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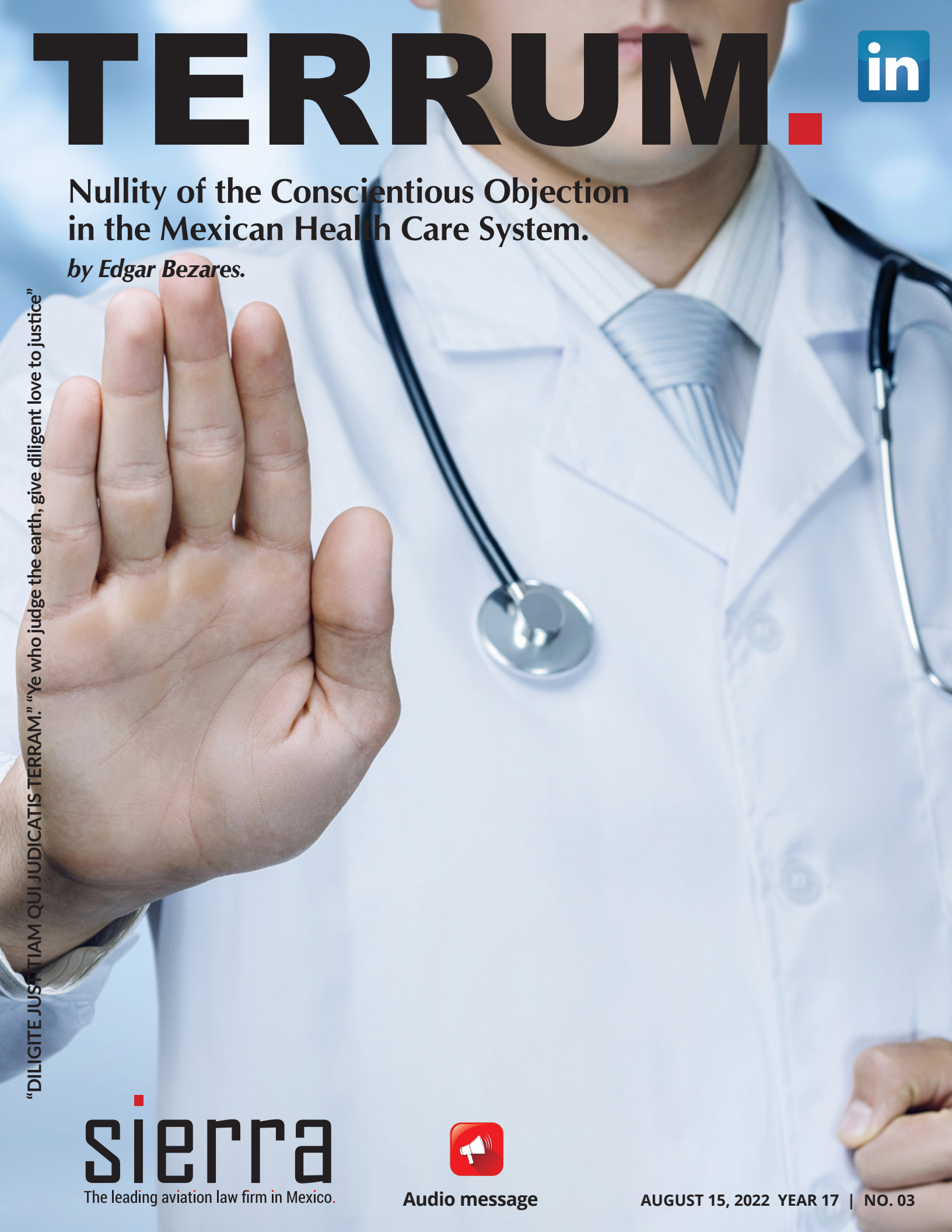

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We all have ideals, principles, beliefs, and objectives of a very diverse nature based on which we govern our behavior and actions towards others and ourselves. These aspects arise from what was initially instilled in us by our parents and, subsequently, by what we choose to embrace from the society in which we live.

> *"... respect for the beliefs and guiding principles of the personality of individuals has acquired such relevance that it was recognized as a human right in Article 18 of the Universal Declaration of Human Rights..."*

These issues determine our personal identity and define us, establishing a moral and ideological distinction from any other person. Many of these convictions acquire such relevance in our personality that they completely govern our way of life, consequently we cannot overlook them in practically any aspect. That is our essence.

In this regard, respect for the beliefs and guiding principles of the personality of individuals has acquired such relevance that it was recognized as a human right in Article 18 of the Universal Declaration of Human Rights, which states:

> ***Article 18.*** *Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance*[1].

