

EL SALVADOR 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of religion and states all persons are equal before the law. It prohibits discrimination based on religion. The constitution grants automatic official recognition to the Roman Catholic Church and states other religious groups may also apply for official recognition through registration. On October 28, the Ministry of Governance implemented a system allowing users to continue their registration process electronically. Religious leaders reported police and other government agents continued to intimidate, harass, or threaten anyone working with at-risk juveniles whom police characterized as “terrorists” with possible gang affiliation. According to sources, while many religious communities focused on education and youth development programs, particularly in the area of violence prevention, intimidation of religious individuals did not appear to be intended to limit their freedom of religion. During the 2018-19 presidential campaign and prior to being sworn into office in June, Nayib Bukele, of Palestinian background, was the target of anti-Muslim commentary, mainly on Twitter, by some of his political opposition. According to media reports and other sources, these anti-Islamic comments were an attempt to negatively influence voters and the public against Bukele. Alvaro Rafael Saravia Merino, a former military captain suspected of killing Archbishop Oscar Romero in 1980, remained a fugitive. On February 25, the Attorney General’s Office filed a brief asking the trial court to clarify Saravia’s alleged participation in the Romero killing. On March 19, an intermediate appellate court affirmed the trial court’s April 2018 ruling ordering 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 Jesuit priests, their gardener’s wife, and his daughter at the Central American University in San Salvador. In May the Supreme Court refused a request to commute the 30-year prison sentence of Colonel Guillermo Benavides, who was convicted for the murder of the Jesuits in 1991. On November 21, media reported Spain’s national court had extended Inocente Orlando Montano’s pretrial detention in the court case connected to the Jesuit killings.

Leaders of Catholic, evangelical Protestant, and other Christian communities continued to report that members of their churches could not reach their respective congregations due to fear of gang crime and violence. According to widespread media reports, gang activity created security concerns at a national level, which affected the general population, including members of religious groups, but was

not based on religious discrimination. Several religious leaders said that although gang-related restrictions prevented religious members from attending services, there was no indication the controls were intentionally designed to impede religious freedom. Reportedly, individuals in transit for nonreligious purposes received similar treatment.

During meetings with the ombudsman for human rights, U.S. embassy officials continued to highlight the importance of government officials carrying out their official duties regardless of their religious beliefs or affiliation. In meetings with Catholic, evangelical Protestant, Muslim, and Baha'i groups, embassy officials continued to discuss the difficulties religious groups experienced in attempting to reach followers in gang-controlled territories and stressed 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 (midyear 2019 estimate). According to a March survey by the University of Central America's Institute of Public Opinion, 44.9 percent of the population identifies as Catholic, 31.8 percent as evangelical Protestant, and 18 percent with no religious affiliation. Approximately 5.2 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, compared with one in 2018, which continued under investigation at year's end.

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 2014 law restricts support of and interaction with gangs, including by clergy members, and a 2016 law defines gangs as terrorist organizations. Rehabilitation programs and ministry activities for gang members, however, are legal.

The constitution allows religious groups to apply for official recognition by registering with the government. The constitution grants automatic official recognition to the Catholic Church and exempts it from registration requirements and from government financial oversight. 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, as funded by the government, is secular and there is no religious education component. The constitution grants the right to establish private schools, including schools run by religious groups, which operate without government support or funding. 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

Clergy and faith-based NGO workers said police and other government agents continued to arbitrarily detain, question, or search them because of their ministry work with active and former gang members. According to these sources, there was no indication these government actions were motivated by restricting religious freedom, but rather, because of the close interaction of some religious groups with gangs. Some religious leaders stated they continued to avoid violence prevention programs and rehabilitation efforts, fearing prosecution or being perceived as sympathetic to gangs, even though courts had ruled that rehabilitation efforts were not illegal according to the constitution. Although they said it was not an issue of religious discrimination, clergy again said police sometimes mistakenly detained young congregants and youth leaders from several Christian denominations as suspected gang members.

According to the Ministry of Governance, there were 148 new requests for registration of religious groups from January through October 10. Of these, the ministry approved 64, and 84 were pending. According to government officials, one religious entity withdrew from the registration process. On October 28, the Ministry of Governance implemented a system that allows users to continue their registry process electronically.

