

GUATEMALA 2021 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 Interior to enter into contracts or receive tax-exempt status, after following a process involving several steps that could take up to two years and cost approximately 10,000 quetzals (\$1,300). On June 24, the San Benito, Peten Sentencing Court sentenced indigenous spiritual leader Domingo Choc's three attackers, Edin Arnaldo Pop Caal, Romelia Caal Chub, and Candelaria Magaly Pop Caal to 20 years in prison for killing Choc in 2020, but his family members said they were disappointed by the court's decision not to recognize the killing as motivated by anti-Mayan spiritual hate. According to sources close to the family, the family continued to fear for its safety and remained in exile in the neighboring town of Poptun. On June 9, National Civil Police arrested 21 Chicoyoguito community members who were peacefully protesting on land in Alta Verapaz that includes its sacred ceremonial center and a spiritual site. On June 18, the First Court of Coban, Alta Verapaz, ordered the Public Ministry to investigate 18 protesters for aggravated criminal trespassing, with the remaining three investigated for attempted trespassing. According to multiple sources within religious groups, during the year, the government applied more restrictive measures on churches and temples than on other public venues, including restaurants and bars. Representatives of Protestant and Catholic groups said the government's COVID-19 pandemic restrictions limited the free exercise of religion, even if that had not been the government's intent. In May, three of the four Mayan spiritual associations aligned with the Committee on the Designation of Sacred Sites (COLUSAG) withdrew from the organization. According to the Ombudsman for human rights, Congress did not release full funding for the Human Rights Ombudsman's Office (PDH), which is charged with protecting religious freedom, until November 24, limiting the PDH's ability to fulfill its mandate. Non-Catholic groups stated some municipal authorities in rural areas continued to discriminate against them in processing building permit approvals and in local tax collection.

According to press reports, on January 4, unknown assailants physically abused and killed Mayan spiritual guide Jesus Choc Yat in Quiche; at year's end, police had not arrested anyone for his killing. According to an anthropologist, evangelical Protestant missionaries in Chichicastenango distributed fliers asking

for donations to build new churches to fight against “satanic” practices, referring to Mayan spiritual practices. A Catholic parish priest in Izabal reported that this practice was widespread; he mentioned similar efforts by small unorganized evangelical Protestant churches denouncing Mayan spiritual practices in their local publications and announcements online. Some Catholic clergy reported they continued to receive anonymous threats, mostly on social media, because of their association with environmental protection and human rights work.

The U.S. Ambassador and other embassy officials 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. During the year, the Ambassador met multiple times with religious leaders, including Catholic Archbishop Gonzalo de Villa and Cardinal Alvaro Ramazzini, to reiterate the U.S. government’s dedication to freedom of religion and discuss cooperation in supporting broader human rights in the country. 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 17.4 million (midyear 2021). 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, adherents of Mayan and Xinka spiritual practices, and followers of Afro-Indigenous Garifuna cosmovision.

Non-Catholic Christian groups include the 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 (Church of Jesus Christ), 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. In the Western Highlands, this syncretism is also prevalent, although there are Mayans whose belief systems are mainly based on Mayan spirituality.

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 state there are approximately 2,000 Muslims of mostly Palestinian origin, who reside primarily in Guatemala City. According to local Ahmadi Muslims, there is a small Ahmadiyya Muslim 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 expression and freedom of religion, stating, “Every person has the 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.” 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 groups seeking to obtain tax-exempt status or enter into contracts must register. The Catholic Church receives these benefits without the requirement to register. To register, a religious group must file with the Ministry of Interior a copy of its bylaws, evidence that it is a newly established legal entity that intends to pursue religious objectives, and a list of its initial membership with at least 25 members. The ministry may reject a registration application if it 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. Most applications are approved after a lengthy process. 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 spiritual practices. The law permits Mayan spiritual groups to conduct 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.

According to the constitution, no member of the clergy of any religion may serve as President, Vice President, government minister, tax superintendent or part of the Tax Authority Directory, judge, or magistrate.

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) Protestant 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 to enter the country; the visas are renewable every 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

On June 24, the San Benito, Peten Sentencing Court sentenced Domingo Choc’s three attackers, Edin Arnoldo Pop Caal, Romelia Caal Chub, and Candelaria Magaly Pop Caal, to 20 years in prison for killing Choc in 2020, but according to a family associate, his family was disappointed by the court’s decision not to recognize the killing as motivated by anti-Mayan spiritual hate but rather as a homicide without premeditation. Mayan spiritual leaders said they widely believed

