

EL SALVADOR 2021 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. According to the Ombudsman for Human Rights (PDDH), during the year, the Attorney General's Office prosecuted one case under the penal code for publicly offending or insulting the religious beliefs of others. The Ministry of Governance reported that COVID-19 safety protocol restrictions continued to cause delays in registration of religious organizations and to limit access of the organizations to prisoners in national penitentiaries. The ministry stated that during the year, there were 169 requests for registration of religious groups, compared with 122 in 2020. Of these, the ministry approved 28 and denied 24; 117 were pending review at year's end.

According to the Inter-American Commission on Human Rights, gangs continued to control access to many neighborhoods, limiting movement of residents and engaging in violent acts and crimes against everyone, including members of religious groups. In April, gang members attacked and beat an elderly priest in Santa Tecla, La Libertad Municipality, when he unknowingly drove into a gang-controlled neighborhood. According to the Pew Research Center's 12th annual study of restrictions on religion, issued in September but covering 2019, the country showed a moderate decrease in its social hostilities index, compared with a high level of social hostilities in its 2020 report covering 2018. The social hostilities index measured acts of religious hostility by private individuals and societal organizations or groups.

In a meeting with the PDDH on September 14, U.S. embassy officials highlighted the importance of government officials carrying out their official duties regardless of their religious beliefs or affiliation. An embassy official attended an iftar in May and engaged with the minority Muslim community regarding the challenges of being a minority religion in a predominately Christian country and the importance of religious tolerance and diversity. During the year, embassy officials met with religious leaders from the evangelical Protestant, Anglican, and Catholic Churches, as well as the Baha'i Faith, to discuss religious freedom issues and the difficulties religious groups experienced in attempting to reach followers in gang-

controlled territories. Embassy officials stressed the importance of filing complaints with law enforcement agencies and the PDDH.

Section I. Religious Demography

The U.S. government estimates the total population at 6.5 million (midyear 2021). According to a February survey by the University of Central America's Institute of Public Opinion, 43.3 percent of the population identifies as Catholic, 33.9 percent as evangelical Protestant, and 18.6 percent with no religious affiliation.

Approximately 3 percent state "other," which includes Anglicans, Jehovah's Witnesses, members of The Church of Jesus Christ of Latter-day Saints, Muslims, Baha'is, Jews, Buddhists, and members of the International Society of Krishna Consciousness. Approximately 1.2 percent of the population identifies as agnostic or atheist. 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 500 Muslims. According to Imam Emerson Bukele, President Nayib Bukele's half-brother, the 20,000 estimate in 2020 likely represents individuals of Palestinian descent, most of whom are Christian and not Muslim.

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 PDDH monitors the state of religious freedom in the country, including issuing special reports and accepting petitions from the public for alleged violations 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.

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.

The law restricts support of and interaction with gangs, including by clergy members, and 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. It 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. The 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. The 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 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 to be eligible for their members to receive this special residence visa for religious activities.

The penal code imposes criminal sentences of six months to two years for individuals who publicly offend or insult the religious beliefs of others or damage or destroy religious objects. If these acts are carried out with the purpose of publicity, sentences may increase to one to three years in prison.

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

According to the Attorney General's Office, during the year, authorities prosecuted one case under the penal code for publicly offending or insulting the religious beliefs of others; it did not provide details on the case. At year's end, the PDDH reported it had not received notice of any cases of alleged violations of religious freedom.

According to the Ministry of Governance, there were 169 requests for registration of religious groups during the year, compared with 122 in 2020. Of these, the ministry approved 28 and denied 24 because of incomplete documentation; 117 were pending at year's end. Government officials said the COVID-19 pandemic continued to impact the registration process because several officials from the ministry teleworked and did not have access to all relevant documents. The Ministry of Governance reported that although the registration process was available electronically, many religious groups did not present the required documents in a timely manner. According to the ministry, delays in registration approvals occurred because religious groups were first required to obtain legal entity documentation and the paperwork that they submitted to the ministry was incorrect or incomplete.

Although the Minister of Prisons officially prohibited religious organizations, nonprofit organizations, and the PDDH from visiting prisons due to COVID-19 safety protocols, several religious organizations reported they had sporadic access to prisoners.

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. In March, civil rights attorneys stated that 41 years after the crime, the case still had not advanced. They accused the Attorney General's Office of negligence by not appointing a team to investigate the case, which remained pending at year's end.

