



Religious Freedom Report



Religion

Population

Area

- Christians : **96.4%**
- Ethnoreligionists : **1.4%**
- Agnostics : **1.2%**
- Others : **1%**

31.774.000

1.285.216 Km²

Legal framework on freedom of religion and actual application

The preamble to the constitution invokes “Almighty God”.^[1] Under article 2(3), everyone has the right to “freedom of conscience and religion, in an individual or collective manner. No person shall be persecuted on a basis of his ideas or beliefs. There is no crime of opinion. Public exercise of any faith is free, insofar as it does not constitute an offence against morals, or a disturbance of the public order.” Likewise, according to article 2(2), there is a right to “equality before the law” and, with specific reference to freedom of religion, this means that “no one shall be discriminated against on the basis of [...] religion”. Everyone also has, according to article 2(18), the right to keep his religious convictions private.

Under article 50, the state “recognises the Catholic Church as an important element in the historical, cultural, and moral formation of Peru, and lends the church its cooperation.” However, the Church is “independent” from the state and “autonomous”. These provisions echo the agreement signed with the Holy See in July 1980, under which Peru’s Catholic Church enjoys full independence, autonomy and legal recognition. The agreement with the Holy See continued the system of subsidies for the Catholic Church, as well as providing for tax exemptions.^[2] Under article 50 of the constitution, the Peruvian state also “respects other denominations and may establish forms of collaboration with them.”

Under article 14 of the constitution, “religious education is provided in keeping with freedom of conscience” and education more generally is provided “in conformity with constitutional principles”.

Law No. 29.635 on Religious Freedom reiterates and elaborates on some of the constitutional guarantees. There is a fundamental right to freedom of religion. This includes, under article one, the person’s right to practise his or her religion in public or private, provided that it does not interfere with the right of others. According to article two, discrimination on religious grounds is prohibited and the diversity of religious entities is recognised. Freedom of religion includes professing freely one’s chosen religious beliefs; changing or abandoning them at any time; practising them individually or

collectively, in public or in private; performing acts of worship; receiving religious assistance; choosing religious and moral education in accordance with one's convictions; expressing oneself publicly for religious purposes; celebrating festivities and keeping days of rest that are considered sacred in one's religion; according to article three, taking an oath in accordance with one's own convictions or refraining from doing so; being buried according to the traditions and rites of one's religion. Under article four, the right of conscientious objection is recognised. Under article six, religious entities enjoy civil legal recognition, can appoint their ministers of religion, spread and propagate their faith, and create foundations and associations for religious, educational and social purposes. Article eight states that educational institutions must respect the right of students to be exempt from religious studies. The religious groups included in the registry created by the Ministry of Justice are legal entities governed by private law and have the status of not-for-profit organisations.^[3]

Incidents

In the current reporting period, there have been no significant, reported violations of religious freedom and there are some indications of greater religious tolerance.

In July 2016 the regulations implementing Law No. 29.635 on Religious Freedom were adopted. The Registry of Religious Entities was also established in order to facilitate relations between the state and those entities.^[4]

In December 2016 the Ministry of Justice and Human Rights, through the Directorate of Inter-confessional Affairs, set up a Working Group on Religious Freedom in Latin America, with the aim of promoting pluralism and freedom of worship.^[5]

In February 2017 the Constitutional Court handed down a judgement about Catholic Church property. Even though the property was declared to be part of the cultural heritage of the nation, it was also ruled that it remains private property and the Church is not required to provide information about it.^[6]

In February 2017 in a meeting with the president of the Catholic Bishops' Conference of Peru, the Minister of Education noted that the 2017 national basic education curriculum does not envisage reducing the number of hours assigned to religious education.^[7]

In April 2017 certain politicians proposed a bill aimed at modifying some articles of the constitution so that it would express more clearly the secular nature of the state.^[8]

In June 2017 a bill came before Congress that would make the Immaculate Virgin of the Puerta de Otuzco the patron saint of the La Libertad region. The proposal aimed to encourage and strengthen religious customs and popular devotion to the image of the Virgin, and to reinforce the historical, religious and cultural identity of the region.^[9]

To mark the anniversary of the beginning of the Protestant Reformation, in October 2017, the Peruvian Congress approved a law to make 31st October the "National Day of the Evangelical Christian Churches in Peru".^[10]

In January 2018 Pope Francis visited Peru and was very well received. In Trujillo, he said a Mass that was attended by nearly a million people from different parts of the country. In Lima more than 1.5 million people reportedly came to see him. The Pontiff called for hope, equality and solidarity.^[11]

In February 2018 a bill was presented to Congress to amend the Criminal Code so that certain specific verbal attacks on religion and the destruction of places of worship or images would be criminalised as offences against freedom of religion and worship.^[12]

In April 2018 the Forum of Indigenous Peoples and the Inter-religious Forum of the Americas were held on the fringes of 8th Summit of the Americas. About 300 representatives of indigenous peoples of Latin America participated. In the inter-religious forum, participants agreed that education must be based on the values of truth, honesty, trust and

respect.^[13]

Many organisations are active in ecumenical and inter-faith dialogue, including the Inter-religious Council of Peru and CREAS, a regional ecumenical and multi-disciplinary Christian organisation.^[14]

Prospects for freedom of religion

During the period under review no incidents of intolerance were reported. Legal steps are being taken to promote religious freedom. In light of this, the situation of religious freedom has improved and future prospects seem positive.

Endnotes / Sources

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[2] Acuerdo entre la Santa Sede y la República del Perú de 1980, http://www.vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19800726_santa-sede-peru_sp.html, (accessed 3rd April 2018).

[3] Ley 29635 de Libertad Religiosa (Perú), arts.1,2,3,4,6,8, <https://derechoperu.wordpress.com/2010/12/21/ley-29635-ley-de-libertad-religiosa/>, (accessed 3rd April 2018).

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[5] 'Evento: Mesa de trabajo internacional sobre libertad religiosa en América Latina', Ministerio de Justicia y Derechos humanos, 7th December 2016, <https://www.minjus.gob.pe/agenda/despacho-ministerial/evento-mesa-de-trabajo-internacional-sobre-libertad-religiosa-en-america-latina/>, (accessed 25th April 2018); 'CREAS participa en Mesa de Trabajo Internacional sobre Libertad Religiosa', CREAS, <http://creas.org/creas-participa-mesa-trabajo-foro-internacional-libertad-religiosa/>, (accessed 25th April 2018).

[6] 'Perú', Sentencia del Tribunal Constitucional de 21 de febrero de 2017, Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, November 2017, p. 124, <http://derechoyreligion.uc.cl/es/docman/boletin-juridico/2017-1/1229-boletin-juridico-noviembre-2017/file>, (accessed 17th March 2018).

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[8] 'Perú', B. Proyecto de Ley que 'Propone modificar los artículos 6,9,13,43 y 50 de la Constitución Política del Perú para explicitar el principio constitucional de Laicidad del Estado' presentado ante el Congreso por el partido Frente Amplio por Justicia, Vida y Libertad, Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, May 2017, p. 69, <http://derechoyreligion.uc.cl/es/docman/boletin-juridico/2017-1/1081-boletin-juridico-mayo-2017/file>, (accessed 17th March 2018).

- [9] 'Proyecto de Ley que declara a la Inmaculada Virgen de la Puerta de Otuzco como patrona de la religiosidad y la fe católica en la región La Libertad', Congreso de la República del Perú, 8th June 2017, http://www.leyes.congreso.gob.pe/Documentos/2016_2021/Proyectos_de_Ley_y_de_Resoluciones_Legislativas/PL01488201706 (accessed 17th March 2018).
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