

GUATEMALA 2020 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 Roman Catholic Church. Non-Catholic religious groups must register with the Ministry of Government to enter into contracts or receive tax-exempt status. Following the killing of indigenous spiritual leader Domingo Choc, President Alejandro Giammattei condemned the killing and met with members of Choc's spiritual council to hear their grievances. The Committee on the Designation of Sacred Sites (COLUSAG), which registers sites as sacred places for Mayan spirituality, said its mission was hindered during the year after President Giammattei announced the closure in April of the Secretariat of Peace (SEPAZ), which had provided COLUSAG with a meeting place and an organizational structure in the government. After the announcement of SEPAZ's closure, COLUSAG moved temporarily to the Presidential Secretariat for Planning and Public Policy Coordination. In August, civil society groups and political parties challenged the constitutionality of closing SEPAZ. On December 29, Mayan leaders from COLUSAG protested SEPAZ's closure and called upon the legislature to legally protect sacred indigenous sites. At year's end, the Constitutional Court did not issue a decision on SEPAZ's future and the government did not clarify COLUSAG's status. In November, lawmakers proposed a budget that would cut funding for the national human rights office and other social programs. The proposal triggered widespread demonstrations, including protesters setting fire to Congress. The country's Catholic bishops were among several civil society groups that urged President Giammattei to veto the budget bill and called for calm. Lawmakers withdrew the proposed budget after the protests. Non-Catholic groups stated some municipal authorities continued to discriminate against them in processing building permit approvals and in local tax collection.

On June 6, villagers in San Luis, Peten Department, beat and burned to death Mayan spiritual leader and herbalist Domingo Choc after accusing him of using witchcraft to kill a man a few days earlier. Videos of Choc's killing circulated on social media, and public outrage grew quickly. On June 9, National Civil Police (PNC) arrested several villagers for the killing; they awaited trial at year's end. Mayan spiritual leaders reported an increase in violent acts and societal prejudice against their community following the killing. Some Catholic clergy continued to report threats and harassment against them because of their association with

environmental protection and human rights work. According to reports from the Archbishop's Office of Human Rights, at least five priests received serious threats during the year.

The U.S. embassy regularly engaged with government officials, civil society organizations, and religious groups to discuss issues of religious freedom, including threats against Catholic clergy and the reported lack of access to Mayan spiritual sites. Embassy officials emphasized the value of tolerance and respect for religious diversity, including for religious minorities, in meetings with various civil society and religious groups. Embassy officials also emphasized the need to denounce and prevent violence against Mayan spiritual practitioners.

Section I. Religious Demography

The U.S. government estimates the total population at 17.2 million (midyear 2020 estimate). According to a 2016 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 together constituting approximately 2 percent of the population include Buddhists, Hindus, Muslims, Jews, and adherents of the Mayan, Xinca, and Afro-Indigenous Garifuna religions.

Non-Catholic Christian groups include Full Gospel Church, Assemblies of God, Central American Church, Prince of Peace Church, independent evangelical Protestant groups, Baptists, The Church of Jesus Christ of Latter-day Saints, 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, mainly in the eastern city of Livingston and in the southern region of the country.

According to Buddhist community representatives, there are between 8,000 and 11,000 Buddhists, composed principally of individuals from the Chinese immigrant community. Muslim leaders stated there are approximately 2,000 Muslims of mostly Palestinian origin, who reside primarily in Guatemala City, where there are three mosques. According to local Ahmadi Muslims, there is a

small Ahmadi community of approximately 70 members. According to Jewish community leadership, approximately 1,000 Jews live in the country.

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 through a concordat with the Holy See.

The constitution does not require religious groups to register for the purpose of worship, but non-Catholic religious groups must register for legal status to conduct activities such as renting or purchasing property and 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 with the Ministry of Government (similar to a Ministry of Interior) 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. The ministry may reject a registration application if the ministry believes the group does not appear to be devoted to a religious objective, appears intent on undertaking illegal activities, or engages in activities that could threaten public order. All religious groups must obtain the permission of the respective municipal authorities for construction and repair of properties and for holding public events, consistent with requirements for nonreligious endeavors.