On the other hand, since the origins of the Mexican Constitution in 1917, freedom of religion has been established in Article 24. However, it was until the reform published on July 19, 2013 that freedom of ethical convictions and conscience was incorporated to said article, its libel now stating:

> ***Article 19.*** *Every person has the right to have freedom of ethical convictions, of conscience and of religion, and to have or to adopt, as the case may be, the one of her preference. Such freedom includes the right to participate, individually or collectively, in both public and private ceremonies, worship or religious acts of the respective cult, as long as they are not a felony or a misdemeanor punished by law. No person is allowed to use these public acts of religious expression with political ends, for campaigning or as means of political propaganda*[2].

From this constitutional reform, the freedom to hold ethical convictions and conscientious objections, became a human right recognized under Mexican Law, as long as they are not crimal. This is where the right to conscientious objection derives from.

1.- Universal Declaration of Human Rights. United Nations, December 10, 1948. https://www.un.org/en/about-us/universal-declaration-of-human-rights

2.- Political Constitution of the United Mexican States (with reforms and additions). https://www2.juridicas.unam.mx/constitucion-reordenada-consolidada/en/vigente

Conscientious objection can be defined as "the refusal of a person to comply with a legal mandate, considering it incompatible with his fundamental convictions"[3]. Freedom of religion and conscience materializes through conscientious objection, when a legally enforceable obligation is opposed on religious, moral or ethical convictions considered essential and, if contravened, would violate his or her own dignity or personal identity.

The conscientious objection should not be understood as an absolute authorization to disobey the law or to claim opposite beliefs to the Mexican Constitution, but it is limited solely to those cases in which the required legal duty entails a contradiction with religious, ethical, or moral principles that are acceptable and respectable constitutionally and democratically. Typical cases in which conscientious objection can be invoked are voluntary abortion, organs transplants, blood transfusions and euthanasia (which is still illegal in Mexico).

"Conscientious objection can be defined as "the refusal of a person to comply with a legal mandate, considering it incompatible with his fundamental convictions"[3].

Despite its constitutional regulation in 2013, the right of conscientious objection had not been applied to any law until May 11, 2013, when it was enacted as an incorporation of Article 10 Bis into the General Health Law, which established that doctors and nurses of the Mexican Healthcare System (referred to the local, federal, public and private healthcare institutions, as stated in Article 5 of said Law), may exercise conscientious objection and excuse themselves from providing their professional services in situations that contravene their convictions.

According to said article, the only two legal exceptions to exercising this right were i) when the patient's life was at risk, and ii) in medical emergencies, in which cases conscientious objection could not be practiced and, if it were done, the objectors would have administrative or even criminal liability.

In view of the imprecision and serious omissions in said article, the National Human Rights Commission filed an action of unconstitutionality before the Supreme Court of Justice of the Nation, alleging violations of the constitutional principles of legal certainty, legality, and constitutional supremacy, because it restricts the human right to health, as well as because it does not foresee that there must be other medical personnel to replace the objectors, all of which violates not only the right to health protection, but also other related rights such as the right to personal integrity, to life, sexual and reproductive rights and liberties, and family planning and equality[4], which neither are emergencies nor put life on risk, but in any case must be provided immediately and mandatorily.

After the corresponding legal proceedings, the Plenary of the Supreme Court of Justice of the Nation resolved said means of constitutional control, determining that most of the arguments of the plaintiff were justified and acceptable, because the challenged article does not guarantee Mexicans the full disposition of our right to the protection of health when medical or nursing personnel exercise their right to conscientious objection.

The Supreme Court reached this conclusion when it considered that the deficient regulation of this article and the narrow nature of its exceptions led to the restriction of the real exercise of a person's right to health

3.- CANCINO M., CAPDEVIELLE, P., GASCÓN A., and MEDINA M. (2019), Objeción de conciencia. Enseñanza transversal en bioética y derecho. UNAM, Instituto de Investigaciones Jurídicas.
4.- Judgment filed by the Supreme Court of Justice of the Nation in the action of the constitutionality with case number 54/2018 started by the National Human Rights Commission.

when it is not a matter of emergency cases and when the life of the persons is not put at risk, without considering that the right to health protection is not only limited to those cases, so that, for example, the sexual and reproductive rights of individuals and birth control are left aside and, in general, no mechanisms are provided for access to the right to health in favor of individuals when those two exceptions are not involved.

Considering the above, in the corresponding judgment the Supreme Court resolved that *"... the invalidity of article 10 Bis of the General Health Law be declared and published on May eleventh, two thousand eighteen in the Official Gazette of the Federation, because it contains a deficient regulation of conscientious objection in health matters...",* because this legal precept does not harmonize the human right of access to health protection and the right to conscientious objection. As a result, this article is currently inapplicable.

> *"...the National Human Rights Commission filed an action of unconstitutionality before the Supreme Court of Justice of the Nation, alleging violations of the constitutional principles of legal certainty, legality, and constitutional supremacy..."*

The decision of the Supreme Court to invalidate the normative provision of the General Health Law was accurate, since in the confrontation of two human rights such as the right to the protection of health and the right of conscience, the first one should be given preeminence because it avoids, to a greater extent, risks to health or life that could be generated by the lack of medical personnel willing to attend patients, while, in any case, the right of conscience does not entail any danger of irreparable consequences.

