

EL SALVADOR 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of religion and states all persons are equal before the law. It prohibits discrimination based on religion. The constitution grants automatic official recognition to the Roman Catholic Church and states other religious groups may also apply for official recognition through registration. Some clergy and faith-based nongovernmental organization (NGO) workers said police and other government agents continued to arbitrarily detain, question, or search young congregants and youth leaders because of their ministry work with active and former gang members. According to sources, while many religious communities focused on education and youth development programs, particularly in the area of violence prevention, intimidation of religious individuals did not appear to be intended as persecution based on their religion. During the year, President Nayib Bukele, of Palestinian background, continued to be the target of anti-Muslim commentary, mainly on Twitter, by some of his political opposition. On September 11, Spain's highest criminal court, Audencia Nacional, sentenced former Salvadoran army colonel Inocente Orlando Montano to 133 years and four months in prison for planning and ordering the November 1989 killings of five Spanish Jesuit priests at the Central American University. On October 29, the Criminal Chamber of the Supreme Court in El Salvador dismissed the case against former generals Juan Orlando Zepeda and Francisco Helena Fuentes for their alleged roles in those killings. According to press reports, this ruling favored former President Alfredo Cristiani, accused of being an intellectual author of the killings.

On February 7, the daily newspaper *La Prensa Grafica* reported the First Sentencing Court of Sonsonate sentenced Abraham Mestizo, a former sacristan accused of killing Catholic priest Cecilio Perez Cruz, to 25 years in prison for aggravated homicide. Although a letter found near the priest's body suggested that the MS-13 gang had killed the priest for not paying extortion fees, the court ruled out any gang involvement. On September 9, unknown assailants killed three men who were praying near the Cristo Te Llama Church, an evangelical Protestant church in San Martin, San Salvador Department. Leaders of Catholic, evangelical Protestant, and other Christian groups continued to report that members of their churches could not reach their respective congregations due to fear of gang crime and violence. According to widespread media reports, gang activity continued to create security concerns at a national level, which affected the general population,

including members of religious groups, but was not based on religious discrimination.

During a meeting with the ombudsman for human rights on October 9, U.S. embassy officials continued to highlight the importance of government officials carrying out their official duties regardless of their religious beliefs or affiliation. The Ambassador tweeted in support of International Religious Freedom Day on October 27. In meetings with Catholic, evangelical Protestant, Muslim, and Baha'i groups during the year, embassy officials continued to discuss the difficulties religious groups experienced in attempting to reach followers in gang-controlled territories, and they stressed the importance of filing complaints with law enforcement agencies and the ombudsman for human rights.

Section I. Religious Demography

The U.S. government estimates the total population at 6.5 million (midyear 2020 estimate). According to a January survey by the University of Central America's Institute of Public Opinion, 41.3 percent of the population identifies as Catholic, 37.2 percent as evangelical Protestant, and 18 percent with no religious affiliation. Approximately 2.8 percent state "other," which includes Anglican Episcopalians, Jehovah's Witnesses, members of The Church of Jesus Christ of Latter-day Saints, Muslims, Baha'is, Jews, Buddhists, and the International Society of Krishna Consciousness. A small segment of the population adheres to indigenous religious beliefs, with some mixing of these beliefs with Christianity and Islam. Muslim leaders estimate there are approximately 20,000 Muslims.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for the free exercise of religion. It states all persons are equal before the law and prohibits discrimination based on religion. The Office of the Ombudsman for Human Rights monitors the state of religious freedom in the country, including issuing special reports and accepting petitions from the public for violation of the free exercise of religion.

The penal code imposes criminal sentences of one to three years on individuals who publicly offend or insult the religious beliefs of others, or damage or destroy religious objects. The law defines an offense as an action that prevents or disrupts the free exercise of religion, publicly disavows religious traditions, or publicly

insults an individual's beliefs or religious dogma. Sentences increase to four to eight years when individuals commit such acts to gain media attention. Repeat offenders may face prison sentences of three to five years.

The constitution states members of the clergy may not occupy the positions of President, cabinet ministers, vice ministers, Supreme Court justices, judges, governors, attorney general, public defender, and other senior government positions. Members of the clergy may not belong to political parties. The electoral code requires judges of the Supreme Electoral Tribunal and members of municipal councils to be laypersons.

