

EL SALVADOR 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of religion and states that all are equal before the law. It prohibits discrimination based on religion. The constitution grants automatic official recognition to the Roman Catholic Church and states that other religious groups may also apply for official recognition through registration. On April 6, an appellate court upheld the original 30-year sentence of Colonel Guillermo Alfredo Benavides handed down in 1992 for his role in the 1989 killings of six Jesuit priests. The court also upheld the 1992 acquittals of four ex-soldiers accused of participating in the killings, whom authorities had arrested in February 2016. The court stated it upheld the four acquittals because it could not retry the accused for the same crime. On August 18, the Supreme Court ruled against enforcing an INTERPOL arrest warrant for the 13 remaining individuals accused in Spain for the same crime, citing previous rulings that Spain did not have primary jurisdiction in this case.

Leaders of Catholic, evangelical Protestant, and other Christian communities continued to report that members of their churches sometimes could not reach their respective congregations in MS-13 and Barrio 18 gang-controlled territory due to fear of crime and violence. In certain sectors of the country, gang members controlled access in and around communities, and there were reports that gangs expelled or denied access to church leaders and charity groups with religious affiliations. There were also reports that gang members engaged in the extortion of organizations with known funding streams, including religious groups, demanding a “tax” in order to operate in some territories. According to the Lutheran Church, interfaith groups continued to meet throughout the year and helped reinforce societal respect for the contributions of the country’s religious communities. The Religions for Peace collective, comprising representatives from the Catholic, evangelical Protestant, Jewish, indigenous, and Muslim religions, worked together on the Pastoral Initiative for Life and Peace, focusing on reintegration programs for all prisoners regardless of religious affiliation after release from incarceration.

U.S. embassy officials discussed with the ombudsman for human rights the importance of government officials’ carrying out their official duties regardless of their religious affiliation or beliefs. In meetings with Catholic and evangelical Christian leaders, embassy officials discussed the difficulties religious groups experienced in attempting to reach followers in gang-controlled territories,

stressing the importance of filing complaints with law enforcement agencies and the ombudsman for human rights. Members of non-Christian groups did not raise similar concerns.

Section I. Religious Demography

The U.S. government estimates the total population at 6.2 million (July 2017 estimate). According to a May survey by the University of Central America's Institute of Public Opinion, 47.5 percent of the population identifies as Roman Catholic, 35.1 percent as evangelical Protestant, and 14.5 percent have no religious affiliation. Approximately 3 percent state "other," which includes Jehovah's Witnesses, the International Society of Krishna Consciousness, Muslims, Jews, Bahais, Buddhists, and members of The Church of Jesus Christ of Latter-day Saints (Mormons). A small segment of the population adheres to indigenous religious beliefs, with some mixing of these beliefs with other religions such as Catholicism.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for the free exercise of religion. It states all persons are equal before the law and prohibits discrimination based on religion. The ombudsman for human rights monitors the state of religious freedom in the country, including issuing special reports and accepting petitions from the public for violation of the free exercise of religion.

The penal code imposes criminal sentences of one to three years on individuals who publicly offend or insult the religious beliefs of others, or damage or destroy religious objects. The law defines an offense as an action that prevents or disrupts the free exercise of religion, publicly disavows religious traditions, or publicly insults an individual's beliefs or religious dogma. Sentences increase to four to eight years when individuals commit such acts to gain media attention. Repeat offenders may face prison sentences of three to five years. There were no prosecutions under this law during the year.

The constitution states members of the clergy may not occupy the positions of president, cabinet ministers, vice ministers, Supreme Court justices, judges, governors, attorney general, public defender, and other senior government positions. The clergy may not belong to political parties. The electoral code

requires judges of the Supreme Electoral Tribunal and members of municipal councils to be laypersons.

The constitution allows religious groups to apply for official recognition by registering with the government. The constitution gives legal status to the Catholic Church and exempts it from registration requirements. Religious groups may operate without registering, but registration provides tax-exempt status and facilitates activities requiring official permits, such as building places of worship. To register, a religious group must apply through the Office of the Director General for Nonprofit Associations and Foundations (DGFASFL) within the Ministry of Governance. The group must present its constitution and bylaws describing the type of organization, location of its offices, its goals and principles, requirements for membership, function of its ruling bodies, and assessments or dues. DGFASFL analyzes the group's constitution and bylaws to ensure both comply with the law. Upon approval, the government publishes the group's constitution and bylaws in the official gazette. DGFASFL does not maintain records on religious groups once it approves their status, and there are no requirements for renewal of registration.

By law, the Ministry of Governance has authority to register, regulate, and oversee the finances of nongovernmental organizations (NGOs) and all religious groups except the Catholic Church, due to its special legal recognition under the constitution. Foreign religious groups must obtain special residence visas for religious activities, including proselytizing, and may not proselytize while on visitor or tourist visas. Religious groups must be registered in the country in order to be eligible for this special residence visa for religious activities.

