

GUATEMALA 2019 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. Mayan spiritual leaders said the government continued to limit their access to some Mayan religious sites, including some located in national parks and in other protected areas where the government continued to charge entrance fees if religious visitors did not first register with the central government as official Mayan spiritual practitioners through a process they described as prolonged and cumbersome. The Mayan community of Chicoyoguito again raised concerns in July about continued lack of access to a spiritual site on former Guatemalan Military Base 21, which became a UN peacekeeping training base known as CREOMPAZ, in Coban, Alta Verapaz. Non-Catholic groups stated some municipal authorities still discriminated against them in processing building permit approvals and in local tax collection.

Some Catholic clergy said local community members with financial interests continued to threaten and harass them, including with death threats, because of their engagement in environmental protection and human rights work. Some Mayan religious groups reported landowners continued to limit their access to Mayan religious sites on private property.

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.

Section I. Religious Demography

The U.S. government estimates the total population at 16.9 million (midyear 2019 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 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, 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 Jewish community leadership, approximately 1,000 Jews live in the country. Muslim leaders stated there are approximately 1,200 Muslims of mostly Palestinian origin, who reside primarily in Guatemala City. According to local Ahmadi Muslims, there is a small Ahmadi community of approximately 70 members.

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.

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 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 an 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, the offense of 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.

Through a penitentiary system decree, 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. Catholic priests may enter prisons to provide chaplain services by showing a catechism book or priest identification document. Evangelical or nondenominational Protestant chaplains must provide an official identification (*carnet*) document identifying the pastor as a chaplain to enter a prison. 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 allowed 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

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 to access; however, anyone seeking access to the sites located on national parks or other protected areas had to pay processing or entrance fees. In Tikal, a complex of Mayan pyramids from 200 A.D. and one of the most sacred sites for Mayan spirituality, the access fee was approximately \$3 to \$4, which according to members of the Committee on the Designation of Sacred Sites (COLUSAG), was a prohibitive price for many indigenous populations. Mayan spiritual leaders from COLUSAG continued to state practitioners of Mayan spirituality were generally able to obtain free access to sites if they were accredited, issued an identification card as spiritual guides, and received written permission from the Ministry of Culture in advance of the scheduled ceremony/religious practice. Mayan leaders said the government continued to require written permission to access spiritual sites, involving considerable paperwork, costly travel to the capital, and fluency in Spanish. The Presidential Commission against Discrimination and Racism (CODISRA) continued to provide interpreters for indigenous persons upon request. Mayan, Xinka, and Garifuna advocates continued to press for access, within what they termed “reasonable parameters,” meaning temporary use for ritual worship, to sacred sites on both public and private land.

According to COLUSAG, it had officially registered 3,288 sites as “sacred places” for Mayan spirituality by year’s end, the same number as in 2018. COLUSAG representatives said government bodies they believed should work to protect sacred sites, including the Ministry of Culture and the Secretariat of Peace, demonstrated a lack of will to do so. COLUSAG said the Secretariat of Peace only provided physical meeting space for the group; the Mayan spiritual leaders 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 the sites and producing informative material about Mayan spirituality; however, the Ministry of

Culture had staffed the unit with only one individual. The 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.

In July the Mayan community of Chicoyoguito marked 51 years of petitioning for access to its sacred sites and the return of land, including its sacred ceremonial center. It again expressed concerns about lack of access to a spiritual site on former Guatemalan Military Base 21. In 1968, military forces seized the land and evicted members of the Mayan community and, on land sacred to the Mayan community, used the base for extrajudicial killings and torture between 1970 and 1990. The base was transformed in 2005 into a UN peacekeeping training base, today known as CREOMPAZ, in Coban, Alta Verapaz.

The government, through its “Route to Prosperity” (*La Ruta Hacia la Prosperidad*) program, increased its engagement with indigenous communities. In meetings held during the year, 80 indigenous leaders identified eight thematic political priorities for their communities, including respect for sacred land, indigenous culture, and indigenous religion, which they said the central government historically ignored. The Route to Prosperity platform also allowed indigenous leaders to raise concerns about future private sector investment on sacred sites in the western highlands with central government decision makers.

Non-Catholic groups said some municipal authorities continued to discriminate against them in processing building permit approvals and in local tax collection. In October 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. They stated the government issued blanket 10-year tax exemptions to the Catholic Church and Evangelical Alliance of Churches, but only five year exemptions, which expired in 2018, to a major non-Catholic church.

Missionaries continued reporting they chose to remain on tourist visas to avoid what they considered a complicated procedure to apply for temporary residence.

Section III. Status of Societal Respect for Religious Freedom

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 nine priests received serious threats during the year. In Casillas, Santa Rosa Department, Father Nestor Melgar received death threats from local mine workers on social media due to his advocacy against the San Rafael mine and its environmental impact in the area. In Jalpatagua, Jutiapa Department, Father Victor Ruano received anonymous death threats from allegedly corrupt local authorities due to his community work to defend indigenous rights in Quezada, Jutiapa Department.

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. For example, COLUSAG reported that Mayan spiritual practitioners could not easily access the sacred Tojil Hill in Chijuyu Town, Quiche Department. Practitioners said that up until recently, they could freely access the hill for rituals. A major landowner barred free access to the site, giving the administration of the site to a local community organization that charged an entry fee for all.

After increased interfaith cooperation in 2018 to provide humanitarian assistance to victims of the Fuego volcanic eruption, the Interreligious Humanitarian Commission ceased activities shortly afterward. There were no significant interfaith initiatives during the year.

According to Religions for Peace (RFP), whose members comprise representatives from the Catholic Church, evangelical Protestant churches, the Muslim and Jewish faiths, and Mayan spirituality groups, interfaith initiatives had declined in recent years due to lack of funding. RFP continued, however, to actively seek to resolve misunderstandings about various religious groups and to promote a culture of respect, especially among youth. Some political organizations, including the Municipal Indigenous Council in Solola, rotated leadership between Catholic and Protestant representatives.

Section IV. U.S. Government Policy and Engagement

Embassy officials regularly met with the human rights ombudsman, CODISRA, and members of congress to discuss religious freedom issues, including threats against Catholic clergy and issues of access for Mayans to their spiritual sites. The embassy continued to promote increased engagement between the government and indigenous communities, especially through its participation in and support for increased dialogue through the Route to Prosperity program. Embassy officials organized meetings in Huehuetenango, Quetzaltenango, Solola, and Retalhuleu among indigenous authorities and representatives from the Public Ministry, the judiciary, and the National Competitiveness Program to incorporate indigenous rights issues in the host government's development and citizen security strategies. The Route to Prosperity, a bilateral initiative, is the first host-government dialogue with indigenous leaders that coordinates directly with the U.S. government.

Embassy officials met with leaders of major religious groups and representatives of faith-based nongovernmental organizations to discuss the importance of tolerance and respect for religious minorities. Embassy officials continued outreach to religious leaders and entities, including the Catholic archbishop's offices; Evangelical Alliance, the largest organization of Protestant churches, representing more than 30,000 individual churches; Jewish community; Muslim community; 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.