On June 20, the minister of justice and the director of prisons declared a state of emergency in 19 prisons under President Bukele's new security program "Plan for Territorial Control." With the state of emergency, prisoners were prohibited from receiving any visitors, including clergy. According to religious leaders, although the ban on all visitors limited access of clergy to prisoners, the intent was not to

prohibit the free practice of religion. The Court of Penitentiary Surveillance and Penalty Execution subsequently ratified the state of emergency. On September 2, Bukele instructed the minister of justice and the director of prisons to lift the state of emergency, and the government gradually restored visitation rights for prisons not housing gang-affiliated inmates.

Prior to the imposition of the state of emergency, “extraordinary measures,” which included restricting nongovernmental access to prisons and limiting access of clergy in certain cases, such as when a prisoner lost visitation privileges because of misconduct, continued to be in effect in eight prisons. According to law enforcement sources, these measures were intended to disrupt communication and coordination between imprisoned gang leaders and outside gang members. The legislative assembly initiated these measures in 2016 and subsequently reformed the penitentiary law to permanently include most of them in August 2018. This legislation followed increased reports that gang-affiliated evangelical Protestant pastors were gaining access to incarcerated gang leaders to serve as couriers and messengers between the jailed gang members and those outside the prisons. In some prisons, the government continued to encourage religious organizations to work with prisoners to persuade them to renounce gang life. The government also continued to consult with and jointly implement rehabilitation and reinsertion programs with faith-based organizations.

According to media reports, some individuals described as influential members of President Bukele’s political opposition, particularly the ARENA party, attempted to turn public opinion against him by spreading rumors Bukele had lied when he said he had no specific religious affiliation. Several Twitter accounts published photographs of Bukele praying in a mosque with his imam brothers and father, who are Muslim converts, to damage his credibility with voters. One tweet stated, “The problem is not religion, the problem is lying: Nayib Bukele is a Muslim.” Bukele reiterated he did not have a specific religion although his brothers and father were practicing Muslims. Bukele and numerous political commentators said they regarded the social media campaign as a smear tactic orchestrated by the opposition.

The Bukele administration terminated the prior administration’s National Security Plan, including municipal and national councils on which religious and civic leaders united to help improve security in their local communities. The Bukele administration’s new nationwide security plan, “Plan for Territorial Control,” which aimed to reclaim key municipalities from gangs and reduce the country’s

homicide rate, did not include the participation of religious leaders as the previous plan had.

On January 16, the Supreme Court admitted a lawsuit filed by a citizen who questioned the constitutionality of the Vamos Party presidential candidate, Josue Alvarado, who allegedly served as a pastor while residing in the United States, which Alvarado denied. The lawsuit stated Alvarado's candidacy violated the constitution's prohibition on religious clergy from belonging to political parties and/or running for elected office. The Supreme Court did not prohibit his candidacy but ruled that had Alvarado been elected and his registration declared unconstitutional, he would not have been allowed to assume office and the vice-presidential candidate would have become president. In a media interview, Alvarado said the lawsuit was against his faith and religion, stating, "I am not a pastor, I am not a reverend, I am not a minister, I am not in charge of a church."

Alvaro Rafael Saravia Merino, a former military captain with an outstanding arrest warrant for the killing Salvadoran Archbishop Oscar Romero in 1980 as he celebrated Mass, remained a fugitive. On February 25, the Attorney General's Office formally requested the trial court undertake proceedings to clarify Saravia's alleged role in the Romero killing to possibly identify additional suspects.

On March 19, an intermediate appellate court affirmed the April 2018 ruling that 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 Jesuit priests, their gardener's wife, and his daughter at the Central American University in San Salvador. The defendants appealed the ruling to the Supreme Court, and it remained pending at year's end.

In May sources reported the Supreme Court refused a request to commute the 30-year prison sentence of Colonel Guillermo Benavides, convicted of murder for the killings of the Jesuits in 1991. Benavides was serving his sentence until an amnesty law was approved in 1993 but was returned to prison in 2016 after the Supreme Court declared the amnesty law unconstitutional.

Because five of the Jesuits were Spanish citizens, two human rights organizations also filed a case in a Spanish court in 2008 against former president Cristiani and 20 military members. In November media reported that Spain's national court had extended the pretrial detention of Inocente Orlando Montano, a former Salvadoran army colonel who had been living in the United States before the U.S. government extradited him to Spain to face charges of murder and crimes against humanity.

