

PERU

Executive Summary

The constitution and other laws and policies protect religious freedom, and in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. Some religious groups have asserted that registration requirements under a regulation implementing a new religious freedom law discriminate against non-Catholic religious groups.

There were no reports of societal abuses based on religious affiliation, belief, or practice.

The U.S. embassy discussed religious freedom with the government as part of its overall policy to promote human rights. U.S. embassy staff met with leaders of numerous religious communities.

Section I. Religious Demography

The 2007 national census conducted by the National Statistics Institute found that 81 percent of the population is Roman Catholic; 13 percent Protestant (mainly evangelical); and 3 percent other religious groups, including 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, Seventh-day Adventists, Jehovah's Witnesses, Jews, Baha'is, Hare Krishnas, and Muslims. There are approximately 4,000 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 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."

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 Interconfessional Affairs, which deals with non-Catholic groups. Both offices maintain a continuing dialogue on religious freedom with the Catholic Church and other organized religious groups.

A December 2010 religious freedom law recognizes an individual's fundamental right of freedom of religion, as stated in the constitution and international treaties that 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 new law codified this arrangement. Several evangelical groups have criticized the law, stating that it did not address the problem of inequality and that it maintained preferential status for the Catholic Church. The government issued regulations to implement the law in July, and revised them in October to address the complaints of minority religious groups.

Registration does not amount to official recognition, but only registered religious groups are entitled to receive the benefit of tax exemption and to exercise their rights before government agencies, which 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. Prior to the implementation of the new religious freedom law, non-Catholic churches that had operated in the country for at least seven years were able to register and thereby receive state benefits similar to those of the Catholic Church. However, many evangelical churches lacked central lines of authority and doctrinal unity, which complicated the process of registration. Non-Catholic religious groups whose structure enabled them to meet the strict requirements were able to register. There were 144 religious groups and 14 religious missionary entities registered at year's end.

Catholic and non-Catholic religious charities do not pay customs duties on items purchased. While Catholics and non-Catholics were subject to equal taxation in most activities, non-Catholic groups with extensive charitable activities complained that goods donated from abroad continued to be taxed at commercial rates. Some non-Catholic missionary groups stated that the law discriminated

against them by taxing their imported religious materials, including Bibles, whereas the Catholic Church was not taxed. All religious groups are exempt from paying taxes on places of worship. 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 organizations could only buy land in commercially zoned areas while Catholic churches could locate in either residential or commercially zoned areas. Catholic religious workers are exempt from taxes on international travel. All work-related earnings of Catholic priests and bishops are exempt from income taxes.

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 (\$923,700) annually. They also include some Catholic clergy and laypersons employed by the church who received remuneration from the state in addition to the stipends paid to them by the church. This applied to the 50 active 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 provided each diocese with a monthly institutional subsidy.

By law the military may employ only Catholic clergy as chaplains. There were no reports of discrimination or denials of promotion for non-Catholic members of the military, nor of personnel refusing to participate in Catholic services. Some non-Catholic soldiers, however, complained that it was difficult to find and attend Protestant religious services because of the lack of chaplains.

Foreign missionary groups operated freely; however, they do not receive the same privileges as the Catholic Church with respect to customs, immigration, and taxation.

The law mandates that all schools, public and private, provide religious education as part of the curriculum through the primary and secondary level, “without violating the freedom of conscience of the student, parents, or teachers.” Catholicism is the only religion permitted to be taught in public schools. Many non-Catholic religious or secular private schools were granted exemptions from this requirement. The Ministry of Education mandated that the presiding Catholic bishop of an area approve religious education teachers in all public schools. Parents may request that the principal exempt their children from mandatory public school religion classes.

The government observes the following religious holidays as national holidays: Holy Thursday, Good Friday, Saints Peter and Paul Day, Saint Rose of Lima Day, All Saints' Day, the Feast of the Immaculate Conception, and Christmas.

Government Practices

There were no reports of abuses of religious freedom.

Regulations to implement the new religious freedom law were published in a supreme decree on July 27, the last day in office of the previous administration. Non-Catholic religious entities must re-register with the Ministry of Justice within 360 days under the regulations. Members of minority religious groups asserted that some of the new registration rules were discriminatory and unconstitutional. The regulations state that in order to register, a religious entity must have at least 10,000 adult members, which would effectively disqualify most religious groups. The membership lists must then be certified by the National Elections Board, a requirement that critics charged was contrary to the constitution, which provides for the right to privacy of religious conviction.

In response to the concerns expressed about the implementing regulations, MINJUS on October 17 published an alternative text, which it posted online for comments. Representatives of several religious groups indicated that the revised draft regulations appeared to address their concerns. The revised draft must be approved by the ministry's high commission and then sent to the Council of Ministers for final approval. Unless the regulations are modified by mid-July 2012, most religious entities would not be able to register.

Non-Catholic religious groups complained that although their members were able to obtain exemptions from attending Catholic religious instruction, students who did so lost academic credits. Students who graduated from primary and secondary schools without these credits could not be at the top of their class, regardless of other academic achievement, and thus were disadvantaged in competition for scholarships and admission to universities. MINJUS officials stated that the new religious freedom law addressed this issue and that the pending draft regulation provided clear instructions to prevent students from being disadvantaged.

Section III. Status of Societal Respect for Religious Freedom

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

Religious groups occasionally joined forces on projects on behalf of the poor. The Catholic Church and Protestant evangelical churches collaborated closely in the area of human rights. Nongovernmental organizations such as the Episcopal Commission for Social Action (CEAS) of the Catholic Church and the Peace and Hope Evangelical Association conducted joint national campaigns on behalf of prison inmates and detainees wrongly charged or sentenced for terrorism and treason. The principal religious groups were represented in the Peruvian Inter-Religious Conference--Religions for Peace, which works on social justice issues and whose secretary general was a prominent Jewish leader. Major political figures promoted religious freedom, and non-Catholic politicians held high-profile positions.

Section IV. U.S. Government Policy

U.S. embassy staff members engaged with the government on religious freedom, including discussions with the Directorate of Interfaith Affairs in the Ministry of Justice and the Human Rights Office in the Ministry of Foreign Affairs. Embassy staff members also met with leaders of numerous religious communities, including representatives of the Catholic Church, Protestant groups, and the Mormon, Muslim, and Jewish communities. The embassy continued regular contact with religious and religiously affiliated organizations including Caritas, the CEAS, the Interreligious Committee of Peru, the National Evangelical Council of Peru, the Union of Christian Evangelical Churches of Peru, the Peace and Hope Evangelical Association, and the Freedom of Conscience Institute.