A 2014 law restricts support of and interaction with gangs, including by clergy members, and a 2016 law defines gangs as terrorist organizations. Rehabilitation programs and ministry activities for gang members, however, are legal.

The constitution allows religious groups to apply for official recognition by registering with the government. It grants automatic official recognition to the Catholic Church and exempts it from registration requirements and from government financial oversight. Religious groups may operate without registering, but registration provides tax-exempt status and facilitates activities requiring official permits, such as building places of worship. To register, a religious group must apply through the Office of the Director General for Nonprofit Associations and Foundations (DGFASFL) in the Ministry of Governance. The group must present its constitution and bylaws describing the type of organization, location of its offices, its goals and principles, requirements for membership, functions of its ruling bodies, and assessments or dues. The DGFASFL analyzes the group's constitution and bylaws to ensure both comply with the law. Upon approval, the government publishes the group's constitution and bylaws in the official gazette. The DGFASFL does not maintain records on religious groups once it approves their status, and there are no requirements for renewal of registration.

By law, the Ministry of Governance has authority to register, regulate, and oversee the finances of NGOs and all religious groups except the Catholic Church, due to its special legal recognition under the constitution. Foreign religious groups must obtain special residence visas for religious activities, including proselytizing, and may not proselytize while on visitor or tourist visas. Religious groups must be registered in order to be eligible for their members to receive this special residence visa for religious activities.

Public education, as funded by the government, is secular and there is no religious education component. The constitution grants the right to establish private schools, including schools run by religious groups, which operate without government support or funding. Parents choose whether their children receive religious education in private schools. Public schools may not deny admittance to any student based on religion. All private schools, religiously affiliated or not, must meet the same academic standards to obtain Ministry of Education approval.

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

Government Practices

Some clergy and faith-based NGO workers said police and other government agents continued to arbitrarily detain, question, or search young congregants and youth leaders because of their ministry work with active and former gang members. According to these observers, there was no indication the government actions were motivated by discrimination based on religious beliefs, but rather, because of the close interaction of some religious groups with gangs. Some religious leaders stated they continued to avoid violence-prevention programs and rehabilitation efforts, fearing prosecution or being perceived as sympathetic to gangs, even though courts had ruled that rehabilitation efforts were not illegal under the constitution. A religious worker operating a youth center in a neighborhood with heavy gang presence said she closed down a project working with gang members due to complications with the police. Although they said it was not an issue of religious discrimination, clergy again said police sometimes mistakenly detained young congregants and youth leaders from several Christian denominations as suspected gang members.

According to the Ministry of Governance, there were 122 requests for registration of religious groups during the year. Of these, the ministry approved 53, and 69 were pending at year's end. Government officials said the COVID-19 pandemic caused the decline in requests and approvals of registrations because several officials from the ministry teleworked and did not have access to all of the relevant documents. Furthermore, the ministry prioritized its focus on the pandemic. The Ministry of Governance reported that although the registration process was available electronically, many religious groups did not present the required documents in a timely manner. According to the ministry, delays in registration approvals occurred because religious groups were first required to obtain legal entity documentation and the paperwork they submitted to the ministry was incorrect or incomplete.

In some prisons, the government continued to encourage religious organizations to work with prisoners to persuade them to renounce gang life. The government also continued to consult with, and jointly implement rehabilitation and reinsertion programs with, faith-based organizations.

On February 24, former Nationalist Republican Alliance (ARENA) President Gustavo Lopez described President Bukele as a Muslim, tweeting, “Why does the President attack his adversaries? As a Muslim (I respect freedom of religion!) he believes himself to be the sultan or emperor of his clan (his followers) he will protect them even if they are inept; the rest of us are infidels (not pure). He attacks, lies, and wants to burn us alive!! Watch out.” The tweet was a reference to a rumor Bukele’s political opposition circulated during the 2019 presidential election campaign, reportedly in an effort to damage his credibility, by claiming Bukele had lied when he said he adhered to no specific religious affiliation.

