



## **Institute on Religion and Public Policy Report**

### **Religious Freedom in the Republic of Colombia**

#### **Executive Summary**

Religious freedom is guaranteed by Colombia's 1991 Constitution, which also provides for the equality of all religions under the law and the freedom of religious expression. Generally, Colombia's government and policies support the free exercise of religion. However, the Roman Catholic Church is given formal and informal preference over other religious groups, and a 1997 agreement limits certain religious activities to some religious groups. The biggest problems for religious freedom are the paramilitary and guerilla groups that target religious groups and leaders for harassment, execution, and other limits on the free exercise of religious belief.

#### **Institute on Religion and Public Policy**

The Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. Twice nominated for the Nobel Peace Prize, the Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

#### **History of Religious Freedom and Politics in Colombia**

The Spanish introduced Roman Catholicism into Colombia during their period of colonization in the 15<sup>th</sup> century, which helped establish of the Catholicism as Columbia's official religion. Demographically, contemporary Colombia remains predominantly Catholic, with varying estimates suggesting that Catholics comprise 80-90% of the total population. Colombia gained independence from Spain in 1819, and political tensions were primarily related to the appropriate relationship between the Catholic Church and the new state. Two political parties formed: the Liberals, who, having been heavily influenced by the European Enlightenment, were anti-clerical and favored a secular, federalist government; and the Conservatives favored a centralist government in which the Church would be a publically recognized authority. This tension resulted in several violent conflicts, including the Thousand Days War (1899-1902) and The Violence (1948-1953), which alone resulted in 280,000-480,000 deaths. As a reaction to this violence, a power-sharing pact referred to as the New Front was

established in 1957 and lasted until 1974, allowing for the rotation of leadership between the two parties and the allocation of cabinet posts to members of both groups. In 1973, a concordat was signed with the Vatican, limiting the role of the Church in matters of education, marriage, and proselytism, and effectively ending Catholicism's reign as the state religion. The agreement was extremely effective in stabilizing internal tensions between the church and the state in Colombia.

Following the concordat and the end of the New Front power-sharing agreement, elected officials from both political wings sought to eliminate Colombia's increasingly violent political insurgencies. The three main guerilla movements, the National Liberation Army (ELN), the Revolutionary Armed Forces of Colombia (FARC), and the 19<sup>th</sup> of April movement (M-19), are all grounded in forms of socialist thought, and seek land and political reform. During this period, the growing international drug trade resulted in increased violence due to conflicts between drug cartels, guerillas, and conservative private militia and paramilitary forces.

In 1991, a new Constitution, formulated by the elected Constituent Assembly of Colombia, formally took effect. The culmination of an extensive peace process, this Constitution fully protects religious freedom, declaring that all religions are equal under the law and removing any official state religion.

## **Legal Status**

The 1991 Constitution, currently in effect, provides for freedom of religion and the free practice of religion. In addition to establishing the equality of religions under the law, the Colombian Constitution protects against discrimination on the basis of religious belief or practice, grants freedoms of worship and missionary activity, and recognizes religious education and marriage. Other significant changes under the 1991 Constitution included the establishment of an accusatory judicial system, and of an independent Constitutional Court that holds powers of judicial review.

Article 19 specifically guarantees religious freedom, stating "Every individual has the right to freely profess his/her religion and to disseminate it individually or collectively." Article 19 also declares the equality of all religious faiths before the law. A 1994 Constitutional Court ruling found that governmental reference to a specific religious character of the country was unconstitutional because of the separation of church and state that is established in the 1991 Constitution. Furthermore, Article 2 declares that the authority of the state is established in order to protect the rights and freedoms of the individual, including freedom of belief. Article 13 guarantees equality and protects against discrimination on many grounds, including religious belief. Article 18 establishes freedom of conscience, and Articles 42 and 68, respectively, sanction religious marriage and education, while further stating that "in state institutions, no individual shall be obliged to receive religious instruction".

Religious groups in Colombia are recognized by the government in one of two ways: either generically as a legal entity, or more specifically as a religious entity. These recognitions are granted by the Ministry of Interior and Justice. Application for recognition as a legal entity is relatively simple, requiring only a formal request and the provision of basic organizational information. However, some non-Catholic religious leaders have claimed that applications have been arbitrarily delayed or rejected for trivial reasons. For this reason, some non-Catholic religious organizations operate as non-governmental organizations or without formal recognition. Application for recognition as a religious entity is more complicated, and requires the applicant to meet specific Constitutional requirements. Since 1995, 1,182 applications have been approved, while a total of 1,859 have failed to meet the requirements. Applicants already affiliated with a nationally recognized religious institution are granted associate status; forty churches have expressed opposition to this system because they prefer less exacting application standards and a separate ministry dedicated to handling such claims.

In 1997 the government entered into an agreement with non-Catholic religious groups that would allow them to minister to religious practitioners in hospitals and prisons, provide religious education in public schools, and perform legally binding marriage, but state approval or recognition of any of these activities is predicated on the groups' accession to this agreement. There were no non-Christian groups involved in the formulation of the agreement. The Jewish community decided against joining the agreement because they argue it was designed for Protestant groups. Among those churches who have signed onto the agreement, many argue that it is not implemented appropriately and that it often seems to favor some religions at the expense of others. Furthermore, the law actually imposes restrictions on the free practice of religion for any group that has not signed onto the agreement.

