



Institute on Religion and Public Policy Report:

Religious Freedom in the Republic of Guatemala

Executive Summary

While Guatemala continues to struggle with human rights abuses, the government has not contributed to systematic violations of religious freedom. Rather, the entrenched human rights violations continue to target the population of indigenous Mayans who came under fire during the Guatemalan civil war. The indigenous population practices a variety of syncretic religions, and while they do not face persecution for their religious beliefs, they continue to suffer injustices on a day-to-day basis due to social inequalities and the impunity enjoyed by political officials who orchestrated the near-genocide of the indigenous population during the thirty-six year civil war.

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 Guatemala

Since the Spanish settled Guatemala in the 15th century, Catholicism and the indigenous Mayan religion have dominated the country. In the initial stages of colonization, Catholic churches were erected on Mayan sacred sites. In such instances, the indigenous population was granted unlimited visitation rights, which have usually been upheld. While the Catholic Europeans enjoyed a comparatively luxurious lifestyle and boasted a monopoly on wealth and land, the two religions existed independently without significant conflict.

In 1944, a military junta led by Major Francisco Javier Arana and Captain Jacobo Arbenz Guzmán orchestrated a successful coup toppling dictator Juan Federico Ponce Vaides. The new leaders subsequently called for Guatemala's first democratic election, which was won by popular writer and teacher Juan José Arévalo Bermejo. However, in 1954 the United States engineered a coup against the democratically-elected President Jacobo Arbenz due to his intention to make

modest land reforms against the interests of US-based produce-giant United Fruit Company. After Arbenz's official resignation, Castillo Armas, the leader of the revolutionary forces as well as the newly installed president, lacked the popular support and experience to continue Guatemala's progressive democratic initiatives. His ineptitude and corrupt policies effectively ended the country's burgeoning democracy and plunged Guatemala back into a state of civil conflict where it would remain for over four decades.

The period from 1960-1996 is officially known as the Guatemalan Civil War, during which thousands of indigenous peoples were slaughtered by the Guatemalan military. The majority of this conflict coincided with the US-USSR Cold War, during which the United States consistently supplied the Guatemalan military with arms and training. Unfortunately, this effort by the US to combat the spread of communism fueled the military rule that led to the deaths of numerous indigenous Guatemalans. By the 1970s, old and new insurgent groups were joining together in the fight against the now entrenched military regime. With this growth of guerilla groups, the war took place increasingly in the Mayan highlands leading to the final phase of the conflict marked by the state engaged in war against its own people. The indigenous Mayan population suffered the brunt of the attacks because they constituted a majority of the insurgents due to their frustrations over the vast discrepancies in living conditions between the elite and the general population. In 1982, various guerilla groups joined together to form the Guatemalan National Revolutionary Unity (URNG). Extremist right-wing opposition, frustrated with its inability to pin down the enemy, formed its own set of vigilante groups, most notably the Secret Anti-Communist Army (ESA) and the White Hand (La Mano Blanca), which tortured and murdered those suspected of leftist activities. According to the United Nation's Commission for Historical Clarification, at the war's end in 1996, an estimated 200,000 civilians were killed by the military government, the vast majority of them being non-violent victims of the conflict. Some review bodies, including the Spanish Constitutional Court, have labeled the war as genocide.

The war ended with the signing of the Peace Accords in 1996; however, the peace discussions began as early as 1991, with the UN stepping in to assist in moderation by 1994. The Human Rights Accord, signed in March, 1994, provided a new mechanism for ending the systematic violation of human rights by introducing a UN Verification Mission (MINUGUA) into the country. The UN presence signified the international community's intention to monitor the Guatemalan government's respect for human rights. Thus, the Peace Accords, finished in 1996, officially ended the thirty-six year struggle and lay the groundwork for a move towards reconstruction. Today, Guatemalan citizens democratically elect their leaders, but the injustices suffered during the Civil War continue to go unpunished. While the indigenous Mayan population does not suffer outright discrimination for their religious beliefs, they endure lasting inequalities in a country with one of the largest margins for wealth disparity in the

Western Hemisphere, resulting from the human rights violations carried out during the Civil War.

