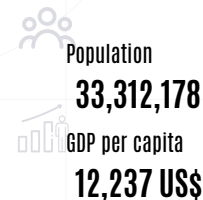
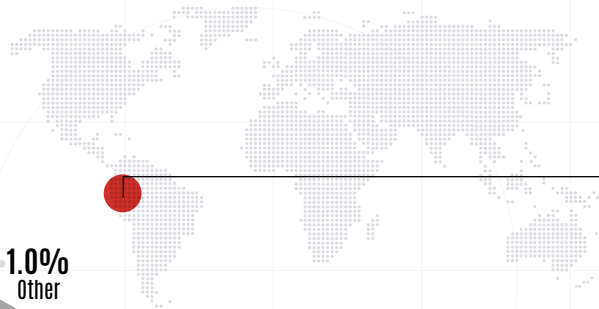
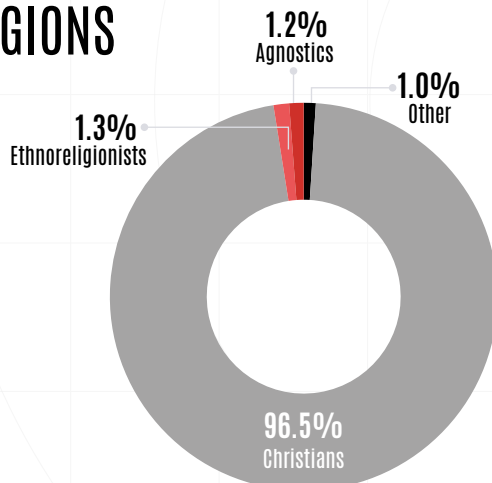




PERU

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Preamble to the constitution¹ invokes “Almighty God”. Under article 2 (3), everyone has the right to “freedom of conscience and religion, in an individual or collective manner. No one shall be persecuted on a basis of their 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.”

Article 2 (2) recognises “equality before the law” with specific reference to freedom of religion, which means that “no one shall be discriminated against on the basis of their “religion”. According to Article 2 (18), everyone has the right to keep their religious convictions private.

Under Article 50 of the constitution, the state “recognizes the Catholic Church as an important element in the historical, cultural, and moral formation of Peru, and lends the church its cooperation.”

These provisions echo the agreement signed between

Peru and the Holy See in July 1980, under which the Catholic Church enjoys full independence, autonomy and legal recognition. The Concordat with the Holy See provides subsidies to the Catholic Church, as well as 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 Freedom³ reiterates and elaborates on some of the constitutional guarantees. There is a fundamental right to freedom of religion. This includes a person’s right to practise his or her religion in public or private, provided this does not interfere with the right of others (Article 1).

Article 2 bans discrimination on religious grounds and recognises the diversity of religious entities.

According to Article 3, freedom of religion includes free-

ly professing 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 3, religious freedom includes the right to take an oath in accordance with one's own convictions or refraining from doing so, as well as being buried according to the traditions and rites of one's religion.

Article 4 recognises the right to conscientious objection.

Article 6 grants civil legal recognition to religious entities, as well as the right to appoint their ministers of religion, disseminate and propagate their faith, and create foundations and associations for religious, educational and social purposes.

Article 8 stipulates that educational establishments must respect the right of students to be exempt from religious studies. Religious groups registered with the Ministry of Justice are legal entities governed by private law and have the status of non-profit organisations.

INCIDENTS AND DEVELOPMENTS

A bill to amend the Law on Religious Freedom was presented in September 2018 in order to prohibit "authoritarian, abusive, discriminatory practices."⁴ Another bill came forward in March 2019 to set up chaplaincies and provide religious assistance for evangelicals in state entities.⁵

In November 2018, the Ministry of Justice organised a conference together with the Interreligious Cultural Fair (Feria Cultural Interreligiosa) to raise awareness about the country's religious pluralism.⁶ In June 2019, the same Ministry published a paper, "Right to religious freedom in Peru: regulations and jurisprudence" (Derecho a la libertad religiosa en el Perú: normativa y jurisprudencia), to highlight the scope of this right.⁷

In January 2019 the Constitutional Court ruled that Members of Congress can resign from their political grouping for reasons of conscience.⁸

In April 2019, the charred body of a British lay Brother and environmental activist was discovered at a youth hostel for

indigenous students he managed in Iquitos.⁹

In May 2019, security staff ("Seguridad Ciudadana") asked a religious group to leave the park where they were singing and preaching. The group agreed to move away peacefully.¹⁰

In September 2019, a proposed constitutional reform was put forward to declare the Republic of Peru a secular state and remove the express recognition of the Catholic Church.¹¹

In October 2019, members of the Evangelical Church in Cuzco protested against the celebration of Halloween, which they consider a satanic cult.¹²

In August 2019, the festival of San Pedrito officially became a national holiday.¹³ Other bills have been presented in the past couple of years to declare certain religious festivals and buildings of national interest as intangible parts of the country's cultural heritage.¹⁴

The Catholic Bishops' Conference of Peru has issued various statements urging Peruvians to seek the common good.¹⁵ Following the outbreak of the COVID-19 pandemic in March 2020, the Conference called on the faithful to observe the measures adopted by health authorities. It also indicated how the Eucharist would be administered¹⁶ and made its social outreach organisations available to care for vulnerable people.¹⁷

In October 2020, President Martín Vizcarra indicated that the government was engaged in talks with the Church in order to gradually reopen places of worship in November.¹⁸

PROSPECTS FOR RELIGIOUS FREEDOM

As in the previous period, no relevant episodes of intolerance or discrimination have been reported. The government of President Vizcarra appreciated concrete actions to promote the right to religious freedom. At the time of this writing, however, political instability had returned to Peru. The situation has not changed since the 2018 and the outlook for the future is positive.

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