Proselytism is legal in Colombia. Foreign missionaries are allowed to enter the country and are issued a special, 2-year visa. To acquire a missionary visa, the missionary must either: be registered with a denomination that is a member of the 1997 agreement, be authorized by a Catholic archdiocese, or produce documentation from their religious organization stating both their mission in the country and their economic support by the religious organization. Although missionaries are allowed to work in Colombia, there is a special regulation protecting against the forcible conversion of indigenous populations.

### **Specific Incidences of Religious Discrimination**

A 2007 article in a daily Colombian newspaper, *El Tiempo*, reports that 80% of the Colombian population is Catholic, while 13.5% are Protestant, 2% agnostic, and the remaining 4.5% belong to Judaism, Islam, and various traditional belief systems. Although the Colombian Constitution provides for freedom of religion

and does not create a state religion, the Roman Catholic Church retains a privileged status throughout the country, which is particularly true in rural areas. The 1997 agreement and its flawed execution have led to a virtual Catholic monopoly in the military, hospitals, and prison chaplaincies. Protestant and Muslim leaders have reported difficulty in accessing both military and prison populations. Additionally, the law restricts the ability to perform civil marriages for members of the Catholic Church and the 13 churches who have signed the 1997 agreement. In many rural areas Protestant leaders have reported that local authorities are often unwilling to provide legal recognition to marriages performed by Protestant churches.

In some districts Catholic religious education is provided in state-run schools without providing similar education for other religions, which violates Colombia's constitutional promise of religious equality. In areas without a public school, Catholic schools can, by agreement with the government, provide the main institutions of education. These schools exist on a tax-exempt basis. However, this tax-exempt status is not available to schools organized by other religious groups. Moreover, although religious institutions are exempt from taxation under Colombian law, non-Catholic groups have been charged property and other taxes by local governments. A 2006 article in a Colombian newspaper stated that the Treasury Department declared that all non-Catholic places of worship are required to pay a 4% tax on donations and offerings, and missionaries and religious leaders from these groups must pay a 17% tax on international contributions.

The Colombian military allows men studying for religious ministry to delay mandatory military service, and while this has been routinely applied to Catholic seminarians Protestant groups report difficulty gaining this recognition for their students. Additionally, Protestant groups claim that they have been excluded from representation in bodies formed by the government to facilitate the peace-making process, while representatives of the Catholic Church are always included. The Catholic Church is clearly given preference over all other religious groups; the Colombian Evangelical Council (CEDECOL) reports being blocked from purchasing airtime on two state-run channels, which donate 1 minute daily to the Catholic Church.

### **Non-governmental Threats to Religious Freedom**

The most significant threat to religious groups and religious leaders in Colombia is the violent activity of guerilla and paramilitary groups. In ongoing conflicts between drug cartels, the national government, guerilla and paramilitary groups religious leaders and practitioners have been targeted for discrimination, harassment, beatings, torture, and execution. Since 2005 an estimated 14 clergy members, both Catholic and Protestant, have been killed. Additionally, both religious groups expressed concern that this estimate is inaccurate due to underreporting resulting from a fear of retaliation. In addition, religious groups

have reported death threats, kidnapping and extortion. Religious groups have been active in opposing violence, drug cultivation and trade, and the recruitment of new members, especially children, to paramilitary and guerilla groups, as well as assisting in the relocation of threatened Colombians. Thus, much of the violence against religious groups is seen as political or retaliatory in nature. Some new criminal groups including the New Bolivarian Self-Defense Forces and Aguilas Negras specifically target human-rights groups and religious groups or leaders involved in the promotion of human rights. Additionally, there were reports of harassment of the indigenous population, practicing mainly animistic and syncretic religions, by illegal armed groups. Nearly all religious groups reported that the threat of violence kept them from discussing the violence, and that death threats were used to silence clergy members, sometime resulting in relocation. This systematic, violent threat to religious groups constitutes a serious threat to the free practice of religion in Colombia.

### **U.S. Foreign Policy in Colombia**

In terms of religious freedom, the United States State Department reports that, "The U.S. Government discusses religious freedom with the Government [of Colombia] as part of its overall policy to promote human rights. The U.S. Embassy maintained regular communication with representatives of the Catholic Church and other religious groups." The US has traditionally had relatively positive relations with Colombia. The United States provides substantial funding to the Colombian government, the third-largest recipient of US foreign aid, to be used for anti-drug and, as of 2000, counter-insurgency purposes.

### **Conclusion**

Formally, Colombia's 1991 Constitution and Laws provide for full freedom of religious expression and practice. However, some obstacles prevent the full exercise of those Constitutional guarantees. Preferential treatment of the Roman Catholic Church, especially in matters of institutional ministry, taxation, and education, violates Colombia's claim that all religions are equal under the law. Moreover, the 1997 agreement granting greater rights to certain religions displays clear religious preference, especially as eligibility to participate in this agreement is determined by the government. Barriers to full participation by non-Catholic religious groups in Colombian society, federal or local, must be removed. The danger of violence towards religious groups and leaders is a matter of serious concern for religious liberty. The Colombian government must strive to eliminate such violence and protect the right of religious expression.