As mentioned above, the law should not only have established these two exceptions to the exercise of conscientious objection, but it must have regulated it in a more complete manner so that Mexico would be able to ensure that medical institutions would always have someone in charge of any urgent or non-urgent need, since Article 4 of the Constitution does not limit the protection of health to urgent cases and, furthermore, Article 2 of the General Health Law establishes that one of the purposes of health protection is to obtain the physical and mental wellbeing of people and to prolong and improve their quality of life, aspects that were left unattended with the incomplete regulation of conscientious objection.

> *"...it is declared the invalidity of article 10 Bis of the General Health Law be declared and, published on May eleventh, two thousand eighteen in the Official Gazette of the Federation, because it contains a deficient regulation of conscientious objection in health matters..."*

Finally, it is important to mention that despite the fact that the aforementioned judgment urged Congress to adjust the law and make an adequate regulation of conscientious objection in accordance with the provisions of the same, so far it has not done so, and therefore, in health matters it is not possible for medical and nursing personnel to exercise this right.

"It's a dream come true": Mexican president inaugurates Dos Bocas refinery.

President López Obrador has cut the red ribbon to inaugurate the Olmeca refinery just four years after what he calls "the historic triumph". The president has described the construction of the new complex as "a dream come true". Mexico has not had a new refinery since 1979. But the starting up is still only half completed: the work is not finished and the timetable for operations is still uncertain. *www.expansion.mx/empresas/2022/07/01/amlo-inaugura-refineria-dos-bocas 01/07/2022.*

Canada launched talks on energy dispute with Mexico.

Canada announced that it will launch its own consultations with Mexico over their energy policies, which they say are inconsistent with the new North American trade pact (TMEC), supporting a similar move made earlier by the United States. "We are joining the United States in taking action by launching our own consultations under the TMEC to address these concerns while supporting the United States in its challenge," Alice Hansen, spokeswoman for Canada's International Trade Minister Mary Ng, said in a statement sent to Reuters. *www.aristeguinoticias.com/2007/mexico/canada-tambien-iniciara-conversaciones-sobre-disputa-energetica-con-mexico/ 20/07/2022.*

First "Amparo" granted against Electricity Industry Law for being contrary to a healthy environment.

Judge Juan Pablo Gómez Fierro, Second District Judge in Administrative Matters Specialized in Economic Competition, Broadcasting and Telecommunications, granted the first amparo against the Electricity Industry Law (LIE). This was granted to the Mexican Center for Environmental Law (CEMDA), considering that this law is contrary to the right to a healthy environment. According to Judge Gómez Fierro's ruling, this law also affects this right by establishing an order of priority in the dispatch of energy in which the supply of clean energy is left in second place. *www.elfinanciero.com.mx/nacional/2022/07/25/dan-primer-amparo-contra-ley-de-la-industria-electrica-por-ser-contraria-a-un-ambiente-sano/ 25/07/2022.*

Military to replace customs personnel no later than December 5th.

The necessary civilian operational and administrative personnel of the 31 customs offices that were transferred to the control of the Secretariat of National Defense (SEDENA), will be replaced by military personnel by December 5th,2022. General José Martín Luna de la Luz, sent an official letter to the head of the Puebla Interior Customs, Lieutenant Colonel Roberto Bedolla Morales asking to "employ military personnel with customs training in all the functions that were the absolute competence of civilian personnel, such as: shift chiefs, inspection of vehicles, operators of technological devices, legal area, tax collection, various administrative procedures and others that due to their importance are considered necessary for the proper operation of the fiscal precincts". The former head of the National Commission for the Protection and Defense of Users of Financial Services (CONDUSEF), Mario Di Costanzo, stated that the military has no customs experience, in addition to the fact that the law does not empower them to operate these facilities. *www.eluniversal.com.mx/nacion/militares-reemplazaran-personal-de-aduanas-mas-tardar-el-5-de-diciembre 28/07/2022.*

Mexico Proposes to Create Arms Trafficking Alerts.

The Secretary of Foreign Affairs, Marcelo Ebrard, criticized that in the U.S. even minors can acquire firearms. For this reason, he expressed that just as the US activates travel alerts against Mexico, the federal government will create arm trafficking alerts against the northern neighbor. The Mexican government currently has a lawsuit filed against 11 companies that manufacture weapons in the United States. "We think we can win the case against them and have an impact on reducing the trafficking of arms to Mexico," he said in January. The promotion of the lawsuit against arms manufacturers in the U.S. seeks a responsible trade in which if the companies sued are truly governed by the law. As a result, the Arms Control Association selected Marcelo Ebrard as the 2021 Arms Control Person of the Year through an online survey that attracted thousands of participants from dozens of countries. *www.elfinanciero.com.mx/nacional/2022/07/29/amenaza-velada-de-ebrard-a-eu-mexico-plantea-crear-alertas-de-trafico-de-armas/ 29/07/2022.*

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