

Institute on Religion and Public Policy: Religious Freedom in Colombia

Executive Summary

(1). The Constitution of Colombia affords numerous legal protections to religious communities in the country. Articles 13, 18, 19, 42, and 68 all provide invaluable protections for religious freedom in Colombia. However, the registration process in the Republic of Colombia is long and cumbersome denying many religious communities the ability to operate freely and openly in the country. Non-state actors also negatively affect the status of religious freedom in Colombia. There have been reports of violence, discrimination, harassment, and intimidation by guerillas, paramilitaries, and indigenous groups targeting religious communities and individuals.

Institute on Religion and Public Policy

(2). Twice nominated for the Nobel Peace Prize, 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. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Introduction to the Legal Situation

(3). The Constitution of Colombia provides the basis for the strong legal protections of freedom of religion that exist in the country. Articles 18 and 19 provide explicit protections for the freedom of conscience and the freedom of religion. Article 18 states that, “Freedom of conscience is guaranteed. No one will be importuned on account of his/her convictions or beliefs or compelled to reveal them or obliged to act against his/her conscience.” The fact that no one is obliged to act against “his/her conscience” provides a powerful defense for conscientious objectors and others whose faith and convictions often preclude certain actions that are considered the norm by a government and society at large.

(4). Article 19 goes on, “Freedom of religion is guaranteed. Every individual has the right to freely profess his/her religion and to disseminate it individually or collectively. All religious faiths and churches are equally free before the law.” The protection of the right to disseminate their religious beliefs helps to secure the right of proselytization, as well as the free expression and practice of their religious beliefs in the public square.

(5). Article 13 ensures equal treatment before the law for a wide array of Colombians. The article proclaims, “All individuals are born free and equal before the law and are entitled to equal protection and treatment by the authorities, and to enjoy the same rights, freedoms, and opportunities without discrimination on the basis of gender, race, national or family origin, language, religion, political opinion, or philosophy.” This article compels authorities to act in a fair and non-discriminatory manner in dealing with religious minorities, whose customs and beliefs may be alien or disagreeable to the authorities in each situation.

(6). In addition to protections guaranteed in Articles 13, 18, and 19, Articles 42 and 68 also provide additional protections vital to the free exercise of religion for all peoples. Article 42 allows for religious marriages to be granted the same rights as civil marriages, but allows all marriages to be ended by civil divorce. This is an extremely important differentiation which allows the government to recognize the religious rights and practices of religious groups in Colombia, while simultaneously allowing a civil opt-out for those who change religions, decide they no longer want to take part in a religious marriage, or any other reason which allows the government of Colombia to walk the thin line between recognition of one religious tradition and the establishment and enforcement of religiously based laws. Article 68 address the role of religious education in school pledging that “no person may be obliged to receive religious instruction.”

Instances of Official Discrimination

(7). Despite the high overall levels of legal protection afforded in the Constitution of Colombia, there are a few issues that continue to hinder the ability of certain religious communities to operate openly.

(8). The Ministry of Interior and Justice (MOIJ) grants two forms of legal identification to religious communities. The first is defining the community as a legal entity; the second is defining it as a religious entity. The government only requires a formal request for recognition and some basic organizational information. The government also requires proof of registration in foreign organizations’ home countries. The government also reserves the right to reject the applications of organizations that violate fundamental rights and freedoms enshrined in the constitution as well as organizations who fail to comply with registration requirements.

(9). Religious organizations regularly complain that the process is too lengthy. There are also complaints by some non-Catholic organizations that the process is biased against them. Since 1995, 1,170 applications for recognition as a religious organization were approved and 1,775 were rejected for failing to meet “constitutionally established requirements.” Many of these rejections were allegedly for trivial reasons. In addition to the possibility of being rejected, religious communities regularly complain that the process for registration is unnecessarily long and cumbersome.

Sectarian Violence

(10). There have been numerous reports of societal violence directed at figures in Colombia. However, the vast majority of this violence was not targeted at these individuals for religious reasons, but was a side effect of the ongoing war in Colombia between the government and various right and left-wing guerilla movements such as *Fuerzas Armadas Revolucionarias de Colombia* (FARC), *Ejército de Liberación Nacional* (ELN), and *Autodefensas Unidas de Colombia* (AUC). These organizations reportedly murdered, harassed, threatened, and financially extorted numerous religious leaders and individuals as a means to further their political ends. The majority of these acts of violence and intimidation could be traced to the FARC.

(11). In addition to violence caused by the ongoing civil war, there have been sporadic reports of indigenous groups setting fire to some Christian missionary churches either on or near indigenous lands.

Conclusion

(12). The legal foundation for religious freedom in Colombia is solid. The Constitution of Colombia goes to great lengths in order to protect the religious freedom of the Colombian population. However, the lengthy and cumbersome registration process hinders the ability of many religious communities to operate openly and freely. The role of non-state actors also negatively contributes to the overall situation of religious freedom in Colombia. The government at all levels should find new methods of encouraging co-existence between indigenous groups and local missionaries. The government and the various guerrilla and paramilitary organizations must take drastic action to relieve suffering and human rights violations that occur during the course of the conflict.