

EL SALVADOR 2018 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 October 23, a judge issued an arrest warrant for a former military captain suspected of killing Archbishop Oscar Arnulfo Romero in 1980 as he celebrated Mass. On April 17, a court ordered the attorney general to bring new charges against former President Alfredo Cristiani and six senior military commanders for their alleged roles in the 1989 killings of six Jesuits, their housekeeper, and her daughter. The court repealed a 2000 ruling that the statute of limitations had expired in the case.

According to international news reports, on March 29, an armed group stopped Father Walter Vasquez Jimenez and parishioners in San Miguel, who were traveling. The group set the parishioners free but abducted Vasquez and subsequently shot and killed him. According to media reports, criminals continued to routinely disrupt and target religious communities through extortion, killing, or beating pastors and their congregants, arbitrarily limiting freedom of movement, and stealing religious artifacts. 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. Gangs reportedly demanded churches divert charitable items to their families. Reports continued of gang members extorting organizations with known funding streams, including religious groups, and demanding a “tax” to allow organizations to operate in some territories. According to media reports, gangs reportedly manipulated or infiltrated religious organizations.

U.S. embassy officials raised 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, evangelical Protestant, Muslim, and Baha’i groups, 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.

Section I. Religious Demography

The U.S. government estimates the total population at 6.2 million (July 2018 estimate). According to a May survey by the University of Central America's Institute of Public Opinion, 45.9 percent of the population identifies as Roman Catholic, 35.5 percent as evangelical Protestant, and 14.3 percent with no religious affiliation. Approximately 4.4 percent state "other," which includes Jehovah's Witnesses, members of The Church of Jesus Christ of Latter-day Saints, Muslims, Baha'is, Jews, Buddhists, and the International Society of Krishna Consciousness. A small segment of the population adheres to indigenous religious beliefs, with some mixing of these beliefs with Christianity and Islam. Muslim leaders estimate there are approximately 20,000 Muslims.

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. Members of 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.

A 2016 law defines gangs as terrorist groups. A 2014 law restricts support of, and interaction with, gangs, including by members of clergy; however, rehabilitation and ministry activities are legal.

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) in 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, functions 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 register 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 October 23, soon after the Catholic Church declared Salvadoran Archbishop Romero a saint, Judge Rigoberto Chicas issued an arrest warrant for Alvaro Rafael Saravia, a former military captain suspected of killing Romero in 1980 as he celebrated Mass.

On April 17, a court ordered the attorney general to bring new charges against former President Alfredo Cristiani and six senior military commanders for their alleged roles in the 1989 killing of six Jesuits, their housekeeper, and her daughter at the Central American University in San Salvador. The court overturned a 2000 ruling that the statute of limitations expired in the case.

Clergy and faith-based NGO workers said the government sometimes arbitrarily detained, questioned, or searched their person because of their ministry work with active and former gang members. Some religious leaders stated they avoided violence prevention and rehabilitation efforts, fearing prosecution or being perceived as sympathetic to gangs, even though courts had ruled that rehabilitation efforts were not illegal per the constitution. Clergy said police sometimes mistakenly detained young congregants and youth leaders from several Christian denominations as suspected gang members.

The Legislative Assembly passed a reform bill on August 16 making permanent the penitentiary reforms commonly known as “extraordinary measures” temporarily in effect since 2016. The bill allows restricting nongovernmental access to prisons, including access of clergy in certain cases, such as when a prisoner loses visitation privileges because of misconduct. This legislation followed increasing reports of gang members who were also evangelical Protestant pastors gaining entrance to prisons and functioning as couriers between incarcerated gang leaders and gang members outside the prisons. In some prisons, the government encouraged religious organizations to work with prisoners to persuade them to renounce gang life. The government also consulted with and jointly implemented rehabilitation and reinsertion programs with faith-based organizations.

The Office of the Ombudsman for Human Rights again reported it had not received notice of any cases of alleged violations of religious freedom.

