

GUATEMALA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of religion, including freedom of worship and the free expression of all beliefs. The constitution recognizes the distinct legal personality of the Catholic Church. Non-Catholic religious groups are required to register with the Ministry of Government in order to enter into contracts or receive tax-exempt status. In continuation of a 2014 case involving alleged discrimination by the local population in San Juan La Laguna against the ultra-Orthodox (Haredi) Jewish group, Lev Tahor, a group leader brought a case against the town's former mayor for abetting discrimination and abusing authority. A judge placed the former mayor under house arrest during his ongoing trial. After the Lev Tahor group voluntarily relocated to Guatemala City, it was the subject of a search based on complaints of child neglect. After the search, the group again voluntarily relocated to a small town outside of Guatemala City following what it said was discrimination and harassment by authorities. Mayan spiritual leaders reported the government limited their access to some Mayan religious sites. Non-Catholic groups reported some municipal-level authorities discriminated against them in permit approvals and local tax collection.

Some Catholic clergy reported threats and harassment because of their environmental protection work. Jewish leaders appealed to government authorities after protestors displayed anti-Semitic placards and banners during a May protest against an Israeli-owned power distribution company; the government mediated a solution with the protesting group out of court. Some Mayan religious groups reported land owners limited their access to Mayan religious sites on private property.

The U.S. embassy regularly held meetings with government officials and leaders of religious groups to discuss issues of religious freedom, including the Lev Tahor case, threats against Catholic clergy, and the reported lack of access to Mayan spiritual sites. Embassy officials promoted religious freedom in meetings with various civil society and religious groups,

Section I. Religious Demography

The U.S. government estimates the total population at 15.2 million (July 2016). According to a 2015 survey by ProDatos, approximately 45 percent of the population is Catholic and 42 percent Protestant. Approximately 11 percent of the

population professes no religious affiliation. Groups that together constitute less than 3 percent of the population include Buddhists, Hindus, Muslims, Jews, and adherents of Mayan or Garifuna religions.

Christian groups include the Full Gospel Church, Assemblies of God, Central American Church, Prince of Peace Church, numerous independent evangelical Protestant groups, Baptists, The Church of Jesus Christ of Latter-day Saints (Mormons), Episcopalians, Jehovah's Witnesses, Lutherans, Presbyterians, Russian Orthodox, and Seventh-day Adventists.

Catholics and Protestants are present throughout the country, with adherents among all major ethnic groups. According to leaders of Mayan spiritual organizations, as well as Catholic and Protestant clergy, many indigenous Catholics and some indigenous Protestants practice some form of syncretism with indigenous spiritual rituals. Mayan spiritual leaders estimate there are between 10,000 to 20,000 accredited guides of Mayan spirituality in the country.

Approximately 1,500 Jews and a small number of Muslims reside primarily in Guatemala City.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for freedom of religion, including the free expression of all beliefs and the right to practice a religion or belief, in public and private. The constitution recognizes the distinct legal personality of the Catholic Church.

The constitution does not require religious groups to register for the purpose of worship. Non-Catholic religious groups must register for legal status, however, in order to conduct activities such as renting or purchasing property, entering into contracts, and to receive tax-exempt status and tax exemptions for properties used for worship, religious education, and social assistance. To register, a group must file a copy of its bylaws, which must reflect an intention to pursue religious objectives, and a list of its initial membership, with at least 25 members, with the Ministry of Government. The ministry may reject applications if the group does not appear to be devoted to a religious objective, appears intent on undertaking illegal activities, or engages in activities that appear likely to threaten public order. All religious groups must obtain the permission of the respective municipal

authorities for construction and repair of properties and holding public events, consistent with requirements for nonreligious endeavors.

The constitution protects the rights of indigenous groups to practice their traditions and desired forms of cultural expression, including religious rites. The criminal code penalizes violation of the freedom of religious celebration and sentiment, and the desecration of burial sites or human remains; however, charges are seldom filed under these laws.

According to the constitution, no member of the clergy of any religion may serve as president, vice president, a government minister, or a judge.

The constitution permits, but does not require, religious instruction in public schools. There is no national framework for determining the nature or content of religious instruction. In general, public schools have no religious component to the curriculum. Private religious schools are allowed and can be found in all areas of the country.

The government requires foreign missionaries to obtain tourist visas, which authorities issue for renewable periods of three months. After renewing their tourist visas once, foreign missionaries may apply for temporary residence.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

In June a court ordered the house arrest of former mayor Antonio Adolfo Perez y Perez during his trial for discrimination and abuse of authority. Perez was mayor in 2014 of the indigenous town San Juan La Laguna, which threatened expulsion of the ultra-Orthodox (Haredi) Jewish group Lev Tahor after tensions in the community arose, reportedly because of the group's presence and customs. Lev Tahor voluntarily relocated to Guatemala City after the group was unable to reach a resolution with the local indigenous council.

