorization to form associations with religious purposes. However, the law is a reflection of legal writing and judicial technical deficiencies, and although it has caused certain inconvenience for its pretentious claim, it does seek control over other religions.

Now, distinguishing between religious confessions and religious communities, the state law gives absolute control to the ecclesiastic hierarchy identified as religious confession, strictly speaking, over the Catholic parishioners. We would not want to expound on this last issue, since this topic is rich, lengthy, exceeds the aims of this paper, and involves dogmatic issues.

VII. STATE FINANCIAL SUPPORT FOR RELIGION

Highlighting our thesis, the fact that the state financially supports religious confessions is not because they are religious, but because the social, moral, and cultural activity is beneficial to the Peruvian community. In general, the state supports the confessions through VAX payment exemption or facilitating religious or secular donations. There is even the possibility that certain donations can be exempted from the donor's income taxes. Secular support of religious schools is legal; even in mixed educational centers, in which the religious confession owns the property, its management, and charisma, teachers are paid by the state.

Regarding a maintenance subsidy for religious buildings with historical value, The General Law for National Cultural Patrimony, number 28296 of 21 July 2004, demands that the owners or holders of cultural patrimony keep and maintain from their own expense, under penalty, secular or religious patrimony, personal property, or real estate. Finally, based on the Alexandrian Bull in 1502, it is custom for the state to deliver a worship payroll to the hierarchy of the Catholic Church. This payroll is based on the agreement between the Holy See and the Peruvian Government on 19 July 1980. Arguably, this worship payroll turns the Catholic Church hierarchy into a sort of symbolic public officer, making the Catholic Church partially dependent on the state. Significantly, the payroll consists of public funds submitted to the control of Peruvian Public Administration. Many Peruvian parishioners oppose the payroll.

VIII. CIVIL LEGAL EFFECTS OF RELIGIOUS ACTS

In general, the secular law does not recognize any civilian consequences to actions taken within religious law; however, Article 360 of the current Civil Code states that “the regulations of the law on matters of divorce and legal separation do not go beyond its civil effects and leave intact the duties pertinent to religion.” Part of the Peruvian Civil Code of 1852, this rule referred to the canonic marriage according to the Trent Council, then considered the only possible legal marriage. However, it has been fully preserved in the Civil Code of 1983. Beyond the civil divorce clause, the state respect for the validity of canonic marriage, which is everlasting, is evidenced by the fact that the bride and the groom are not considered newlyweds when they leave the Marriage Registry Office following the civil ceremony, but when they leave the church. In doctrine, there is no major reference to this curiosity and it now constitutes an opportunity for in-depth study. The jurisdiction of the religious courts was suppressed from the Peruvian Constitution in 1856. Finally, the secular courts may act upon a decision made by the religious court, but the law makes no reference to such action.

IX. RELIGIOUS EDUCATION OF THE YOUTH

Regarding private schools, any religious confession is authorized to create and promote private schools, but state curricula must be followed for the diplomas to be acknowledged by the state. Additionally, private schools, must comply with minimum of hours of study, vacation times, languages, study levels, etc. Private schools may choose any other convenient system, but the degrees, diplomas, and certificates will lack official value. In public schools, religious education is mandatory and part of the official curricula, although parents may excuse their children and instead select courses of study, such as social studies, morality, and history of religions. The Bishop of the Catholic Church appoints teachers for Catholic courses; for all other confessions, and only when justified by the number of students, parents choose the teachers. In any case, religion teachers are paid by the state.

X. RELIGIOUS SYMBOLS IN PUBLIC PLACES

All citizens have the unrestricted right to wear any kind of religious accessory or clothing in public. According to Peruvian law, which consecrates the fundamental right to religious freedom, with the only abstention of the government and official authorities to interfere in any confession, no laws regulate wearing religious clothes in public places. In any case, the fact that people wear religious garments in public ceremonies or official acts of specific confessions is a matter of tradition and not law.

XI. FREEDOM OF EXPRESSION AND OFFENSES AGAINST RELIGION

There is no protection against offensive expressions related to religion, regardless of the confession referred to. What is regulated substantively (by the Constitution, the Civil Code, etc) and procedurally (Appeal for Legal Protection) is the obligation to respect another’s privacy, prestige, good name, mail, banking secrecy, etc. One issue that will likely enter religious freedom law in Perú is regulation against expressions that offend the religious creed, liturgy, and symbols.