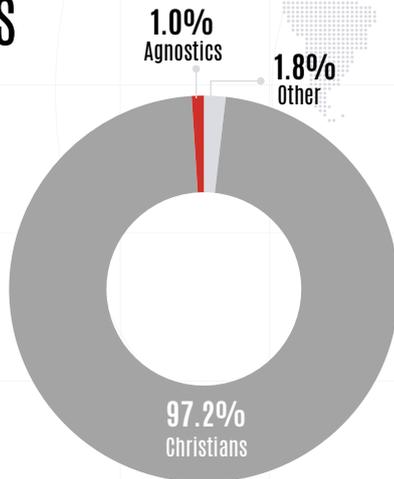




GUATEMALA

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Preamble to the Constitution of the Republic of Guatemala¹ invokes “the name of God”. Under Article 36, “the exercise of all the religions is free. Any person has the right to practise his [or her] religion or belief, in public and in private, through teaching, cult [i.e. worship] and observance, without other limits than the public order and the due respect for the dignity of the hierarchy and the faithful [followers] of other beliefs”.

Article 37 of the Constitution gives legal recognition to the Catholic Church. It also acknowledges the ownership of the Catholic Church over “real assets which it holds peacefully for its own purposes, as long as they have formed part of the patrimony of the Catholic Church in the past.”

The same article allows other Churches or religious entities to obtain legal recognition “in accordance with the rules of their institution, and the Government may not deny it, aside from reasons of public order”. It also stipulates that “The real assets of the religious entities as-

signed [destinados] to cult [i.e. worship], to education, and to social assistance, enjoy exemption from taxes, assessments, and contributions.”

Under Articles 186, 197 and 207, members of the clergy cannot assume the offices of president, vice president, or cabinet minister; nor can they be magistrates or judges.

According to Article 71, the state provides education “without any discrimination whatsoever”.

Under Article 73, “religious education is optional in the official establishments and can be taught during ordinary hours, without any discrimination.” Likewise, the state makes the undertaking to “contribute to the maintenance of religious education without any discrimination”.

The competent administrative authority can authorise members of the clergy to celebrate civil marriages (Article 49).

Under the Civil Code, Churches are legal persons and are entitled to acquire, possess and dispose of goods, provided that the latter are destined exclusively for religious purposes, social assistance or education.²

Under the Labour Code, discrimination on the basis of religion is prohibited in establishments engaged in social welfare, education, culture, entertainment or commerce. Employers are not allowed to influence the religious convictions of their employees. Trade unions can be dissolved if it can be proven in a court of law that they cause or foment religious strife.³

The Penal Code imposes criminal sanctions for anyone who disrupts religious celebrations, carries out acts that offend religious practices and objects of worship, or desecrates places of worship or burial. Theft is subject to more stringent criminal penalties if the objects stolen are used for worship or otherwise have high religious significance.⁴

INCIDENTS AND DEVELOPMENTS

In 2018 Christian, Jewish and Muslim communities reported increased interfaith collaboration creating an Interreligious Humanitarian Commission providing charitable assistance after the 3rd June Fuego volcanic eruption.⁵

In September 2018, a bill instituting a National Day of Prayer was presented to the Congress of the Republic.⁶

In October 2018, the Guatemalan Congress adopted a non-binding motion to ban the Swedish Heavy Metal band Marduk from entering the country, since it “violates the religious sentiments, mainly Christian, of Guatemalan society”.⁷

In 2019, Mayan leaders continued to urge the government to allow them access to sacred sites on state-owned land. The government’s “Route to Prosperity” (La Ruta Hacia la Prosperidad) program, indicated increased engagement with indigenous communities.⁸ 80 native leaders, in a series of meetings over 2018, identified eight priorities including “respect for sacred land, indigenous culture, and indigenous religion”, which they said had been “historically ignored”.⁹

In September 2019, Strategic Intelligence Secretary Mario Duarte attended the General Assembly of the United Nations (UN) in order to participate in the “Global Call to Protect Religious Freedom” conference promoted by the United States.¹⁰

In January 2020, Pope Francis recognised the martyrdom of ten people in Guatemala (three Spanish missionaries and seven lay people), “murdered out of

hate for the faith during the civil war between 1980 and 1991.”¹¹

In the 2018-2020 period, reports indicate that a number of religious buildings and symbols were vandalised. In February 2019, an unknown individual beheaded the image of Santa María de Cervelló in La Merced Church in Antigua Guatemala.¹²

In August 2020, the Church of Our Lady of the Miraculous Medal (Nuestra Señora de la Medalla Milagrosa) in Guatemala City was vandalised. Witnesses reported that criminals “tied a rope around the neck of the image (a statue) at the top of the main entrance of the church.” In trying to remove the statue, they damaged it. It was reported that neither police nor the authorities responded to the scene.¹³

The Catholic Bishops’ Conference of Guatemala has spoken openly on issues of public interest, for example: In January 2019, it expressed indignation over the decision of President Jimmy Morales to expel the International Commission Against Impunity in Guatemala, noting that this went against the peace agreements meant to fight criminal groups in the country and combat corruption¹⁴; in February 2019, the bishops expressed concern over “forced migration to the North” (Mexico and the USA), which particularly affects young people exposed to networks of human smugglers and drug traffickers¹⁵ and; in February 2020, the prelates expressed hope that the priority of the new political leaders would be the common good and that corrupt practices would end.¹⁶