According to the Ministry of Governance, there were 141 new requests for registration of religious groups from January through August 29. Of these, the

Ministry of Governance approved 55, and 84 were pending. According to government officials, two religious entities did not complete the registration process. 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

According to international news reports, on March 29, unidentified armed individuals stopped Father Walter Vasquez Jimenez and parishioners in San Miguel while traveling to Mass. The group released the parishioners but abducted and later shot and killed Vasquez. By year's end, authorities had not detained anyone for the crime.

On July 15, according to local news reports, MS-13 gang members killed Protestant pastor Jose Isaac Garcia Zaldana after he reportedly convinced approximately six gang members to leave the gang and join his congregation. According to media, days before his killing, gang members beat him in the street, and a police officer threatened to kill him after he witnessed the officer smoking marijuana with known gang members.

According to media reports, on July 25, members of the Barrio 18 gang (also called the 18th Street gang) attempted to enter an evangelical Protestant church in Santa Cruz Michapa and remove a congregant during a church service. The pastor resisted, barring the door before shooting and killing one of the assailants.

Catholic and evangelical Protestant leaders, leaders of other Christian denominations, and statisticians and criminology researchers continued to state that clergy sometimes could not reach their respective congregations in MS-13 and Barrio 18 gang-controlled territory throughout the country due to fear of crime and violence. According to media reports, MS-13 and Barrio 18 gang members beat and killed pastors who actively encouraged gang members to leave their gangs. In the departments of Ahuachapan, Cabanas, Cuscatlan, La Libertad, La Paz, La Union, Santa Ana, San Miguel, San Salvador, San Vicente, Sonsonate, and Usulután, gang members controlled access in and around communities, and there were reports that they displaced church leaders and charity groups with religious affiliations. Pastors said congregants could not attend religious services if they had to cross ever-shifting boundaries that gangs had arbitrarily established that used addresses on national identification cards to identify outsiders.

According to media, criminals continued to target congregants in violent muggings outside of churches. On May 6, an unidentified individual stabbed a congregant who refused to turn over his cell phone as he and his family were leaving the El Calvario Church in San Salvador. There were also continuing reports of gang members extorting organizations with known funding streams, including religious groups, demanding payments in exchange for allowing them to operate in some territories. According to media reports, gangs demanded churches divert charitable items to their families. Reports of criminals targeting churches, stealing religious relics and other valuable cultural items, and violently assaulting parishioners continued. Media reported that in September unidentified individuals stole from El Calvario Church in San Salvador one of the oldest religious figurines in the country.

Religious leaders continued to participate in the government-led National Security Plan, including in the monitoring and implementation of the plan, which the government enacted in 2015. This effort linked community leaders, law enforcement personnel, and government officials in 50 municipalities with the highest levels of violence throughout the country to prevent and reduce that violence through joint efforts to improve education, social assistance, economic development, and security. Religious leaders participated alongside local leaders of media, unions, academics, and others in the municipal and national councils to help with efforts to improve security in their communities.

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, Muslim, Baha'i, Jewish, and indigenous 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.

Members of the LGBTI community said they faced rejection and discrimination within their own congregations. The Anglican Church stated it would accept LGBTI members without preconditions such as celibacy promises that some other churches reportedly demanded of some LGBTI congregants.

Section IV. U.S. Government Policy and Engagement

Embassy officials frequently discussed with the ombudsman for human rights and the Ministry of Justice and Public Security the importance of government officials'

carrying out their official duties to protect the rights of all individuals, including religious freedom, regardless of the officials' personal religious affiliation or beliefs.

Embassy officials met with religious minority groups, including the Muslim and Baha'i communities, and included faith-based NGOs in embassy working groups. One group addressed gang violence, which affected religious groups. With visiting officials from the Department of State, embassy officials met with faith-based human rights monitors from the University of Central America's Human Rights Institute, Cristosal (associated with the U.S. Episcopal Church), Communities of Faith in Action (ecumenical Christian), and the Passionist Social Service (Catholic). Embassy officials sought feedback on challenges to religious freedom caused by criminal activity and government bias against churches ministering to gang communities, as well as discrimination against religious members of the LGBTI community. The embassy also used social media to promote religious tolerance and respect for religious diversity.