Public education is secular. The constitution grants the right to establish private schools, including schools run by religious groups, which operate without government support. Parents choose whether their children receive religious education in private schools. Public schools may not deny admittance to any student based on religion. All private schools, religiously affiliated or not, must meet the same academic standards to obtain Ministry of Education approval.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

On April 6, the First Appellate Court upheld the original 30-year sentence of Colonel Guillermo Alfredo Benavides, handed down in 1992 for his role in the

1989 killings of six Jesuit priests. The court also upheld the 1992 acquittals of four ex-soldiers accused of participating in the killings, whom authorities had arrested in February 2016. The court stated it upheld the four acquittals because the courts could not retry the accused for the same crime. On August 18, the Constitutional Chamber of the Supreme Court ruled against enforcing the INTERPOL arrest warrant issued for the 13 remaining former members of the military accused in a Spanish court of the Jesuit priests' killing, citing previous decisions in this case that Spanish courts did not have primary jurisdiction in this matter. On November 28, former Vice Minister for Public Security (1989-92) Inocente Orlando Montano was extradited to Spain from the United States for his alleged involvement in the 1989 killings. The Inter-American Commission on Human Rights and the UN-backed Truth Commission Report characterized the killing of the Jesuit priests as a politically motivated crime carried out in the context of the civil war by military agents who believed the priests supported, or worked on behalf of, guerilla elements.

The Office of the Ombudsman for Human Rights again reported it had not received notice of any cases of alleged violations of religious freedom. The ombudsman stated she was receptive to the importance of protecting the rights of all individuals regardless of the person's religious or other identity and was committed to acting accordingly.

According to the Ministry of Governance, there were 139 new requests for registration of religious groups from January through November 3. Of these, the Ministry of Governance approved 63, and 76 were pending. Religious groups did not report any excessive delays in the processing of registration applications. The ministry reported it had denied one application due to the group's lack of required documents.

Section III. Status of Societal Respect for Religious Freedom

Catholic and evangelical Protestant leaders, leaders of other Christian denominations, as well as statisticians and criminology researchers, continued to state that clergy could sometimes not reach their respective congregations in MS-13 and Barrio 18 gang-controlled territory throughout the country due to fear of crime and violence. An evangelical Protestant pastor said that he faced problems from gangs in Sonsonate and had received an increasing number of petitions from his parishioners asking for his support in moving parishes due to gang violence. In certain sections of the country, gang members controlled access in and around communities, and there were reports that they displaced church leaders and charity

groups with religious affiliations. There were also reports that gang members engaged in the extortion of organizations with known funding streams, including religious groups, demanding a “tax” in order to operate in some territories.

The government enforced security legislation passed in 2016 restricting nongovernmental access to prisons, including access of priests and pastors. This legislation was a response to increasing reports of gang members who were also evangelical pastors gaining entrance to prisons and functioning as couriers between incarcerated gang leaders and gang members outside the prisons. Religious leaders, former gang members, and independent studies also noted that gang leaders would sometimes permit members to leave the gangs if they became strict adherents to a religious group; the former gang would then monitor the departing gang member’s adherence to the religion. Gang members asking permission to leave the gang for religious reasons, but later found to be in violation of the tenets of that religion, were reportedly sometimes killed by members of their former gang. For example, members of their former gang might kill a gang member who joined a Protestant church that prohibits consumption of alcohol if he continued to drink alcohol.

Religious leaders continued to participate in the government-led National Security Plan, including in the monitoring and implementation of the plan. This effort linked community leaders, law enforcement personnel, and government officials in 26 municipalities throughout the country with the highest levels of violence to prevent and reduce that violence through joint efforts to improve education, social assistance, economic development, and security. Religious leaders participated as important members of civil society, along with local leaders of the media, unions, academics, and others, in the municipal and national councils to help with efforts to improve security in their communities by addressing community needs.

On March 1, a teacher at a private, secular French school in San Salvador forced Catholic students who attended the Ash Wednesday Mass to remove the ash crosses from their foreheads. Mothers of the students demanded an apology, and on March 2, the school issued a press release underscoring that the teacher’s actions were not in keeping with the school’s values of tolerance and respect.

According to representatives of the Lutheran Church, interfaith groups continued to meet throughout the year and helped reinforce what they said was commonly held societal respect for the contributions of the country’s religious communities. The Religions for Peace collective, comprising Catholic, evangelical Protestant, Jewish, indigenous, and Muslim representatives, worked together on the Pastoral

Initiative for Life and Peace, focusing on reintegration programs for all prisoners, regardless of religious affiliation, after release from incarceration.

Section IV. U.S. Government Policy and Engagement

Embassy officials frequently discussed with the new ombudsman for human rights the importance of government officials' carrying out their official duties to protect the rights of all individuals regardless of the officials' personal religious affiliation or beliefs.

Embassy officials discussed internal displacement and restriction of movement of religious groups because of gang activity with the faith-based NGO Cristosal, academic researchers, and the University of Central America's Institute of Public Opinion, a Jesuit institution. Embassy officials stressed with religious groups the importance of filing complaints with law enforcement agencies and the ombudsman for human rights regarding the impact of gang activity on religious practice. Embassy officials also met with members of the Jewish and Bahai communities. Embassy officials also spoke with members of the interdenominational Religions for Peace collective, who discussed their joint efforts to promote tolerance throughout the year.