On May 22, ARENA legislator Ricardo Velasquez Parker also linked President Bukele to the rumor of his being Muslim, tweeting, “Christians in El Salvador are the majority and we have been exhorted by preachers to have a personal relationship with Jesus our Lord, praying at all times. We are not Muslims, nor will we celebrate #RAMADAN tomorrow, Saturday, May 23, even if Nayib Bukele decrees it.” President Bukele had decreed May 24 as a National Day of Prayer, asking for voluntary prayers “for God to heal our land and allow us to defeat the pandemic that is hitting the entire world.”

Alvaro Rafael Saravia Merino, a former military captain with an outstanding arrest warrant for the killing Salvadoran Archbishop Oscar Romero in 1980 as he celebrated Mass, remained a fugitive. On March 4, the Fourth Investigative Court in El Salvador heard the testimony of Spanish lawyer Almudena Bernabeu, who had previously testified in 2004 against Saravia Merino in a civil judgment in Fresno, California. Bernabeu said witness testimony from the 2004 trial established that Saravia Merino and three others participated in a meeting to plan the killing of Archbishop Romero. At year’s end, the case remained pending.

On September 11, Spain’s highest criminal court, Audiencia Nacional, sentenced former Salvadoran army colonel Inocente Orlando Montano to 133 years and four months in prison (26 years, eight months, and one day for each killing) for planning and ordering the November 1989 killings of five Spanish Jesuits at the Central American University in San Salvador. Because the five Jesuits were Spanish citizens, two human rights organizations filed a case in a Spanish court in

2008 against former President Cristiani and 20 military members. The Spanish court said the killings “were contrived, planned, agreed to, and ordered by members of the high command of the Armed Forces, a body to which Montano belonged as Deputy Minister of Public Security.” The Audencia Nacional did not include former President Cristiani in this trial because the government of El Salvador refused to extradite him to Spain. The case against Cristiani and six senior military commanders for their alleged roles in the Jesuit killings remained pending in the Supreme Court at year’s end.

On October 29, *La Prensa Grafica* reported the Criminal Chamber of the Supreme Court dismissed the case against former generals Juan Orlando Zepeda and Francisco Helena Fuentes, accused of being the intellectual authors of the 1989 killings and denied the possibility of a new trial. According to press reports, this ruling favored former President Cristiani in the pending case for his alleged role in the killings.

According to the Attorney General’s Office, authorities did not prosecute anyone under the penal code for publicly offending or insulting the religious beliefs of others, compared with one prosecution in 2018, which remained under investigation. On October 9, the Office of the Ombudsman for Human Rights again reported it did not receive notice of any cases of alleged violations of religious freedom.

Section III. Status of Societal Respect for Religious Freedom

In August, Catholic priest Ricardo Antonio Cortez was shot and killed while driving on a road in the southeastern part of the country. While the reason behind the killing was unknown, there was no indication it was a robbery, and press reported that priests believed his killing could have been an effort to intimidate the Catholic Church.

On February 7, *La Prensa Grafica* reported the First Sentencing Court of Sonsonate sentenced Abraham Mestizo, a former sacristan accused of killing Catholic priest Cecilio Perez Cruz, to 25 years in prison for aggravated homicide. In May 2019, Perez Cruz was found dead inside the parish house in San Jose de la Majada, in Juayan Municipality, Sonsonate Department. Although a letter found near the priest’s body suggested that MS-13 had killed the priest for not paying extortion fees, the court ruled out any gang involvement, stating Mestizo had written the letter to mislead authorities.

At a March 29 press conference marking the two-year anniversary of the 2018 detention and killing of Father Walter Vasquez Jimenez while he was en route to Mass, Archbishop of San Salvador Jose Luis Escobar Alas called for clarity and justice on the case from the Attorney General's Office and the National Civilian Police (PNC). On August 8, the international news agency EFE reported authorities had not detained any suspects.

On September 9, unknown assailants killed three men who were praying near the Cristo Te Llama (Christ Calls You) Church, an evangelical Protestant church in San Martin, San Salvador Department. According to the newspaper *El Diario de Hoy*, two of the victims were allegedly former 18th Street gang members. The church's congregation included many retired gang members, and the parishioners said the victims frequently attended the church.

