



Kogi girls. Photo: ASOKOGUIS

COLOMBIA

FREEDOM OF RELIGION OR BELIEF

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INTRODUCTION

The recent news that the government and the left-wing guerrilla group FARC-EP have agreed to work towards a peace agreement by March 2016 is a welcome and significant step forward. At the same time, however, violations of human rights, including freedom of religion or belief and freedom of conscience, remain high.

While Colombians in many parts of the country are able to exercise their freedom of religion or belief without severe restrictions, the daily reality for others, particularly those living in conflict zones or in areas with a significant presence of illegal armed groups or on indigenous reserves, is very different. All actors in the armed conflict – including left-wing guerrilla groups the FARC-EP and the ELN, far right neo-paramilitary groups, criminal bands and government security forces – are guilty of ongoing violations of freedom of religion or belief and freedom of conscience. Religious leaders in many of these areas, including but not limited to Cauca, Southern Cordoba, Caquetá, Guaviare, Meta, La Guajira, and Chocó, report that the overall security situation, as well as the specific issue of freedom of religion or belief, remains poor.

RESTRICTIONS ON RELIGIOUS PRACTICE

In some regions, religious activity has been prohibited or severely restricted by the illegal armed groups. The FARC-EP and the ELN in particular have a long history of persecuting religious groups or individuals in areas under their influence or control. In some cases they have prohibited any Christian activity. Over the course of the fifty-year conflict, hundreds of church leaders who defied these restrictions and continued to carry out their ministry, either openly or clandestinely, were targeted for assassination by both groups. These include Reverend Manuel Camacho who was murdered in the Guaviare region in 2009 and Pastors Humberto Méndez and Joel Cruz Garcia who were both murdered in Huila in 2007; all three pastors reportedly defied FARC-EP restrictions on preaching and evangelising.

In other areas, while not imposing a blanket ban on the practice of Christianity, the two groups have enforced severe restrictions on freedom of religion or belief. In 2013 a document published by the FARC-EP called the Manual for Co-Existence, still in effect today in the heavily rural southern region of Putumayo, was leaked. The manual restricts the construction of 'evangelical'¹ chapels' to municipal capitals and states that 'Pastors and priests will only hold their masses in the churches in the municipal capitals.' Priests and pastors who have attempted to conduct ministry in the villages and hamlets have reportedly come under threat or been forced to flee.

ATTACKS ON CHURCHES AND CHURCH LEADERS

While many of the violations of freedom of religion or belief committed by leftist guerrilla groups are rooted in an ideological antipathy to religion, there is also a more practical motive behind a significant number of the violations. These practical motives also underlie violations by far-right neo-paramilitary groups and criminal bands. All these groups operate on the basis of total social control in the areas in which they are present. The presence of a strong or growing church whose members do not share the values of the armed groups can be viewed as a threat to the authority of these groups. In the same way, a church leader who preaches biblical principles can also find themselves in direct conflict with an armed group which is pressuring the local population to actively or passively collaborate in their activities.

¹ In general the term 'evangelical' can be assumed to refer to all Protestants as the words are interchangeable in Latin American Spanish.



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This is a particular problem in rural villages where a church leader by default often plays an important role as a community leader. One example is that of Reverend Salvador Alcántara, who has been forced into hiding at various points over the last five years after receiving death threats from masked men, believed to be members of a neo-paramilitary group operating in Southern Bolívar. While he continues to receive threats, he is not currently in hiding and continues to work as a pastor in El Garzal. This community has repeatedly been threatened with mass forced displacement by neo-paramilitary groups linked to the drug lord Manuel Enrique Barreto, alias 'Don Pedro', who claims the land as his own. Reverend Alcántara has stated publicly that he feels it to be his obligation as a Christian and as a pastor to remain in his community, and to lead them in their pursuit of justice.

While more prevalent, threats to church leaders and churches are not confined to rural areas. In January 2015 a major neo-paramilitary group, the Black Eagles, published and circulated a death threat which listed the names of 39 civil society leaders in the Atlantic Coast region. The threat included five Protestant denominational leaders: Milton Mejía, Germán Zarate and Jairo Barriga of the Presbyterian Church, Fernando Sánchez of the Anglican Church, and Agustín Jiménez of the Mennonite Church. The threat also named 'all evangelical churches' in the cities of Barranquilla and Sincelejo as targets; this is the first time to CSW's knowledge that a neo-paramilitary group has made a blanket threat to churches in general in a particular area.² CSW partners believe that the threat was issued because both the individuals and groups of churches named have a strong social ministry with victims of the armed conflict in the region, including internally displaced persons (IDPs).

