

# **PERU 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution and other laws and policies protect religious freedom. The government generally respected religious freedom; however, non-Catholic religious groups were unable to register under regulations adopted in 2011 and were thus unable to receive certain benefits available to the Catholic Church.

There were reports of societal abuses based on religious affiliation, belief, or practice.

U.S. embassy staff met with representatives of government, religious organizations, and nongovernmental organizations (NGOs) to discuss ongoing problems with implementation of the religious freedom law and to promote religious freedom and tolerance.

## **Section I. Religious Demography**

The U.S. government estimates the total population is 29,849,303 (July 2013 estimate). The 2007 national census reported the population is 81 percent Roman Catholic and 13 percent Protestant (mainly evangelical). Groups that constitute less than 3 percent of the population include Seventh-day Adventists, The Church of Jesus Christ of Latter-day Saints (Mormons), Jehovah's Witnesses, Israelites of the New Universal Pact Baptists, Anglicans, Assemblies of God, Jews, Bahais, Hare Krishnas, and Muslims. According to the Israel Information Center for Latin America, there are approximately 3,000 Jews, residing primarily in Lima and Cuzco. There are small Muslim communities in Lima and Tacna. Some indigenous peoples in the remote eastern jungles practice traditional faiths. There also are indigenous communities practicing syncretic (blending Christian and pre-Colombian) beliefs, such as some Catholics in the Andean highlands.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal/Policy Framework**

The constitution and other laws and policies generally protect religious freedom. The constitution establishes separation of church and state but recognizes the Catholic Church's role as "an important element in the historical, cultural, and moral development of the nation."

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The executive branch formally interacts with religious communities on matters of religious freedom through the Ministry of Justice and Human Rights (MINJUS). MINJUS implements laws and interacts with the public through the Office of Catholic Affairs and through the Office of Interfaith Affairs, which deals with non-Catholic groups. Both offices maintain a continuing dialogue on religious freedom with the Catholic Church and other religious groups.

The 2010 religious freedom law recognizes an individual's fundamental right of freedom of religion, as stated in the constitution and international treaties the country has ratified. Under the law, registered religious organizations gain many of the same tax benefits already granted to the Catholic Church. In accordance with a 1980 agreement with the Holy See, the Catholic Church receives preferential treatment in education, taxation, immigration of religious workers, and other areas. The law codifies the arrangement with the Catholic Church.

Registration under the 2010 law does not amount to official recognition, but only registered religious groups are entitled to receive tax exemptions and other benefits, including worker or resident visas for foreign religious workers. Other benefits include the ability to form a legal entity that may own property, create a hierarchy and set of rules, operate religious schools, and solicit and receive voluntary donations. Implementing regulations, published in 2011, for the 2010 law set a January 13, 2013 deadline for registration with MINJUS of non-Catholic religious groups (all groups registered under previous legislation had to re-register under the terms of the 2011 regulations). The regulations state that in order to register, a religious entity must have at least 10,000 adult members, and the membership lists are required to be certified by the National Elections Board.

Catholic and non-Catholic religious charities do not pay customs duties on imported items. Registered religious groups are exempt from taxes on places of worship.

Per the 1980 agreement with the Holy See, buildings, houses, and other real estate owned by the Catholic Church are exempt from property taxes. Other religious groups (depending on the municipal jurisdiction) may pay property taxes on schools and clergy residences. Non-Catholic religious organizations are only able to buy land in commercially zoned areas while the Catholic Church can establish locations in either residential or commercially zoned areas. Catholic religious workers are exempt from taxes on international travel. All work-related earnings

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of Catholic priests and bishops are exempt from income taxes. By law the military may employ only Catholic clergy as chaplains.

According to the MINJUS Office of Catholic Affairs, the government pays stipends to the Catholic cardinal, six archbishops, and other Catholic Church officials. These stipends total approximately 2.6 million nuevo soles (\$931,900) annually. Some Catholic clergy and laypersons employed by the church receive remuneration from the government in addition to the stipends they receive from the Church. This applies to the 44 active bishops and four auxiliary bishops, as well as to some priests located along the borders, representing approximately one-eighth of the clergy and pastoral agents. In addition, the government provides each diocese with a monthly institutional subsidy.