Lev Tahor representatives said the community faced discrimination and harassment by authorities after the attorney general's office executed a search warrant of the group's residences in Guatemala City in September. Authorities carried out the operation in response to allegations of child neglect. Human rights observers were present at the search, and stated it was carried out in a generally sensitive manner. After the operation, Lev Tahor voluntarily left Guatemala City

and relocated to the small town of Oratorio where it began building a new religious center and living quarters.

Non-Catholic religious groups reported problems or delays with municipal authorities regarding exemption from taxation and approval for construction or repairs of churches. For example, the Mormon Church brought several court cases against the municipal government of Guatemala City for continuing to charge local taxes on its religious installations, which the Church stated were tax exempt. The Church appealed one tax-related case in 2007 to the Constitutional Court, the highest court in the nation, which ruled in its favor. The Church reported it was unable to carry out repairs needed in some installations because of this ongoing issue.

Although the law permits Mayan spiritual groups to conduct religious ceremonies at Mayan historical sites on government-owned property, some Mayan leaders stated the government continued to limit their access to some religious sites. Many Mayan religious and archeological sites are national parks or protected areas that charge admission fees to all visitors. According to leaders from the Committee on the Designation of Sacred Sites, practitioners of Mayan spirituality were generally only able to obtain free access to sites if they were accredited and issued an identification card by certain indigenous organizations as spiritual guides, and received written permission from the Culture Ministry 15 days before the scheduled ceremony/religious practice. Mayan leaders stated written permission was difficult and expensive for many to obtain, requiring travel to the capital as well as fluency in Spanish, which many indigenous persons do not speak. Mayan advocates stated they should have access, within reasonable parameters, to all sacred sites (an estimated 2,000 locations on both public and private land).

The Presidential Commission against Discrimination and Racism against the Indigenous People of Guatemala (CODISRA) continued its legal support of cases against several property owners for denial of access or damage to cultural sites. For instance, CODISRA brought a case against a hydroelectric company for damaging cultural heritage. Explosives used during the construction of a hydroelectric plant on privately owned land, caused the entrance to one of two caves on the property sacred to the local Mayan people to collapse, rendering it inaccessible. CODISRA said the local community was able to coordinate with the owner of the land for access to the other cave, which was undamaged.

Several missionaries, even some in the country for a number of years, reported they chose to remain on tourist visas to avoid what they said was the complicated procedure of applying for temporary residence.

The Ministry of Education continued to consult with religious groups on a national values program called Living Together in Harmony (*Vivamos Juntos en Harmonia*) that integrated the groups' shared values, such as honesty, fraternity, responsibility, and respect, without citing religion or religious teachings, into school curricula.

Section III. Status of Societal Respect for Religious Freedom

The Catholic Church reported some clergy received threats and were slandered on social media for their support of protests against large scale natural resource projects, with the most intense conflict surrounding a mining project near San Rafael Las Flores. According to the Catholic Church, clergy have taken a greater role in community debates about natural resources after Pope Francis' encyclical *Laudato Si'* called on them to protect the environment as God's creation.

In May during a protest against an Israeli-owned power distribution company, protestors used anti-Semitic placards and held a banner with an image of Jesus stating, "Jews killed me on the cross. Now Jews ... are killing my people in Guatemala with energy." Leaders of the local Jewish community filed a complaint with the Human Rights Ombudsman (PDH) against the protesting group, the Rural Development Committee. Authorities facilitated a reconciliation meeting between the group and the Jewish community, which agreed to settle the matter out of court upon receiving a formal apology.

Some private owners of land in locations considered sacred by Mayan religious groups, such as caves, lagoons, mountains, and forests, continued to deny access, according to Mayan spiritual groups.

Section IV. U.S. Government Policy

U.S. embassy officials met with PDH and CODISRA to discuss religious freedom issues, including the Lev Tahor case, threats against Catholic clergy, and reported lack of access to Mayan spiritual sites.

U.S. embassy officials met with leaders of major religious groups and representatives of faith-based nongovernmental organizations to promote freedom

of religion, including the importance of tolerance and appreciation for diversity. Embassy officials continued outreach to religious leaders, including those from the Catholic Church, the Evangelical Alliance (the largest organization of Protestant churches, representing more than 30,000 individual churches), the Catholic archbishop's offices, the Jewish community, representatives from the Commission for the Designation of Sacred Places for the Maya, Xinca, and Garifuna communities, and other organizations to strengthen understanding of religious freedom issues.