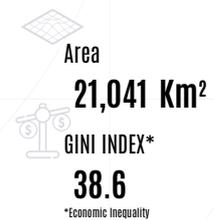
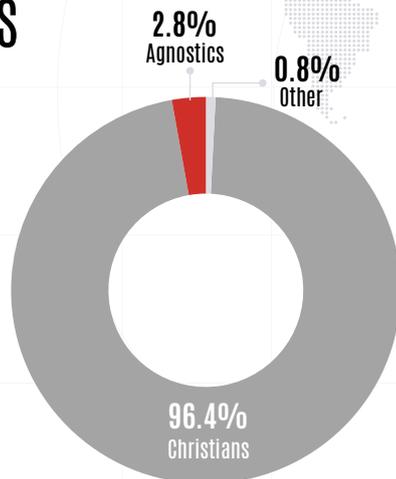




EL SALVADOR

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Preamble to the Constitution of El Salvador¹ declares trust in God, respect for the dignity of the human person and encourages freedom and justice. Everyone is equal before the law (Article 3). The Constitution bans discrimination on religious grounds (Article 6).

Article 3 guarantees that “no restrictions shall be established that are based on differences of nationality, race, sex or religion.” With respect to freedom of expression, Article 6 prohibits media companies from discriminating on the basis of “the political or religious character of what is published.” In relation to the right of association, Article 7 bans “armed groups of a political, religious or guild character”. Regarding the workplace, Article 38 bans discrimination based on creed. Finally, Article 47 guarantees the right of association of employers and workers, without distinction of creed.

Article 25 of the Constitution guarantees “the free exercise of all religions, without other restrictions than those required by the moral and the public order [. . .

.]. No religious act shall serve as evidence of the civil status of persons.”

The “juridical personality of the Catholic Church is recognized” in Article 26, which also states that “other churches may obtain recognition of their personality in conformity with the law.”

With respect to regulating freedom of worship, the Constitution guarantees in Article 29 that religious meetings or associations cannot be suspended even under emergency conditions.

According to Article 82, members of the clergy “may not belong to political parties nor opt for popularly elected positions.”

Article 108 states that “No civil or ecclesiastical corporation or foundation [. . .] shall have legal capacity to preserve or administer real estate (bienes raíces), with the exception of those immediately and directly destined to the service or objective of the institution.”

Article 231 stipulates that “Churches and their dependencies immediately and directly designated for religious service are exempt from taxes on real property.”

Concerning education, Article 54 of the Constitution guarantees the right to establish private schools, including schools run by religious groups. Article 55 gives parents the right to choose their children's education. Article 58 states that, "No educational establishment shall refuse to accept students because of the marital status of their parents or guardians, nor for social, religious, racial, or political differences."

According to the Law on Educational Establishments, the educational function of the Catholic Church is of great importance because of its contribution to the educational policies of the state. For this reason, the law recognises the organisation of educational establishments that depend upon the Church and allows them to enhance the study plans of the schools under its jurisdiction, in accordance with its principles.²

The Ministry of the Interior has the power to register, regulate and supervise the finances of non-governmental organisations, non-Catholic Churches and other religious groups. The law exempts the Catholic Church from registering, since it is constitutionally recognised. Foreign religious groups must obtain a special residence visa to engage in religious activities and cannot proselytise if their members are in the country on tourist visas.³

31st October is recognised by El Salvador's National Assembly as the National Day of the Salvadoran Evangelical Church.⁴

INCIDENTS AND DEVELOPMENTS

In El Salvador gang violence is pervasive with a consequent impact on all sectors of civil society. In the period under review, Church leaders continued to voice concern that, although not only religiously motivated, criminal gangs targeted religious communities through extortion and violence against clergy and faithful alike.⁵

Gang leaders allowed members to leave the gang structure - normally a life commitment - only in the case of joining a Church. This, however, provoked a backlash and according to media reports, "MS-13 and Barrio 18 gang members beat and killed pastors who actively encouraged gang members to leave their gangs".⁶

On 15th July, 2018, local media reported that Protestant pastor Jose Isaac Garcia Zaldana was killed by

MS-13 gang members after he reportedly "convinced approximately six gang members to leave the gang and join his congregation".⁷

In July 2018, a video shot during the gay pride march shows activists calling for the burning of the Catholic Bishops' Conference of El Salvador.⁸

In October 2018, the Church of Jesus Christ of Latter-day Saints, together "with representatives of different religions and members of the Legislative Assembly", held a discussion on freedom of religion.⁹

The priests Father Osmir Vasquez and Father Cecilio Perez were assassinated on 29th March 2018 and 18th May 2019, respectively. The crimes were denounced by the Catholic Bishops' Conference. To date the investigation by the authorities has failed to find the assailants.¹⁰

The National Assembly adopted a number of tax breaks for various Churches: a tax abatement for the 27th anniversary celebrations of the Kerygma Catholic Ministry (May 2019);¹¹ a Catholic Church tax relief on 36,000 litres of imported wine for consecration;¹² the donation of property to the Franciscan Sisters (June 2019);¹³ an exemption for the Kemuel Levantados por Dios Church on a donation received from abroad to help people affected by the pandemic (September 2020).¹⁴

In February 2020, the Vatican announced the beatification of three Salvadoreans - a priest and two lay people - murdered "out of hatred for the faith" in 1977. The crimes were never investigated.¹⁵

In March 2020, constitutional guarantees for religious organisations were restricted because of the COVID-19 pandemic, including the right of assembly. Permitted by public health agencies were religious gatherings that "do not endanger" people's health.¹⁶

In August 2020, the Catholic Church announced the reopening of churches in accordance with its health protocols and the measures established by the government.¹⁷

In August 2020, Father Ricardo Cortez was assassinated. His body was found on a highway with three bullet wounds. The first clues appeared to rule out robbery as none of the priest's belongings were taken. The Catholic Bishops' Conference of El Salvador denounced the crime, demanding justice.¹⁸ In addition to condemning the criminal act, the Cooperativa Sacerdotal (priestly

association) demanded that attacks against members of the clergy be stopped, as this was the third murder of a priest since 2018. The association alleges, “a plan to kill [priests] orchestrated by various players from different backgrounds as well as a pattern of premeditated criminal behaviour.”¹⁹

In September 2020, a former Deputy Minister of Public Security was sentenced to 133 years in prison for the murder of five Jesuits in 1989. The priests were mediators in the country’s civil war.²⁰

PROSPECTS FOR RELIGIOUS FREEDOM

El Salvador suffers an endemic history of violence, most notably as a result of the gang culture. This violence extends to the murder of clergy and faithful whether for criminal or a political motivation. In the period under review, three priests and one pastor met with violent deaths. Failure to resolve some of these cases by the authorities has not eased concerns and Church leaders continue to call for justice and accountability.

During the period in question, the situation of religious freedom remains negative because of the security concerns, which have not improved.

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