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

Section III. Status of Societal Respect for Religious Freedom

According to international news reports, by year's end authorities had still not detained any suspects for the March 2018 detention and killing by unidentified individuals of Father Walter Vasquez Jimenez while he was on his way to Mass. The Conference of Catholic Bishops continued to call for clarity and justice regarding the case.

According to press reports, on May 18, Cecilio Perez Cruz, a Catholic priest, was found dead inside the parish house in San Jose de la Majada, in Juayan Municipality, Sonsonate Department, along with a note saying that he was killed for refusing to pay extortion money. Several weeks later, however, the Attorney General's Office arrested a church sacristan, stating he had killed Perez Cruz, but without providing any underlying motives or details. Shortly before his death, Perez Cruz had denounced the cutting of trees near his parish. Representatives of the Archdiocese of San Salvador and other members of the Catholic Church said they suspected Perez Cruz may have been killed because of his environmental activism.

On May 23, unknown assailants killed Marvin Ruiz, a member of the Ambassadors' Ministry of Christ, inside Filadelfia Church in Santa Ana Department. According to witnesses, the killers were dressed in police uniforms, had been actively searching for Ruiz before finding him in the church, and shot him several times immediately after encountering him. Local authorities said they had not ruled out the possibility the homicide was gang related.

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 (also known as 18th Street) gang-controlled territory throughout the country due to fear of crime and violence. According to media reports, NGOs, and law enforcement representatives, individuals not associated with religious groups also faced the same fears and limitations while transiting gang-controlled areas. Across the country, gang members continued to control access in and around communities, and there were reports they displaced church leaders and charity groups with religious affiliations. Pastors reported that congregants, as was the

case with the general population, sometimes could not attend religious services if it meant they had to cross ever-shifting gang boundaries. They said both MS-13 and Barrio 18 would stop strangers, request to see their national identification cards, verify the address, and deny access to anyone they considered to be an outsider.

According to media, criminals continued to target congregants with violent muggings outside of churches. 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 commanded churches to divert charitable items to their families. A missionary stated that MS-13 and 18th Street gang members, whom gang leaders had previously forbidden from extorting the religious community, had recently begun demanding extortion payments from churches and religious groups. An NGO source said that this may be localized as determined by each clique. Reports of criminals targeting churches, stealing religious relics and other valuable cultural items, and violently assaulting parishioners continued. In July an unidentified individual stole a 200-year-old religious statue from the San Pedro Apostol parish in the municipality of Metapan, in Santa Ana Department. The church pastor said the 17th-century statue was taken from one of the altarpieces and was of enormous cultural and religious value. Media reports did not include motives for the robbery, and police made no arrests.

According to media reports, MS-13 gang members sometimes posed as members of an evangelical Protestant church to commit crimes without raising suspicion. According to police cited in media reports, the MS-13 clique “Tecolotes Locos Salvatruchos” (“Crazy Owls” in English) allowed several of its members to attend church in Vista al Lago, Ilopango, while still belonging to the gang structure. Reportedly, gang members also used open-air preaching events to conduct neighborhood surveillance and to prevent rival gang members from entering their territory. Media also reported these evangelical gang members were collecting extortion payments on behalf of the gang.

Media reported, and religious leaders also stated, that former gang members who joined evangelical Protestant churches gained both gang respect and endorsement. According to media, gang membership was previously understood to be a lifelong commitment; however, through religious devotion and the structure, acceptance, and support of a church, some gang leaders appeared to have respected the decision of some members to leave the gang. In these cases, gang leaders reportedly monitored the former gang members to ensure they were routinely attending church services. According to a missionary, recently the gangs began

forcing these former gang members to return to the criminal structure despite their religious practice. The missionary said this was a drastic change from how gang leaders previously treated religious converts, when they were generally left alone after leaving the gang. One NGO source noted this change was likely localized and determined by each gang clique in control of specific territories.

Members of the LGBTI community said they continued to face rejection and discrimination within their own congregations.

Section IV. U.S. Government Policy and Engagement

Embassy officials 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, including its effects on religious communities. 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), and the Passionist Social Service (Catholic). Embassy officials sought feedback on challenges to religious freedom as a secondary effect of criminal activity, government bias against ministering to gang communities, and discrimination against religious members of the LGBTI community.