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2023 Report on International Religious Freedom: El Salvador

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EXECUTIVE SUMMARY

The constitution provides for freedom of religion and states all persons are equal before the law. It prohibits discrimination based on religion. The constitution grants automatic official recognition to the Roman Catholic Church and states other religious groups may apply for official recognition through registration.

The government's State of Exception, implemented in March 2022 to address an increase in gang homicides, continued to curtail some constitutional rights and led to the arrest of more than 72,000 residents in the country, with approximately 12,000 arrests during the year, including members of different religious groups. Evangelical Christian pastors working in gang-controlled areas said the State of Exception continued to impact their congregations and church programs, particularly those working with former gang members. In March, Cardinal Gregorio Rosa Chavez said that under the State of Exception, many religious leaders had chosen to self-censor and preferred not to express their concerns regarding violations of human rights and due process because they feared potential government retaliation. According to the Ministry of Governance, there were 281 requests for registration of religious groups during the year, compared with 312 in 2022. In June, the Office of the Attorney General brought criminal charges against eight individuals, among them former President Alfredo Cristiani, for involvement in the 1989 execution of six Jesuit priests and their housekeep-

during the country's civil war. The General Prisons Directorate continued to severely restrict access to prisons, denying access to some representatives of religious groups.

During the year, media outlets reported that because of the State of Exception, gangs could no longer effectively restrict religious groups' access to neighborhoods or extort businesses, organizations, or individuals.

U.S. embassy officials discussed human rights, including religious freedom, with the ombudsman for human rights and the Ministry of Justice and Public Security, who agreed on the importance of religious tolerance. In meetings with civil society organizations, including those with religious affiliation, embassy officials discussed the country's tolerance and respect for religious diversity. Embassy officials met with religious leaders from Pentecostal, Baptist, and Catholic Churches and with Jewish religious leaders to discuss religious freedom and other related human rights issues. During the year, the embassy launched a "Safe Churches" campaign with 15 churches to promote gender-based violence protection activities.

Section I.

Religious Demography.

The U.S. government estimates the total population at 6.6 million (midyear 2023). According to a December 2022 survey by the University of Central America's Institute of Public Opinion, 42.2 percent of the population identifies as Catholic, 36.6 percent as evangelical Christian, and 17 percent with no religious affiliation. Approximately 2.7 percent of the population identifies as "other," which includes Anglicans, Jehovah's Witnesses, members of The Church of Jesus Christ of Latter-day Saints, Muslims, Baha'is, Jews, Buddhists, and members of the International Society of Krishna Consciousness. Approximately 1.5 percent of the population identifies as agnostic or atheist. A small segment of the population adheres to Indigenous religious beliefs, with some mixing of these beliefs with Christianity and Islam. Muslim leaders estimate there are 18,000 Muslims.

Section II.

Status of Government Respect for Religious Freedom

LEGAL FRAMEWORK

The constitution provides for the free exercise of religion. It states all persons are equal before the law and prohibits discrimination based on religion. The Office of the Ombudsman for Human Rights monitors the state of religious freedom in the country, including by issuing special reports and accepting petitions from the public for alleged violations of the free exercise of religion.

A law protects the rights of followers of Indigenous beliefs to carry out their religious and sacred practices without discrimination.

The constitution states members of the clergy may not occupy the positions of president, cabinet ministers, vice ministers, Supreme Court justices, judges, governors, attorney general, public defender, or other senior government positions. Members of the clergy may not belong to political parties. The electoral code requires judges of the Supreme Electoral Tribunal and members of municipal councils to be lay persons.

The law restricts support of and interaction with gangs, including by clergy members, and defines gangs as terrorist organizations. Rehabilitation programs and ministry activities for gang members are legal.

The constitution allows religious groups to apply for official recognition by registering with the government. It grants automatic official recognition to the Catholic Church and exempts it from registration requirements and from government financial oversight. Other religious groups may operate without registering, but registration provides tax-exempt status and facilitates activities requiring official permits, such as building places of worship. To register, a religious group must apply through the Office of the Director General for Nonprofit Associations and Foundations (DGFASFL) in the Ministry of Governance. The group must present its constitution and bylaws describing the type of organization, location of its offices, its goals and principles, requirements for membership, functions of its ruling bodies, and assessments or dues. The DGFASFL analyzes the group's constitution and bylaws to ensure both comply with the law. Upon approval, the government publishes the group's constitution and bylaws in the official gazette. The DGFASFL does not maintain records on religious groups once it approves their status, and there are no requirements for renewal of registration.

By law, the Ministry of Governance has the authority to register, regulate, and oversee the finances of nongovernmental organizations (NGOs) and all religious groups except the Catholic Church, due to the latter's special legal recognition under the constitution. Foreign members of religious groups must obtain special residence visas for religious activities, including proselytizing, and may not proselytize while on visitor or tourist visas. Religious

groups must be registered to be eligible for their members to receive this special residence visa for religious activities.

The penal code imposes prison sentences of six months to two years for individuals who publicly offend or insult the religious beliefs of others or damage or destroy religious objects. If these acts are carried out with the purpose of publicity, sentences may increase to one to three years in prison. The Indigenous Peoples Law provides Indigenous persons the right to practice their religious beliefs and carry out their customs without discrimination.

Public education, funded by the government, is secular and there is no religious education component. The constitution grants the right to establish private schools, including schools run by religious groups, which operate without government support or funding. Parents choose whether their children receive religious education in private schools. Public schools may not deny admittance to any student based on religion. All private schools, religiously affiliated or not, must meet the same academic standards to obtain Ministry of Education approval.

The country is a party to the International Covenant on Civil and Political Rights.