The law mandates that all schools, public and private, provide religious education through the primary and secondary level, “without violating the freedom of conscience of the student, parents, or teachers.” The law only permits the teaching of Catholicism in public schools, and the Ministry of Education mandates the presiding Catholic bishop of an area approve religious education teachers in all public schools. Parents may request the principal exempt their children from mandatory public school religion classes. Many secular private schools are granted exemptions from the religious education requirement. The law protects students who seek exemptions from Catholic education classes from being disadvantaged academically in both private and public schools.

The law on religious freedom recognizes conscientious objection in general, but does not contain provisions for excusing individuals from military service. The implementing regulations do not contain any reference to conscientious objection.

### **Government Practices**

Minority religious groups and some members of the Catholic Church continued to criticize the 2010 religious freedom law, stating it did not address the problem of inequality and that it maintained a preferential status for the Catholic Church. They also widely criticized the law’s implementing regulations as discriminatory and unconstitutional.

At year’s end only Catholic religious groups had registered successfully under the terms of the 2010 law and 2011 implementing regulations. MINJUS received 73 applications from minority religious groups before the application deadline in January. Of those, MINJUS representatives estimated approximately 10 may

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fulfill all requirements for registration. As of the end of the year MINJUS and the National Elections Board had not approved any applications. MINJUS proposed in 2012 revised regulations to address the problems with religious group registration to the cabinet and to President Humala, but as of the end of the year, the government had not made any revisions.

Prior to the reregistration requirement under the implementing regulations, there had been 141 non-Catholic religious groups registered with the MINJUS. The requirement that a religious group must have at least 10,000 adult members effectively disqualified most religious groups. Critics charged that the requirement to certify membership lists with the National Elections Board was unconstitutional, since the constitution provided for the right to privacy of religious conviction. Members of previously registered religious groups encountered difficulty securing worker or resident visa renewals because those visa classes are only available for members of registered religious organizations. Non-Catholic religious groups that had been previously registered also reported losing tax benefits.

While Catholics and non-Catholics were subject to equal taxation in most activities, non-Catholic groups with extensive charitable activities complained goods donated from abroad continued to be taxed at commercial rates while goods donated to Catholic-affiliated groups were not. Many non-Catholic missionary groups stated the law discriminated against them by taxing their imported religious materials, including Bibles, whereas the Catholic Church was not taxed.

In the military, there were no reports of discrimination or denials of promotion for non-Catholic members or of personnel penalized for refusing to participate in Catholic services. Some non-Catholic soldiers, however, reported it was difficult to find and attend Protestant religious services because of the lack of chaplains.

In April the head of the National Council for Science, Technology, and Innovation (CONCYTEC) banned the display of religious images within the institution's offices. This drew criticism from Catholic and non-Catholic religious groups, the Office of the Ombudsman (an autonomous government body charged with defending human rights), members of the cabinet, and CONCYTEC employees, who stated the policy violated their right to exercise personal religious beliefs in their individual workspaces. On May 2, CONCYTEC changed its position and allowed employees to display personal religious objects in their offices.

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### **Section III. Status of Societal Respect for Religious Freedom**

There were instances of societal abuses or discrimination based on religious affiliation, belief, or practice.

The Andean Peru National Socialism Movement (APNSM), an anti-Semitic group that continued to deny the Holocaust and call for the expulsion of the Jewish community, sold anti-Semitic books and DVDs. APNSM, which claimed 40 permanent members, was not an official political party.

Religious organizations occasionally collaborated to promote religious freedom and tolerance. The Interreligious Committee of Peru, a large working group comprising representatives from nearly all religious groups, maintained an ongoing dialogue among religious groups.

### **Section IV. U.S. Government Policy**

U.S. embassy officials encouraged the government to revise religious freedom regulations that hindered the registration of religious groups. In response to complaints from religious groups concerned about the loss of visa eligibility for missionaries due to religious group registration requirements, embassy officials met with government officials to address these concerns. The Ambassador also sent a letter on this topic to the Minister of Justice in April. Embassy officials held discussions with the MINJUS vice minister for human rights and the vice minister of justice, representatives of MINJUS' Directorate of Interfaith Affairs and the Directorate of Catholic Affairs, the Human Rights Office in the Ministry of Foreign Affairs, and the ombudsman.

The embassy engaged with religious organizations and NGOs to discuss and promote religious freedom and tolerance. Embassy officials met with leaders of numerous religious communities, including representatives of the Catholic Church, Protestant groups, and the Mormon, Jewish, Bahai, Muslim, and Buddhist communities. The embassy hosted a religious freedom roundtable July 2 to discuss the state of religious freedom and issues of concern.