the killing was motivated by anti-Mayan sentiment, but they said the court's decision to try the case as homicide and not murder reflected the view of some, including the Evangelical Alliance and the Catholic Church, that the killing was a result of personal issues between families. According to a statement from the Catholic church in Peten published in 2020 shortly after the killing, while expressing shock and horror at the killing of Domingo Choc, church officials said the killing was a result of a disagreement between two families and not a rejection of Mayan spiritual culture. Family members said they continued to fear for their safety and remained in exile in the nearby town of Poptun. The lawyer for Choc's family, Juan Castro, said the case had both cultural and religious dimensions, but according to Castro, the judge had treated the case according to law as a simple murder (intentional homicide with a maximum sentence of 20 years) and not as an assassination (homicide of a targeted person based on religion, ethnicity, race, or political affiliation with premeditation, with a maximum sentence of 50 years). Castro also said the judge did not consider as an aggravating circumstance that the killing was motivated by an accusation of witchcraft against Domingo, who was a Mayan scholar and researcher of ancient medicinal plants. In addition, the judge did not impose economic compensation for Domingo's family, only a 13,600 quetzal (\$1,800) fine for funeral expenses. In November, Castro challenged the ruling, and the court scheduled his appeal to be heard in February 2022.

During the year, the government applied more restrictive measures on churches and temples than other public venues, including restaurants and bars. Representatives of Protestant and Catholic groups said the government's COVID-19 pandemic restrictions limited the free exercise of religion, even if that had not been the government's intent. The government applied a traffic light color-coded system depending on the number of active COVID-19 cases to determine the severity of restrictions. For example, under mild restrictions (Yellow Alert), religious services were limited to 30 minutes, with a mandatory one-hour break in between services and a minimum area requirement of 27 square feet per person. Open-air dining restaurants, for example, were allowed a minimum of 16 square feet per person and could open continuously within curfew hours. As a result of the restrictions, many religious groups used social media platforms to continue live religious services.

According to evangelical Protestant groups, non-Catholic religious groups must follow a vaguely defined registration process involving several steps that may take up to two years and cost approximately 10,000 quetzals (\$1,300) to register with the Ministry of Interior to enter into contracts or receive tax-exempt status.

In May, three of the four Mayan spiritual groups associated with COLUSAG withdrew, leaving only one organization, the Consultants and Organizations of Ajq'ijab', in the umbrella organization. According to a former coordinator of COLUSAG, the departures of these groups continued a trend of decreasing relevancy for the committee. The passage of a law on sacred sites, which COLUSAG submitted to Congress in 2009, remained pending. According to a Mayan spiritual leader involved in drafting the bill, if passed, the resulting law would provide legally protected status for Mayan spiritual sites, making it a crime to damage them or remove spiritual objects from them. The law would also establish a national council with legal authority to name holy sites and credential Mayan spiritual practitioners for the purposes of granting them access to protected sites.

According to the Ombudsman, the Congressional Commission on Human Rights approved PDH's full annual funding of 120 million quetzals (\$15.58 million) on November 24. The Ombudsman said the 11-month delay hampered the PDH's official functions of enforcing and monitoring the free expression of religion throughout the country. According to the Ombudsman, the PDH's delayed funding impeded its operations due to mounting debt and lack of funding to purchase fuel and supplies for its work throughout the country.

Some Mayan leaders said the government continued to limit their access to several religious sites on government-owned property and to require them to pay to access the sites, even though the Ministry of Culture offered free access to credentialed Mayan spiritual practitioners. Those same leaders said these credentials were not given in a timely manner to all practitioners who wished 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 in Alta Verapaz, located in the north-central part of the country, including its sacred ceremonial center and a spiritual site on a former military base from which the government removed them in 1978. On June 9, National Civil Police arrested 21 Chicoyoguito community members who were peacefully protesting on the land. On June 18, the First Court of Coban, Alta Verapaz, ordered the Public Ministry to investigate 18 protesters for aggravated

criminal trespassing because the protesters refused to leave after police ordered them to do so; the remaining three were investigated for attempted trespassing.

During the year, the La Ruta initiative engaged approximately 12 spiritual leaders, providing them the opportunity to raise concerns with central government leaders regarding future private sector investment on sacred sites in the Western Highlands. The spiritual leaders expressed their dissatisfaction concerning continued lack of access to some Maya spiritual sites, especially those considered private property.

According to the Guatemalan Interreligious Dialogue, an interfaith group with representatives of the Catholic Church, evangelical Protestant Churches, the Church of Jesus Christ, Mayan spiritual groups, and Muslim, Buddhist, and Jewish groups, some municipal authorities in rural areas continued to discriminate against non-Catholic groups in processing building permit approvals and in local tax collection.

Missionaries, including some affiliated with the Church of Jesus Christ, continued to report that complicated government procedures required to apply for temporary residence were made even more cumbersome by COVID-19 social distancing measures, especially in-person requirements such as presenting photographs and signing documents. According to Church of Jesus Christ representatives, at the start of the COVID-19 pandemic, many foreign missionaries voluntarily exited the country. Due to the continued prevalence of COVID-19, many missionaries did not return during the year.