Following the outbreak of the COVID-19 pandemic in March 2020, the government limited public and private activities, including religious activities. The Catholic Bishops’ Conference took a number of measures and issued a statement noting that the authorities have a duty to ensure public health, expressing its appreciation for the government’s call to pray for Guatemala. Churches were allowed to stay open for individuals to visit and pray.¹⁷

In August 2020, the government announced a new timetable for religious activities to avoid spreading the virus. Special events such as weddings and baptisms were not banned, but the number of participants was restricted.¹⁸

PROSPECTS FOR RELIGIOUS FREEDOM

During the period under review, vandalism against religious buildings and symbols increased with no sign of the authorities opening investigations. During the same time period the Catholic Church was more vocal regarding government actions and elections. Social and economic tensions are increasing, compounded by the pandemic. Such tensions never bode well for the development of human rights. We perceive the situation going from stable to negative.

SOURCES / ENDNOTES

- 1 Guatemala 1985 (rev. 1993), Constitute Project, https://www.constituteproject.org/constitution/Guatemala_1993?lang=en (accessed 31st October 2020).
- 2 Articles 15 and 17, Código Civil, Gobierno de Guatemala, http://www.oas.org/dil/esp/Codigo_Civil_Guatemala.pdf (accessed 4th March 2020).
- 3 Articles 14 bis; 62, d; 226, a; Código de Trabajo, Gobierno de Guatemala, <http://biblioteca.oj.gob.gt/digitales/36036.pdf> (accessed 4th March 2020).
- 4 Articles 224, 225, 247 N° 7, 255 bis, “Decreto No.17-73,” Código Penal de Guatemala, Gobierno de Guatemala http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/GTM_codigo_penal.pdf (accessed 4th March 2020).
- 5 Office of International Religious Freedom, “Guatemala,” 2018 Report on International Religious Freedom, U.S. Department of State, <https://www.state.gov/reports/2018-report-on-international-religious-freedom/guatemala/> (accessed 12th December 2020).
- 6 Carlos Álvarez, “Día Nacional de la Oración recibe dictamen favorable,” Prensa Libre, 16th November 2018, <https://www.prensalibre.com/guatemala/politica/dia-nacional-de-la-oracion-recibe-dictamen-favorable/> (accessed 5 January 2020).
- 7 José Elías, “Guatemala busca bloquear la entrada al país a una banda de rock sueca por ‘blasfema’,” El País, 28th September 2018, https://elpais.com/internacional/2018/09/27/america/1538013911_017081.html (accessed 5th January 2020).
- 8 Office of International Religious Freedom, “Guatemala,” 2019 Report on International Religious Freedom, U.S. Department of State, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/guatemala/> (accessed 12th December 2020).
- 9 *Ibid*
- 10 Orlando Bobadilla, “Guatemala da ejemplo de libertad religiosa a otras naciones del mundo,” AGN, 24th September 2019, <https://agn.gt/archivo/guatemala-da-ejemplo-de-libertad-religiosa-a-otras-naciones-del-mundo/> (accessed 6th October 2020).
- 11 “Esta es la historia de los nuevos mártires de Guatemala,” Aci Prensa, 25th January 2020, <https://www.aciprensa.com/noticias/esta-es-la-historia-de-los-nuevos-martires-de-guatemala-34543> (accessed 8th April 2020).
- 12 Alvaro Alay, “Decapitan imagen en iglesia La Merced, en Antigua Guatemala,” Publinews, 24th February 2019, <https://www.publinews.gt/noticias/2019/02/24/decapitaron-imagen-en-la-merced.html> (accessed 6th October 2020).
- 13 “Iglesia de la Casa Central es vandalizada,” EntreCultura, 21st August 2020, <http://entrecultura.tv/iglesia-de-la-casa-central-es-vandalizada/> (accessed 6th October 2020).
- 14 “Los obispos de Guatemala arremeten contra el presidente por expulsar a la Comisión Internacional contra la Impunidad,” Religión Digital, 11th January 2019, https://www.religiondigital.org/america/Guatemala-presidente-Comision-Internacional-Impunidad_0_2084791528.html (accessed 3rd January 2020).
- 15 “Obispos ante elecciones en Guatemala: ‘No queremos dictaduras’,” Aci Prensa, 9th February 2019, <https://www.aciprensa.com/noticias/obispos-ante-elecciones-en-guatemala-no-queremos-dictaduras-88518> (accessed 6th October 2020).
- 16 “Comunicado de la Conferencia Episcopal de Guatemala,” 7th February 2020, Conferencia Episcopal de Guatemala, <http://www.iglesiaticatolica.org.gt/CEG-20200207.pdf> (accessed 6th October 2020).
- 17 “Comunicado de la Conferencia Episcopal de Guatemala con motivo de la amenaza del COVID-19 (Coronavirus),” 14th March 2020, Conferencia Episcopal de Guatemala, <http://www.iglesiaticatolica.org.gt/CEG-20200314.pdf> (accessed 6th October 2020).
- 18 Glenda Sánchez, “Coronavirus: Nuevo horario para eventos religiosos en Guatemala,” República, 23rd August 2020, <https://republica.gt/2020/08/23/coronavirus-amplian-horario-para-eventos-religiosos-en-guatemala/> (accessed 20th September 2020).