Catholic, evangelical Protestant, and leaders of other Christian denominations continued to state clergy sometimes could not reach their respective congregations in MS-13 and Barrio 18 (also known as 18th Street) gang-controlled territory throughout the country due to fear of crime and violence. According to media reports, NGOs, and law enforcement representatives, individuals not associated with religious groups also faced the same fears and limitations while transiting gang-controlled areas. Across the country, gang members continued to control access in and around communities, and there were reports they displaced church leaders and charity groups with religious affiliations. Pastors reported that congregants, as was the case with the general population, sometimes could not attend religious services if they had to cross ever-shifting gang boundaries. Pastors said both MS-13 and Barrio 18 continued to stop strangers, examine their national identification cards, verify the address, and deny access to anyone they considered to be an outsider.

According to law enforcement representatives, gang members continued to extort organizations with known funding streams, including religious groups, demanding payments in exchange for allowing them to operate in some territories. Reports of criminals targeting churches, stealing religious relics and other valuable cultural items, and violently assaulting parishioners continued.

On January 18, *La Prensa Grafica* reported two women entered the Nuestra Senora de Dolores Church in the city of Izalco, Sonsonate Department, sedated a sacristan, and stole an image of the baby Jesus from the main altar. According to church leaders, the 106-year-old image was of cultural value, and it was the third robbery in less than a month. Authorities opened an investigation into the incident.

According to *La Prensa Grafica*, the PNC dismantled a methamphetamine laboratory operated by MS-13 gang members in Mejicanos, San Salvador Department. The gang members manufactured the drugs in homes disguised as churches in efforts to mislead the PNC.

Media reported, and religious leaders also stated, former gang members who joined evangelical Protestant churches gained both gang respect and endorsement, because religious devotion was a way out of gang membership from which there was otherwise no exit. According to law enforcement representatives, gang membership was previously understood to be a lifelong commitment; however, through religious devotion and the structure, acceptance, and support of a church, some gang leaders appeared to have respected the decision of some members to leave the gang. In these cases, gang leaders reportedly monitored the former gang members to ensure they were routinely attending church services. Law enforcement representatives reported some gangs began forcing these former gang members to return to the criminal structure despite their religious practice, but this change was likely localized and determined by each gang clique in control of specific territories. According to law enforcement representatives, the gangs used death threats to these former gang members or threats to their family to force their return to the gang.

In June, according to a press statement, the Conference of Catholic Bishops of El Salvador condemned social media attacks, primarily from supporters of the President, on Cardinal Gregorio Chavez for his calling for greater dialogue among government representatives and transparency in the management of funds used to respond to the COVID-19 pandemic. According to media, Cardinal Chavez called for dialogue because disagreement between the President and the General Assembly had led to the expiration of COVID-19 restrictions while confirmed cases were rising in the country. Social media postings called Cardinal Chavez a traitor and corrupt for having criticized the President and for purportedly having taken the side of the private sector against the government and the people. In their statement, the bishops said they considered the social media attacks on Cardinal Chavez to be attacks on the Church as well.

According to the Pew Research Center's 11th annual study of restrictions on religion, issued in November but covering 2018, El Salvador had the largest increase in social hostilities among countries in the Americas. The social hostilities index measured acts of religious hostility by private individuals and societal organizations or groups.

Section IV. U.S. Government Policy and Engagement

On October 9, embassy officials discussed with the ombudsman for human rights the importance of government officials carrying out their duties to protect the rights of all individuals, including religious freedom, regardless of the officials' personal religious affiliation or beliefs. On October 27, the Ambassador tweeted, "Religious freedom is a fundamental freedom and a human right," and in support of International Religious Freedom Day, he called for an end to religious persecution.

During the year, embassy officials met with religious leaders from the evangelical Protestant, Anglican Episcopalian, and Catholic Churches, as well as the Baha'i Faith, to discuss religious freedom issues and the difficulties religious groups experienced in attempting to reach followers in gang-controlled territories. Embassy officials stressed the importance of filing complaints with law enforcement agencies and the ombudsman for human rights.