FREEDOM OF CONSCIENCE

In addition to targeted acts of violence against church leaders, rank and file Christians also pay a high price for actions rooted in their faith. Christian adults and youths who refuse to join illegal armed groups for reasons of conscience, and converts to Christianity who wish to leave the armed groups, must go into hiding or be killed. Christian families and communities who resist the illegal armed groups' demands, including payment of protection money and involvement in the illegal drug trade, which they find incompatible with their faith, often face horrific consequences. The majority of these victims come from already historically marginalised communities with little public voice. A significant percentage are campesinos, small-scale and subsistence farmers living in rural parts of the country, and many are from Afro-Colombian or indigenous communities.

Extortion is practised systematically across the country by all the illegal armed groups. It is a serious problem both for churches, which the armed groups often assume

to have access to large amounts of money, and for the individual members of churches which are targeted. While individual Christians are not usually extorted because of their religious beliefs, these beliefs often compel them to refuse to comply with the demands of the illegal armed group; this puts them at particular risk. In February a 74-year-old professor at the Baptist Seminar in Cali received a phone call from a man identifying himself as a member of the Rastrojos neo-paramilitary group, and demanding 8 million pesos (approximately £1,700) to buy munitions for the group. The professor was told that if he refused to pay he would be considered a military target and his family would be at risk of assassination. The professor immediately declined to cooperate, because of his deeply held convictions. Further calls repeated the threat of assassination and gave the professor 72 hours to leave the city. While the professor took the courageous but regrettably all too rare step of filing a formal police report regarding the extortion attempt, he and his family were ultimately forced to flee the city and resettle in hiding elsewhere.

Unfortunately, Colombian state actors are also guilty of regularly violating freedom of conscience. The Constitutional Court has issued numerous rulings, most recently in January in the case of Reinaldo Aguirre Bernal, that the right to conscientious objection on religious grounds to obligatory military service is protected by the constitution. The rulings also state that the military forces' practice of forced recruitment can be defined as arbitrary detention, and is prohibited by both Colombian and international law. However, military forces continue to routinely and systematically violate this right, forcibly inducting young men who hold strong religious beliefs that prohibit them from taking up arms. Following a study and recommendations from the National Ombudsman's Office on ongoing violations of freedom of conscience, there are currently efforts underway to put in place legislation to establish the legal parameters of this right.

In January Oscar Suarez, a member of the Mennonite Church, which has historically maintained a strong pacifist doctrine, was arbitrarily detained by the National Army while travelling by bus from Villaviencio, Meta, to Bogotá. Army officials stopped the vehicle and asked for identity documents. Although they lacked any kind of administrative or legal order, they forced Mr Suarez to board an army truck used to recruit men without papers proving military service. The young man informed the army that he was a conscientious objector, a university student and a religious studies student (all legal reasons for service deferral), but was taken against his will to an army base.

At the base, military officials informed Mr Suarez that he was a lawbreaker because he had not defined his military situation, ignoring the fact that he had voluntarily presented himself to a local base on multiple occasions, without resolution. Mr Suarez was detained by force for one day and forced to undergo medical exams, declared fit for service and threatened with forcible induction into the army. Finally, although the military continued to refuse to recognise his right to conscientious objection, he was able to prove that he is currently a student and was released on this basis. His military status remains 'undefined', leaving him vulnerable to future arbitrary detention and forced recruitment.

² In the mid 2000s FARC defectors reported that a general order had been issued by commanders to consider all evangelical pastors as military targets.

FREEDOM OF RELIGION OR BELIEF ON INDIGENOUS LANDS

Violations of religious freedom on indigenous reserves, which cover approximately one third of the country's land, are also of grave concern. Colombian courts have ruled that when it comes to religious freedom, indigenous Colombians (who constitute 3.4% of the total population – approximately 3.7 million people) do not enjoy the same rights as the rest of the population. This contravenes Colombia's international human rights obligations. In 1998 the Constitutional Court handed down a ruling in a case involving the forced displacement of hundreds of Protestant members of the Arhuaco indigenous group because of their refusal to renounce their faith. The ruling elevated collective cultural rights over fundamental individual rights for Colombians living on indigenous reserves, and upheld the 'right' of traditional authorities to enforce religious practice and belief.³ Subsequent

court cases have referred to the 1998 Constitutional Court decision – one case involved the weeks-long arbitrary detention of more than 30 Protestant members of the Kogi indigenous group in 2009, and efforts by the traditional authorities to compel them to renounce their faith. This leaves religious minorities in indigenous areas without protection for their freedom of religion or belief, or legal recourse at the national level.

As a result, local authorities in these areas currently have the right to mandate particular religious practices for all inhabitants. This has resulted in indigenous Colombians who do not wish to adhere to the official traditional religious beliefs being subjected to discrimination, corporal punishment and, in the worst cases, forced displacement from their homes and land for refusing to reconvert back to traditional beliefs – all with the support of the courts. Christian members of indigenous communities who live on reserves where there is a significant presence of illegal armed groups, continue to report serious violations of freedom of religion or belief both by traditional authorities and by the illegal armed groups.

3 Corte Constitucional, Sentencia SU-510/98 (Spanish) www.corteconstitucional.gov.co/relatoria/1998/SU510-98.htm