Legal Status

The Guatemalan Constitution provides for complete religious freedom as a core component for upholding human rights domestically and internationally. At the most basic level, the government upholds this policy, as there have been no reports of discrimination based on religious affiliation, belief, or practice.

There is no official state religion; however, Article 37 of the Constitution explicitly recognizes the Catholic Church as a distinct legal personality. This does not necessarily mean that the Catholic Church receives special political privileges. For example, in 2001, then- President Alvaro Arzú signed into law the country's first successful legislation on reproductive health policy despite opposition from the Catholic Church.

The Government does not subsidize religious programs, and the Constitution allows for, but does not require, religious education in schools. Additionally, the Government does not establish requirements for religious recognition nor impose registration requirements on any group or body wishing to worship or practice together. Religious groups do have to register to conduct legal business (i.e. renting/ leasing, purchasing, entering contracts). The Catholic Church is exempted from this provision due to its official legal status. However, any religious organization may apply for legal recognition by submitting an application including its bylaws and a list of original members to the Ministry of Government. Religious organizations are tax-exempt.

In 1994, the Guatemalan government and the leftist guerilla organization, the Guatemala National Revolutionary Unity, signed the Agreement on Resettlement of the Population Groups Uprooted by the Armed Services Conflict. The Agreement applies to all persons uprooted by the conflict and recognizes their option to return to place of origin or resettle in another place of their choice. Other provisions of the Agreement include the security of NGOs and churches (Section II (11))

Specific Instances of Religious Discrimination

All applications for legal status are ostensibly accepted, except when, "the organization does not appear to be devoted to a religious objective, appears to be in pursuit of illegal activities, or engages in activities that appear likely to threaten the public order." In its country report for 2008, the US State Department noted that no applications were rejected during the period the report covered. However, many Protestant leaders report that the process is often lengthy and burdensome, lasting anywhere from six months to several years. These bureaucratic difficulties have led 7,000 Protestant churches to either not apply for

legal registration or to not complete the process. Additionally, while churches in Guatemala are considered tax-exempt, some Protestant leaders noted that local officials made them pay property tax.

While the Guatemalan Civil War ended over a decade ago, the country still suffers intense systematic issues stemming from discrepancies in wealth between indigenous and non-indigenous peoples. Guatemala's rich live an insulated existence, able to use their considerable monetary advantages to pay for private security, schooling, and health care. Only 5 out of 10 fifteen year-old indigenous children are literate, while 8 out of 10 non-indigenous children of the same age are. Only 16% of indigenous people have regular access to medical care. In a country where the elite enjoy more helicopters per capita than anywhere in the world, the poor—comprised primarily of the indigenous population—endure in a country with one of the highest murder rates in Latin America and highest chronic level of malnutrition anywhere in the region. The near-genocide and incredible displacement the indigenous Mayan population suffered during the Civil War allowed the elite (around 2% of the Guatemalan population) to secure over 70% of the land. Additionally, the country suffers from increased power of organized crime. In an interview with Brookings Institution, one Guatemalan observed, "You used to be at risk here if you said the wrong thing politically or joined the wrong group, but today you may die simply because you are on the wrong road at the wrong time." While victimization may have shifted from outright persecution of the indigenous population, those without the means to afford their own security have consistently suffered from this uptake in organized crime.

The Guatemalan Government is continually plagued with issues of impunity, as those charged with committing human rights violations both during and after the Civil War continually evade retribution for their actions. The government remains inherently corrupt; according to *Iberobarómetro 2008*, a regional survey, only 25% of the Guatemalan population has any confidence in the police, while only 15% trusts the Constitutional Court and the Supreme Court, in both cases amongst the lowest figures in the region. Furthermore, those who work toward justice and to combat impunity often end up facing their own set of dangers. Members of the Human Rights Ombudsman's Office, which opened 12 million archives containing evidence of human rights abuses committed during Guatemala's internal armed conflict, some of which amount to crimes against humanity, have been victims of attacks and threats. To date, no high-ranking officer or official has ever been brought to justice for their role in ordering, planning or carrying out the widespread and systematic human rights violations which took place in Guatemala during the Civil War. As early as March 1994, the Guatemalan Government began signing peace accords which covered human rights, Mayan rights, and social welfare. Additionally, the government set up a Commission on Clarification to examine past human rights abuses. However, these vague improvements still exist mainly on paper. The government continually suffers from its own corruption and lacks the infrastructure to ensure

proper implementation, as such reforms threaten the privileges of Guatemala's powerful. Even the current president, Álvaro Colom, who has been credited for actively working to strengthen social programs and introduce positive tax reforms, is under investigation for collaboration in the recent murder of Guatemalan lawyer Rodrigo Rosenberg; the scandal has brought to light further issues of corruption, impunity, and public insecurity.