GOVERNMENT PRACTICES

After suffering from decades of gang violence, President Nayib Bukele's administration declared a war on gangs, and in March 2022, the Legislative Assembly passed a "State of Exception" that curtailed the constitutional rights to defense, communications privacy absent a warrant, and administrative arrests limited to 72 hours. It also accorded authority to law enforcement bodies to arrest anyone suspected of belonging to or providing support to gangs. This led to the arrest of more than 72,000 residents in the country, with approximately 12,000 arrests during 2023, including members of different religious groups. The State of Exception, which the Legislative Assembly must renew monthly, remained in effect through year's end.

There were no reports that members of religious groups were targeted or arrested under the State of Exception due to their faith. According to news outlets and other sources, residents of gang-controlled communities continued to say that during the State of Exception, their freedom of movement had increased significantly, enabling greater access to religious services and churches. According to religious groups, authorities did not restrict church services and religious gatherings under the State of Exception.

While the State of Exception facilitated freedom of movement generally, religious leaders from various faiths said the State of Exception sometimes hindered their rehabilitation programs and the ability of worshippers to attend religious services. Churches involved in rehabilitation programs for gang members experienced some decreased attendance in their programs and services because gang members and former gang members were afraid authorities would detain them. Faith-based NGOs providing legal assistance to alleged gang members reported authorities sometimes intimidated or harassed them. They said authorities also detained participants at religious facilities while they were participating in rehabilitation programs, such as classes on baking, computer skills, and English as a second language. One pastor who worked with former gang members through reintegration programs reported that authorities arrested 40 of these former gang members for gang affiliation under the State of Exception. Attendance at his church fell among young parishioners because they feared being arrested. He stated security forces stigmatized the church by referring to it as a “church for gang members” and by periodically monitoring and patrolling the area.

Although the State of Exception does not criminalize working with at-risk youth, sources said many at-risk youth were arrested under the State of Exception or maintained a low profile to avoid arrest, making engagement difficult. In a May 29 interview, Cardinal Rosa Chavez said the Catholic Church’s social programs for at-risk youth in impoverished communities had ceased because the government had “criminalized” these activities under the State of Exception. During his March 24 homily for the 43rd anniversary of the martyrdom of Monsignor Oscar Arnulfo Romero, Rosa Chavez said that under the State of Exception, many religious leaders had chosen self-censorship and preferred not to express their concerns regarding violations of human rights and due process due to fear of potential government retaliation. He added that some religious leaders felt embarrassment and guilt because of the Catholic Church’s limited action during the State of Exception and the fact that there was no engagement between the Catholic Church and the government regarding the State of Exception. The Cardinal characterized the direct harassment and criticism he received on social media following these comments as the toughest in his 40 years as bishop.

In April, the *Los Angeles Times* published an article about former gang members arrested under the State of Exception and subsequently rehabilitated through religious programs led by evangelical Christian pastors. President Bukele commented on the article with a message on social media saying, “These pastors are right: God can redeem anyone. God and God alone can forgive their sins and save them. If God forgives them, they will enjoy eternal life. But here on Earth they still must face the consequences of their actions.”

William Arias, a pastor who worked with former gang members to reintegrate them into society, remained in detention through year's end. In 2022, police detained Arias, who had been a member of MS-13 but left the gang more than 10 years earlier.

The Ministry of Governance reported there were 449 requests for registration of religious groups during the year, compared with 312 in 2022. Of these, the ministry approved 177 requests and denied 54 because of incomplete documentation; 208 applications remained under review as of December 22. In 10 cases, the applicants requested the suspension of their application. The Ministry of Governance reported that although the registration process was available electronically, many religious groups did not present the required documents in a timely manner. According to the ministry, delays in registration approvals occurred because religious groups were first required to submit documentation, and the paperwork they submitted to the ministry was incorrect or incomplete.

On June 5, the Office of the Attorney General brought criminal charges against eight individuals, among them former President Alfredo Cristiani, former legislator Rodolfo Parker, and former high commanders of the Armed Forces for their involvement in the 1989 execution of six Jesuit priests and their housekeeper during the country's civil war. In March 2022, a judge ordered the arrest of former President Cristiani in connection with the 1989 killings. Cristiani could not be arrested since he had left the country in 2021. Prosecutors alleged that Cristiani knew of the military's plan to kill the priests and did nothing to stop them.

According to press reports, the General Prisons Directorate continued to severely restrict access to prisons, including denying access to some individual representatives of religious organizations. While the directorate initially took this measure in 2020 due to COVID-19 restrictions, it continued after most other COVID-19 restrictions were lifted in the country and became even more restrictive under the State of Exception.

Section III.

Status of Societal Respect for Religious Freedom

During the year, media outlets reported that because of the State of Exception, gangs could no longer effectively restrict religious groups' access to neighborhoods or extort businesses, organizations, or individuals.

Section IV.

U.S. Government Policy and Engagement

Embassy officials discussed human rights, including religious freedom, with the ombudsman for human rights and with officials of the Ministry of Justice and Public Security, who agreed on the importance of religious tolerance.

Embassy officials discussed the country's tolerance and respect for religious diversity with various civil society groups, including those with religious affiliations. During the year, embassy officials met with religious leaders from Pentecostal, Baptist, and Catholic Churches and with Jewish religious leaders to discuss religious freedom and broader human rights issues, particularly the State of Exception. The embassy launched a "Safe Churches" campaign with 15 churches, including the Protestant, Pentecostal, Baptist, and Assemblies of God Churches, to promote gender-based violence protection activities within Christian faith-based communities. The embassy used social media to extend greetings and other audience-relevant messaging on the country's religious holidays, including Christian Holy Week and August Feast days (*Agostinos*) in honor of the country's patron saint, Jesus Christ the Savior.

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