The constitution protects the rights of indigenous groups to practice their traditions and forms of cultural expression, including religious rites. The law permits Mayan spiritual groups to conduct religious ceremonies at Mayan historical sites on government-owned property free of charge, with written permission from the Ministry of Culture.

The criminal code penalizes with one-month to one-year sentences the interruption of religious celebrations, “offending” a religion, which the law leaves vague, and the desecration of burial sites or human remains; however, charges are seldom filed under these laws. The constitution provides for freedom of expression and freedom of religion, emphasizing, “Every person has right to practice their religion or belief in public within the limits of public order and the respect due to the beliefs of other creeds.”

According to the constitution, no member of the clergy of any religion may serve as President, Vice President, government minister, or judge.

The law guarantees at least one “religious space, according to [the prison’s] capacity” in each prison. Chaplain services are limited to Catholic chaplains and nondenominational (usually evangelical) Christian chaplains. Prisoners of minority religious groups do not have guaranteed access to spiritual counselors from their faith.

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 in the curriculum. Private religious schools are permitted and are found in all areas of the country. Religious instruction is allowed, but attendance is optional, in private religious schools.

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 for up to two years; the residential permit is renewable.

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

Government Practices

Following the June killing of indigenous spiritual leader Domingo Choc, President Giammattei met with members of Choc’s spiritual council to hear their grievances. On June 19, Giammattei convened representatives of the Catholic Church and evangelical Protestant churches so that they could collectively speak out against discrimination of indigenous religious practices. Giammattei released a video with local leaders in Peten, asking for greater interfaith understanding and an end to violence based on religion. The government’s human rights ombudsman (PDH) issued a series of condemnations of the crime. President Giammattei stated on Twitter his solidarity and condolences to the family of Choc and his determination to bring those responsible to justice.

COLUSAG, which registers sites as sacred places for Mayan spirituality, said its mission was hindered during the year after President Giammattei announced the closure of SEPAZ in April, which had provided COLUSAG a meeting place and

an organizational structure in the government. The President said SEPАЗ, created shortly after the end of the civil conflict in 1996, had been maintained illegally by previous administrations. After the announcement of SEPАЗ's closure, COLUSAG moved temporarily to the Presidential Secretariat for Planning and Public Policy Coordination. On August 7, civil society groups and the political parties WINAQ (meaning human in Mayan culture) and Guatemalan National Revolutionary Unity challenged the constitutionality of SEPАЗ's closure. On December 29, a small group of Mayan leaders from COLUSAG protested outside the National Palace in Guatemala City during the official commemoration of the 24th anniversary of the signing of the Guatemalan Peace Accords, which ended a 36-year civil conflict in 1996. Demonstrators protested the President's closure of SEPАЗ and other government institutions and called upon the legislature to legally protect sacred indigenous sites. At year's end, the Constitutional Court had not issued a decision on the future of SEPАЗ and the government had not clarified COLUSAG's status.

In November, lawmakers proposed a budget that would cut funding for the national human rights office and other social programs. The proposal triggered widespread demonstrations, including one in which protesters set fire to Congress. The country's Catholic bishops were among several civil society groups that urged President Giammattei to veto the budget bill and called for calm. Lawmakers withdrew the proposed budget after protests erupted throughout the country, and the proposed reductions were not enacted.

Mayan spiritual leaders affiliated with COLUSAG worked on a voluntary basis and were not paid by the government. They said the Ministry of Culture had a unit for sacred spaces tasked with mapping sites and producing informative material regarding Mayan spirituality; however, the Ministry of Culture had staffed the unit with only one individual. The Mayan spiritual representatives said their work of preserving sacred sites was more relevant than ever and needed more robust government support, including funding. COLUSAG leaders said they did not accept claims by some businesses and government bodies that Mayan spiritual leaders were seeking to retake ownership of ancestral spiritual properties. COLUSAG said its objectives were to negotiate a time for practitioners of Mayan spirituality to practice their religion on ancestral spiritual sites.