In February, the Criminal Chamber of the Supreme Court of Spain dismissed former Salvadoran army colonel Inocente Orlando Montano's appeal and ratified his sentence of 133 years and four months in prison. In September 2020, Spain's highest criminal court, Audiencia Nacional, sentenced Montano for planning and ordering the November 1989 killings of five Spanish Jesuits at the Central American University in San Salvador.

According to press reports, the Attorney General's Office had not replied to the December 2020 request by human rights advocates to reopen the case against former generals Juan Orlando Zepeda and Francisco Helena Fuentes and former president Alfredo Cristiani, all accused of planning the 1989 Jesuit killings. Jesuit priest Jose Maria Tojeira said he was pressing the Prosecutor's Office to reopen the cases and to investigate two magistrates who had ruled to close the cases in September 2020 because he said they seemed to intentionally ignore a 2007 decision by the Constitutional Chamber of the Supreme Court. The 2007 decision annulled the 1993 amnesty law, which had provided amnesty against prosecution to war criminals, including the perpetrators of the 1989 Jesuit killings.

Section III. Status of Societal Respect for Religious Freedom

On April 12, gang members assaulted an elderly priest, Father Gregorio Landaverde, in Santa Tecla, La Libertad Municipality, when he unknowingly drove into a gang-controlled neighborhood to find an alternative route around a traffic jam. When Landaverde, pastor of the Asuncion Pleca Parish in the Delgado Municipality, stopped to ask for directions, gang members immediately surrounded him and searched his truck, where they found a machete that he had used the previous day to clear land for relatives, which gang members said made the priest a potential threat. The gang members beat him with stones, took his wallet, and damaged his car. Landaverde was hospitalized, and the parish church cancelled Mass until Landaverde recovered.

In January, Father Manuel Acosta, a professor of theology at the Jose Simeon Canas Central American University, told Catholic press outlet *Crux* that he was disturbed about the violence against Catholic priests, including the thus far unexplained killings of three priests in fewer than three years ending in 2020. All were his former students. "I had no words," said Acosta recalling his thought the morning he heard of the killing in August 2020 of yet another former student, Father Ricardo Cortez, who was found dead after being shot in the head.

According to law enforcement representatives, gang members continued to extort organizations with known funding streams, including religious groups, demanding payments in exchange for allowing them to operate in some territories. Reports of criminals targeting churches, stealing religious relics and other valuable cultural items, and violently assaulting parishioners continued.

According to media, on July 28, security guards killed one thief and injured another when they attempted to rob the Los Heraldos del Evangelio Catholic Church in the Santa Elena neighborhood of San Salvador. A third assailant escaped. Authorities investigated the incident and charged the injured suspect with trespassing; he remained in detention and awaited trial at year's end.

Media again reported, and religious leaders also said, former gang members who joined evangelical Protestant churches were allowed to leave their gang to dedicate themselves to their faith only after they gained approval from their gang leaders. According to the national police, conversion to an evangelical Protestant group was a way out of gang membership from which there was otherwise no exit. Gangs continued to monitor former members for years after they left the gang to ensure they were routinely attending church services and following strict religious practices. If the gang discovered the religious conversion was not authentic, the penalty for the deception was death. For some gangs, even if a member was allowed to leave for religious reasons, the member still could be called to rejoin the gang as needed. According to law enforcement representatives, the gangs used death threats against these former gang members or their families to force their return to the gang.

According to the Pew Research Center's 12th annual study of restrictions on religion, issued in September but covering 2019, El Salvador had a moderate decrease in its social hostilities index compared with Pew's 11th annual report issued in 2018 and covering 2019. The social hostilities index measured acts of religious hostility by private individuals and societal organizations or groups.

Section IV. U.S. Government Policy and Engagement

On September 14, embassy officials discussed with the PDDH the importance of government officials carrying out their duties to protect the rights of all individuals, including religious freedom, regardless of the officials' personal religious affiliation or beliefs.

On May 6, an embassy official attended an iftar at the Hispano-American Islamic Mosque, under the leadership of Imam Bukele. The official and the imam discussed the challenges the Muslim community faced in a predominantly Christian country and the importance of respecting religious tolerance and diversity.

During the year, embassy officials met with religious leaders from the evangelical Protestant, Anglican, and Catholic Churches, as well as the Baha'i Faith, to discuss religious freedom issues and the difficulties religious groups experienced in attempting to reach followers in gang-controlled territories. Embassy officials stressed the importance of filing complaints with law enforcement agencies and the PDDH.

On October 27, in support of International Religious Freedom Day, the embassy tweeted, "Religious freedom is a human right," highlighting the importance of supporting religious freedom in the country and globally.