For several years, representatives of Catholic, Protestant, Jewish, and traditional Mayan spirituality groups have participated in the Interreligious Dialogue and the Foro Guatemala to discuss social and political agendas. Generally, Catholics and Mayans have encountered very few issues regarding the co-existence of their faiths within the country. The rise of Protestantism, especially those denominations with evangelical tendencies, has in some ways upset the balance between the indigenous population and their Catholic counterparts. As such, Mayan representatives have notably clashed with those from the Protestant communities during these meetings.

Evangelicalism rose in popularity during the years of internal conflict due to its promises of a glorious afterlife. Today, Guatemala plays host to the largest contingency (by percent of population) of Pentecostals in Latin America. Guatemalan Pentecostal churches offer business classes, teach adherents how to properly handle their money, and encourage their congregations to seek leadership positions within their communities. Rather than promising that oppression will lead to rewards in the afterlife, this shift in focus now suggests that God does not want his followers to be poor and that poverty does not equal humility, therefore allowing the Pentecostal churches to act as agents of social change in ways which the government has been either unable or unwilling to do on its own. While some consider this stance to be "theological extortion"—that is, those who remain in poverty have not given enough to God and simply need to give more— Pentecostals have nevertheless proven successful at helping numerous disadvantaged Guatemalans build a better life for themselves in spite of government corruption.

United States Foreign Policy

According to the United States State Department, U.S. policy objectives in Guatemala include: supporting the institutionalization of democracy and implementation of the peace accords;

Encouraging respect for human rights and the rule of law, and the efficient functioning of the International Commission Against Impunity in Guatemala (CICIG);

Supporting broad-based economic growth and sustainable development and maintaining mutually beneficial trade and commercial relations, including

ensuring that benefits of CAFTA-DR reach all sectors of the Guatemalan populace;

Three areas of focus for USAID/Guatemala's program are modeled after the Millennium Challenge Account areas--ruling justly, economic freedom, and investing in people, and include "more responsive, transparent governance through strengthened justice and greater transparency and accountability of governments," and, "healthier, better educated people, through: increased and improved quality of social sector (health and education) investments and increased use of quality maternal-child and reproductive health services, particularly in rural areas." Unfortunately, the US Foreign Policy towards Guatemala does not list specific plans of action for undertaking and ensuring these types of reforms.

In May 2007, the House unanimously passed H.Res.100, "Expressing the sympathy of the House of Representatives to the families of women and girls murdered in Guatemala and encouraging the Government of Guatemala to bring an end to these crimes." Among other recommendations, the resolution "encourages the Secretary of State to urge the government of Guatemala to: (1) honor the victims of the brutal murders and to continue to include in the Department of State's annual Country Reports on Human Rights Practices all instances of improper investigatory methods, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of women and girls in Guatemala; (2) hold accountable those law enforcement and judicial officials who fail to investigate and prosecute the murders adequately; and (3) take measures to ensure that the special Guatemalan police and prosecutorial units are adequately staffed and have sufficient resources." A similar resolution passed unanimously in the Senate in March 2008 (S.Res.178).

Conclusion

While Guatemala is not a hotbed for issues of religious discrimination, the country still suffers from intense structural issues stemming from over 35 years of internal combat. Guatemala's shaky footing means previous human rights violations continue to go unpunished, as those with access to the documents detailing the atrocities are reticent to release them, fearing for their own safety. Similarly, those aligned with progressive movements dedicated to helping the nation gain strength and momentum consistently find themselves in danger, as murders continue to plague the country. As the political divide between left and right has lessened over the past decade, Guatemala now faces difficulties surrounding the equally divisive categories of poverty and wealth, a division which negatively impacts the indigenous Mayan population.