Some Mayan leaders said the government continued to limit their access to a number of religious sites on government-owned property and to require them to pay to access the sites. The government continued to state there were no limitations on access; however, anyone seeking access to the sites located in

national parks or other protected areas had to pay processing or entrance fees. In Tikal, a complex of Mayan pyramids dating from 200 A.D., and one of the most sacred sites for Mayan spirituality, the access fee was approximately 20 to 30 quetzals (\$3 to \$4), which, according to members of COLUSAG, was prohibitive for many indigenous populations. The Mayan community of Chicoyoguito continued to petition for access to its sacred sites and the return of land, including its sacred ceremonial center and a spiritual site on a former military base.

Through its La Ruta: Meeting Between Peoples program, the government had increased engagement with 25 indigenous communities in the Western Highlands with high levels of outward migration. In September, President Giammattei relaunched the program, which sought to address development challenges in indigenous communities by increasing government services, dialogue, and understanding among indigenous leaders, the government, and the private sector. The La Ruta platform allowed indigenous leaders to raise concerns regarding future private sector investment on sacred sites in the Western Highlands with central government decision makers. Due to COVID-19 restrictions, some in-person La Ruta activities were delayed during the year, but there were several local meetings in indigenous communities, as well as high-level engagement in the capital.

Non-Catholic groups said some municipal authorities continued to discriminate against them in processing building permit approvals and in local tax collection. In November, representatives of a major non-Catholic church said authorities of some municipalities levied taxes on church properties, despite being legally exempt from taxation under the constitution and in accordance with a Supreme Court ruling. According to church representatives, in some cases, municipal authorities refused to issue building permits for construction or remodeling unless the taxes were first paid. Church representatives said they believed this inconsistent application of tax law likely stemmed from financial interests rather than discrimination based on religion.

Missionaries continued to report complicated government procedures required to apply for temporary residence. At the start of the COVID-19 pandemic, many foreign missionaries voluntarily exited the country. Although missionaries were legally allowed to stay in the country while their residency applications were being processed, some with pending applications faced fines for overstaying their tourist visas when they departed.

Section III. Status of Societal Respect for Religious Freedom

On June 6, villagers in San Luis, Peten Department, beat and burned to death Mayan spiritual leader and herbalist Domingo Choc after accusing him of using witchcraft to kill a man a few days before. Videos of the killing circulated on social media and public outrage grew quickly, with government and nongovernmental organizations (NGOs) condemning the act. Commentators said a video of the incident appeared to show many villagers participating in Choc's killing. On June 9, the PNC arrested several villagers, who awaited trial in Guatemala City at year's end. According to media, following the killing, Choc's family was forced to relocate to the nearby town of Poptun because of threats from local villagers.

According to Monica Berger, an anthropologist at Universidad del Valle, Choc was an *Ajilonel*, an indigenous spiritual guide and expert on medicinal plants. He was also a member of the Association of the Council of Spiritual Guides *Releb'aal Saq'e'* and collaborated extensively with University College London, Zurich University, and Universidad del Valle to document traditional Mayan medicinal practices. Despite Choc's international and national academic partnerships, local media and NGOs reported some San Luis residents routinely harassed him for his Mayan spiritual practices.

A coalition of four indigenous groups condemned the attack and demanded swift government action to bring the perpetrators to justice. Student groups and international organizations also condemned the killing on social media. Business organizations such as Ag Export issued statements expressing outrage. In its statement, Ag Export said Choc's death left a great void in the country's cultural wisdom, understanding of spirituality, and ancestral science. In a social media post referring to the killing, Berger wrote, "We demand justice and clarity about his murder. Even more importantly, we need to shine a light on this type of persecution against practitioners of Traditional Medicine and Mayan Spirituality in Guatemala. We need to raise awareness and educate ourselves as a society, so that we better understand other Guatemalans and stop fearing and persecuting each other. We must understand, recognize, and respect our own diversity."

According to media, Peten Department's mostly indigenous and overwhelmingly Christian population, reportedly split evenly between Catholics and evangelical Protestants, was not tolerant of Mayan spiritual traditions. Berger told media that the persecution of Mayan spiritual leaders was a troubling and underreported phenomenon, and she said most of the country's inhabitants did not have a basic understanding of indigenous Mayan beliefs and ancestral traditions.

