

EL SALVADOR 2022 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 apply for official recognition through registration.

According to the Ministry of Governance, there were 312 requests for registration of religious groups during the year, compared with 169 in 2021. The government's implementation of a State of Exception in March to address an increase in gang homicides curtailed several constitutional rights and led to the arrest of more than 60,400 citizens, including members of different religious groups. Evangelical Christian pastors working in gang-controlled areas said the State of Exception impacted their congregations and church programs, particularly those working with former gang members. In January, the Constitutional Chamber of the Supreme Court reopened the case against several former generals accused of planning the 1989 murders of six Jesuit priests and their housekeeper on the University of Central America campus in San Salvador. In March, a judge ordered the arrest of former President Alfredo Cristiani, who left the country in 2021, because of allegations that he had advance knowledge of the planned murders. Cristiani denied the allegations.

Prior to the introduction of the State of Exception, media outlets reported that gangs restricted access and activities in many neighborhoods and carried out violent attacks and crimes against individuals, regardless of membership in a religious group. Gang members also continued to extort organizations, including religious groups, demanding payments in exchange for allowing them to operate in some territories.

U.S. embassy officials discussed human rights, including religious freedom, with the Ombudsman for Human Rights and the Ministry of Justice and Public Security and agreed on the importance of religious tolerance. In meetings with civil society organizations, including those with religious affiliation, embassy officials discussed the country's tolerance and respect for religious diversity. During the year, embassy officials met with religious leaders from the Pentecostal, Baptist,

and Catholic Churches to discuss religious freedom and other human rights issues, particularly the State of Exception.

Section I. Religious Demography

The U.S. government estimates the total population at 6.6 million (midyear 2022). According to a February 2021 survey by the University of Central America's Institute of Public Opinion, 43.3 percent of the population identifies as Catholic, 33.9 percent as evangelical Christian, and 18.6 percent with no religious affiliation. Approximately 3 percent of the population identifies as "other," which includes Anglicans, members of Jehovah's Witnesses, members of The Church of Jesus Christ of Latter-day Saints, Muslims, Baha'is, Jews, Buddhists, and members of the International Society of Krishna Consciousness. Approximately 1.2 percent of the population identifies as agnostic or atheist. 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 500 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 by issuing special reports and accepting petitions from the public for alleged violations of the free exercise of religion.

A law protects the rights of followers of Indigenous beliefs to carry out their religious and sacred practices without discrimination.

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, or 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 lay persons.

The law restricts support of and interaction with gangs, including by clergy members, and defines gangs as terrorist organizations. Rehabilitation programs and ministry activities for gang members 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 the authority to register, regulate, and oversee the finances of nongovernmental organizations and all religious groups except the Catholic Church, due to the latter's special legal recognition under the constitution. Members of 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 to be eligible for their members to receive this special residence visa for religious activities.

The penal code imposes criminal sentences of six months to two years for individuals who publicly offend or insult the religious beliefs of others or damage or destroy religious objects. If these acts are carried out with the purpose of publicity, sentences may increase to one to three years in prison. The Indigenous Peoples Law provides Indigenous persons the right to practice their religious beliefs and carry out their customs without discrimination.

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

On March 27, the Legislative Assembly declared a State of Exception in response to a dramatic increase in homicides committed by gangs over the weekend of March 25-27. Under the measure, which curtailed several constitutional rights, law enforcement bodies had authority to arrest anyone suspected of belonging to a gang or providing support to gangs. It also expanded the use of pretrial detention and led to the arrest of more than 60,400 citizens, including members of different religious groups, although the number of religious figures was unknown. Evangelical Christian churches maintained significant interaction with gangs because many churches were in gang-controlled neighborhoods, and according to police and press reports, gang leadership allowed members to leave a gang if they made genuine conversions to evangelical Christianity.

Authorities did not restrict church services and religious gatherings under the State of Exception. At the start of the State of Exception, however, one pastor reported that in some neighborhoods church attendance initially fell among young men because they feared being arrested if they left their homes. The same pastor said that he moved church services to an earlier time in the evening so that members of his congregation would not have to be out after dark.

According to news outlets and other sources, residents of gang-controlled communities said that during the second half of the year, their freedom of movement had increased significantly under the State of Exception, in part because gangs no longer controlled access to public facilities. Prior to the State of

Exception, residents of gang-controlled neighborhoods said they could not travel into neighborhoods controlled by another gang, even to attend religious services.