On June 2, more than 83 members of Congress presented a bill partially drafted and sponsored by the Association of the Importance of Family and the Council of Catholic Bishops, among other religious groups, entitled “The Initiative on the Law of Freedom of Religion and Consciousness,” to the Congressional Commission on Governance. If passed, it would create a department in the Ministry of Interior to register new religious organizations, establish tax-exempt status for all religious organizations, and no longer require religious organizations to provide information on their finances, including an article that would allow churches to keep private the sources of their donations. Although leaders of the Catholic Church, evangelical Protestant groups, and interfaith organizations helped draft the bill, some religious groups, including the Council of Catholic Bishops, objected to an article allowing churches to potentially hide the sources of their funding. This article was added after the bill’s first draft before it was submitted to the congressional committee. According to civil society groups that helped draft

the original bill, anticorruption groups also widely criticized the article as a method to enable and protect money laundering. At year's end, the bill remained pending in committee.

Section III. Status of Societal Respect for Religious Freedom

According to reports from nongovernmental organizations, on January 4, unidentified assailants brutally killed Mayan spiritual guide Jesus Choc Yat in Quiche, located northwest of Guatemala City – shackling him to a pickup truck for hours and then dousing him with gasoline and setting him ablaze. Choc Yat had arrived in Quiche to perform Mayan rituals in the community. Sources close to Mayan spiritual leaders reported that community leaders in Quiche and Choc Yat's family were afraid to denounce the killing and make it more public because sentiments against Mayan spiritual practice were prevalent in the area. Reportedly, some of the killers may have been associated with a local evangelical Protestant group. The same sources stated the killing and lack of arrests or prosecution demonstrated that the 2020 case of Domingo Choc had not raised more awareness, tolerance, or protection of Mayan spiritual practitioners.

Mayan spiritual leaders reported continued societal discrimination. According to an anthropologist, evangelical Protestant missionaries in Chichicastenango, located northwest of Guatemala City, distributed fliers asking for donations to build new churches to fight against “satanic” practices, referring to Mayan spiritual practices. A Catholic parish priest in Izabal reported that this kind of practice was widespread; he mentioned similar efforts by small unorganized evangelical Protestant churches denouncing Mayan spiritual practices in their local publications and announcements online.

Some Catholic clergy continued to report receiving electronic threats and harassment targeting them because of their association with environmental protection and human rights work. For example, the director of the Office of Human Rights of the Catholic Church reported that during the year, his office received anonymous social media threats. Some Catholic clergy reported they continued to receive anonymous threats, mostly on social media, because of the Church's support of transitional justice cases stemming from civil war-era military abuses of indigenous populations.

According to law enforcement professionals working in the penal system, gang members often converted to evangelical Protestant religious groups in prison as an alternative to gangs and as an option to safely leave gangs; unless a gang leader

converted before leaving a gang, the gang would likely kill him or her. Community evangelical leaders who visited prisons to provide aid or incarcerated religious community leaders who guided spiritual practices in prison conducted the conversions.

According to Mayan spiritual groups, some landowners continued to deny them access to locations on their private property that Mayans considered sacred to them, including caves, lagoons, mountains, and forests. According to one Mayan source, there was no recourse available through the government for Mayans to obtain access to these private lands.

According to Religions for Peace, whose membership comprises representatives from the Catholic Church, the Evangelical Alliance, individual evangelical Protestant churches, the Muslim and Jewish faiths, and Mayan spirituality groups, it continued to seek to resolve misunderstandings among religious groups and to promote a culture of respect. Some political organizations, including the Municipal Indigenous Council in Solola, rotated leadership between Catholic and Protestant representatives. Guardians of the Dignity of the State, an interfaith group with members from the Tibetan Buddhist, Protestant, and secular communities, continued to promote social activism and change, including working with Mayan spiritual leaders.

According to representatives from the Catholic Church and the Church of Jesus Christ, evangelical Christianity was growing, and while there was no central leadership, the Evangelical Alliance comprised approximately 67 percent of the country's evangelical Protestant congregations. According to alliance leadership, the alliance was unable to meet more than one or two times during the year because of COVID-19 restrictions.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other embassy officials continued to engage regularly 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 support for increased dialogue and government investment in indigenous communities.

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.

The Ambassador and other embassy officials regularly met with leaders of major religious groups and representatives of faith-based organizations to discuss the importance of tolerance and respect for religious minorities. During the year, the Ambassador met multiple times with religious leaders, including Catholic Archbishop Gonzalo de Villa and Cardinal Alvaro Ramazzini, to reiterate the U.S. government's dedication to freedom of religion and discuss cooperation in supporting broader human rights in the country. In September, embassy officials met with the president of the Evangelical Alliance at the launch of a civil society job creation initiative and with representatives of Catholic organizations. Embassy officials also worked with the Evangelical Alliance and the Jewish, Muslim, and Buddhist communities to strengthen understanding of religious freedom issues and promote religious tolerance.