Some commentators said that while the Catholic Church played an active and important role in citizens' lives and that half of San Luis was Catholic, Catholic Church leadership in the country was silent or cast doubt on the circumstances surrounding Choc's killing. Some sources said San Luis Parish priest Aubert Gamende told Choc's family to ask for forgiveness for bringing negative attention on the parish. The Catholic Bishop of Peten, Mario Fiandri, publicly denied that the killing reflected religious discrimination, and instead called it a feud between two families.

Mayan spiritual leaders reported an increase in violent acts and societal prejudice against their community following the killing. Joaquin Caal Che, a Mayan traditional healer also from San Luis, told media in June that local residents had threatened him and he feared for his life. Caal Che also relocated to Poptun with his family to escape further threats. Other instances of community violence against Mayan spiritual practitioners occurred during the year. On January 23, two individuals, one of whom was later identified and captured by police, shot Mayan traditional healer Jose Andres Lopez in the town of San Juan Atitan, Huehuetenango Department. According to the PNC, the two assailants may have shot Lopez because of curses the healer had placed on villagers. On June 12, PDH reported that villagers in Gancho Caoba, Alta Verapaz Department, accused traditional healer Jesus Caal of witchcraft and found him guilty in a community assembly, during which villagers threatened to burn Caal's entire family. Villagers detained Caal and his family in their house overnight while the community assembly deliberated on his punishment for alleged witchcraft. PDH intervened, prompting PNC teams to deploy to the Caal residence to guarantee the family's safety. On June 27, PDH reported four Mayan priests were attacked by residents of Aldea las Pozas, Peten Department, during a Mayan spiritual ceremony. The PNC intervened to negotiate their release from local residents and transported them to safety.

Some Catholic clergy continued to report threats and harassment against them because of their association with environmental protection and human rights work. According to reports from the Archbishop's Office of Human Rights, at least five priests received serious threats during the year.

According to Mayan spiritual groups, some private landowners continued to deny Mayans access to locations on their property considered sacred, including caves, lagoons, mountains, and forests.

Religions for Peace (RFP), whose members comprise representatives from the Catholic Church, evangelical Protestant churches, Muslim and Jewish faiths, and Mayan spirituality groups, continued to actively seek to resolve misunderstandings among religious groups and to promote a culture of respect. In June, RFP issued statements condemning the violence against Domingo Choc and other Mayan spiritual leaders. Some political organizations, including the Municipal Indigenous Council in Solola, rotated leadership between Catholic and Protestant representatives. Sentinels for the Dignification of the State, an interfaith group with members from the Tibetan Buddhist, Protestant, and secular communities, continued to promote progressive social activism and change, including working with Mayan spiritual leaders.

Section IV. U.S. Government Policy and Engagement

Embassy officials regularly met with the human rights ombudsman, officials from the Ministry of Foreign Affairs and the Presidential Commission Against Discrimination and Racism, and members of Congress to discuss religious freedom issues, including threats against Catholic clergy and access for Mayans to their spiritual sites. The embassy continued to promote increased engagement between the government and indigenous communities, especially through its support for increased dialogue and government investment in indigenous communities through the La Ruta program.

The Ambassador released a statement condemning the June 6 killing of Domingo Choc, noting it was a tragic reminder of the pervasive violence that continued to impact indigenous peoples across the country. The Ambassador reiterated President Giammattei's call to bring those responsible to justice. Embassy officials continued to engage government officials as well as Catholic Church officials and other religious leaders on the need to denounce violence against Mayan spiritual practitioners and members of all faiths.

Embassy officials met with leaders of major religious groups and representatives of faith-based NGOs to discuss the importance of tolerance and respect for religious minorities. They continued outreach to religious leaders and entities, including the offices of Catholic Archbishop Gonzalo de Valle in Guatemala City and of Cardinal Alvaro Ramazzini's in Huehuetenango, as well as other Catholic organizations. Embassy officials also worked with the Evangelical Alliance, the largest organization of Protestant churches, representing more than 30,000 individual churches; the Jewish, Muslim, and Buddhist communities; and representatives from the Commission for the Designation of Sacred Places for the

Maya, Xinca, and Garifuna communities, to strengthen understanding of religious freedom issues and to promote religious tolerance.