In March, police arrested William Arias, a pastor who worked with former gang members to reintegrate them into society. Arias had been a member of MS-13 but had left the gang more than 10 years earlier. Arias remained in detention at years end.

In an August 12 interview with the French newspaper Le Monde, Vice President Félix Ulloa responded to criticism of arbitrary detentions under the State of Exception by stating that 80 percent of evangelical Christian pastors belonged to gangs. In response, the Evangelical Alliance of El Salvador issued a statement refuting Vice President Ulloa's statement, saying, "We consider the statements made by the Vice President when he says that 80 percent of pastors are part of these gang structures to be offensive." Following Ulloa's statement, Pastor Mario Vega of the Elim Pentecostal Church told an interviewer on a radio program there was religious persecution in the country, saying that the expression of his religion included promoting "truth, transparency, honesty and solidarity," and that for doing so, he had been discredited, insulted, and threatened. Referring to Ulloa's statement, Vega said he was not concerned about government-directed violence but worried the Vice President's statement could incite others to violence against evangelical Christian pastors.

According to a June article in America – The Jesuit Review, an evangelical Christian pastor who works with former gang members said the State of Exception would make his work more difficult. "I've been accused of being a pastor for gangsters, but I know I must stay true to my calling. Fewer people will want to sign up for this work after the government's actions," said the pastor.

The Ministry of Governance reported there were 312 requests for registration of religious groups during the year, compared with 169 in 2021. Of these, the ministry approved 153 requests and denied 19 because of incomplete documentation, and 194 remained under review as of year's end. In six cases, the applicants requested the suspension of their application. 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 that they submitted to the ministry was incorrect or incomplete.

On January 5, the Constitutional Chamber of the Supreme Court reopened the case against several former generals accused of planning the 1989 murders of six Jesuit priests and their housekeeper on the University of Central America campus in San Salvador. In February, the Attorney General's Office filed an injunction against the generals, and on March 11, the court held an initial hearing. A judge ordered the arrest of former President Cristiani in connection with the 1989 murders, although Cristiani had left the country in June 2021. Prosecutors alleged that Cristiani knew of the military's plan to kill the priests and did nothing to stop them. In a statement released by Cristiani's daughter, the former President denied the allegations. In 2020, human rights advocates, including Jesuit priest José María Tojeira, had requested that the case be reopened, given the 2016 decision by the Constitutional Chamber of the Supreme Court to annul the 1993 amnesty law. The law had provided amnesty against prosecution to war criminals, including the perpetrators of the 1989 Jesuit murders.

The Minister of Prisons continued to prohibit visitors to prisons, including representatives of religious organizations. While this measure initially was taken in 2020 due to COVID-19 restrictions, it continued after most other COVID-19 restrictions were lifted in the country.

Section III. Status of Societal Respect for Religious Freedom

Prior to the introduction of the State of Exception in March, media outlets reported that gangs continued to restrict access and activities in many neighborhoods regardless of membership in a religious group.

Prior to the State of Exception, gang members extorted organizations with known funding streams, including religious groups, demanding payments in exchange for allowing them to operate in some territories. After the introduction of the State of Exception, however, media outlets reported that gangs were no longer able to effectively restrict access to neighborhoods or extort businesses, organizations, or individuals.

Media outlets reported, and religious leaders confirmed, that individuals were easily able to change religions. Religious leaders and law enforcement representatives said that in many cases even gangs respected religious conversions. Former gang members who joined evangelical Christian churches were allowed to leave their gang to dedicate themselves to their faith after gaining approval from their gang leaders. According to the national police, conversion to an evangelical Christian group was the only way out of gang membership.

Section IV. U.S. Government Policy and Engagement

Embassy officials discussed human rights, including religious freedom, with the Ombudsman for Human Rights and the Ministry of Justice and Public Security and agreed on the importance of religious tolerance.

Embassy officials discussed the country's tolerance and respect for religious diversity with various civil society groups, including those with religious affiliations. During the year, embassy officials met with religious leaders from Pentecostal, Baptist, and Catholic Churches to discuss religious freedom and broader human rights issues, particularly the State of Exception. The embassy used social media to extend greetings on religious holidays.