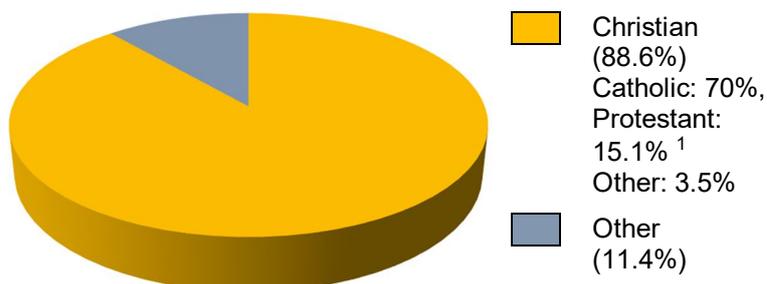


# CHILE



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<b>Area<sup>2</sup>:</b> 756, 096 km <sup>2</sup>	<b>Population<sup>3</sup>:</b> 17.4 million	<b>Political system:</b> Democracy <sup>4</sup>	<b>Major Language(s):</b> Spanish
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## Legal framework on freedom of religion and actual application

The Chilean constitution states that people are born free in terms of dignity and rights, and that the family is the fundamental unit of society. Moreover, it mentions that the State recognises and protects intermediate groups through which society is organised and structured, guaranteeing them the necessary autonomy to fulfil their specific tasks. It also states that sovereignty rests with the nation and that its exercise is limited by respect for human rights.

The constitution guarantees everyone "... freedom of conscience, the expression of all beliefs, and the free exercise of all faiths insofar as they are not contrary to ethics, public morality or the public order." With respect to religious faiths, it states that religious groups can build and maintain their temples and associated buildings in accordance with existing health and safety laws and regulations. Temples and associated buildings, if used exclusively for worship, are exempt from all taxes.<sup>5</sup>

Furthermore, Law 19638 of 1999, which defines the Rules on the Legal Constitution of Churches and Religious Organisations, provides that no person shall be discriminated against on the basis of his or her religious beliefs, nor can the latter be invoked in order to suppress, restrict or affect the principle of equality enshrined in the constitution and the law. The State guarantees that people can freely develop their religious activities and protects the freedom of Churches, religious denominations and entities.

The law states that freedom of religion and freedom of worship, autonomously and free from any coercion, entails for everyone, as a minimum, the right to profess or not to profess freely chosen religious beliefs; the right to manifest such beliefs freely or to refrain from doing so; the right to change or abandon one's professed faith; the right to practise in public or in private, individually or collectively, acts of prayer or worship; the right to celebrate holy days and rituals; and the right not to be compelled to perform acts of worship or to receive religious assistance contrary to one's own convictions. It also notes that people may receive and impart religious instruction or training by any means, and to meet or associate publicly for religious purposes.<sup>6</sup>

## Incidents

In July 2014 a draft law went before Chile's National Congress to amend Law No. 20,000 with the aim of decriminalising the cultivation, harvesting, and possession of cannabis by individuals on personal, spiritual, or therapeutic grounds.<sup>7</sup>

In September 2014 a draft amendment of the constitution went before Congress to require the State and its agents to provide equal treatment to Chile's different Churches as well as protect conscientious objection.<sup>8</sup>

In November 2014 a draft proposal was introduced in Congress to add a new paragraph after article 19.6 of the constitution, which reads as follows: "All Churches, religions and beliefs enjoy the same equal treatment by the State and its agents, since the free expression of their convictions cannot be limited in any manner. Everyone also has the right to conscientious objection towards any particular religion that might violate his or her freedom of belief."<sup>9</sup>

In October 2014 the Court of Appeal in Concepción upheld a ruling against a Catholic school for discriminating against a student who was not allowed to register again because of her mother's marital status.<sup>10</sup>

In November 2014, following consultations over the implementation of Supreme Decree No. 924 of 1983 regulating religious classes, the Ministry of Education issued a notice to specify that schools can offer elective religious classes, and that parents can decide about their children's involvement when they are in primary school, and that students themselves can decide when they are in middle school. It further states that in the case of religious schools, the will of the parents must be respected if they request in writing that their children be exempt from religious instruction, even if they originally chose that particular school. Subsequently, in December 2014 the Ministry issued another notice removing the provision that parents can decide in primary schools, and students in middle school. This led to various reactions, including legal objections from a law professor who is the national president of the Private School Federation.<sup>11</sup>

In December 2014 a bill went before Congress in relation to the protection of religious freedom, to amend article 18 of the Penal Code in order to ensure moral damages for victims and their families in case of offences under Law No. 20357 such as, inter alia, crimes against humanity, genocide and war crimes.<sup>12</sup>

In December 2014 a bill was presented to Congress to amend Law No. 19496 in order to penalise any kind of advertising information that contained racist or discriminatory content "... based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status".<sup>13</sup>

In December 2014, the Court of Appeal in Santiago upheld an application by a Branhamite minister against a ban issued by the Ministry of the Interior and Public Security preventing him from entering Chilean Territory.<sup>14</sup>

In January 2015, the government went before Congress with a bill to decriminalise abortion in three cases.<sup>15</sup>

In March 2016, the Chamber of Deputies approved by 66 votes to 44 the proposed decriminalisation of abortion in three cases presented by the government of President Bachelet. The law includes provisions for conscientious objection for doctors who refuse to perform it. The bill is waiting for senatorial approval.<sup>16</sup>

In March 2016, the Standing Committee of the Catholic Bishops' Conference of Chile sent a message to Catholics and the people of Chile concerning the approval by the Chamber of Deputies of the pro-abortion law. It read: "While governments and authorities, too many pro-abortion

legislators, discuss the various ways to safeguard the "common house" of humanity, we recall the statement of Pope Francis, who asserts that 'concern for the protection of nature is also incompatible with the justification of abortion.'<sup>17</sup>

In 2014, three Catholic churches were attacked: the Shrine of Lourdes in Santiago; the Shrine of Santa Barbara in the Araucanía Region; and the Parish of Our Lady of Mercy in Los Castaños, Santiago. Sacred images of Christ, St Sebastian and the Virgin Mary were damaged in these attacks, as was part of the compounds. In 2015, an attack was reported against an image of Mary in the Diocese of Villarrica. In 2016, attacks against places of worship have increased. They include a Catholic church in Santiago, eight churches in the region of Araucanía, as well as four Catholic chapels and three Evangelical churches. The attacks in Araucanía are connected to land claims by the Mapuche, an indigenous people, which it is claimed is fuelling a climate of insecurity with attacks on roads, lorries and private homes, and slogans in favour of "the Mapuche cause." Others, however, claim that those behind the attacks and bombings are outside groups that have appropriated the Mapuche cause, especially given the fact that this community is predominantly Christian.<sup>18</sup>

### Prospects for freedom of religion

While peaceful co-existence defines the religious climate in Chile, attacks against Christian churches have significantly increased during the period covered by this report. Most of these attacks have occurred in Araucanía, a region in southern Chile that is going through a particularly insecure period because of conflicts over land claims by the Mapuche people. However, it appears that some violent or extremist groups have seized the Mapuche cause, and do not represent the latter's legitimate aspirations. Religious authorities have indicated that temple burning is evidence that the Catholic Church and freedom of religious worship are being targeted. Hence, the once peaceful atmosphere of religious co-existence is deteriorating. Attacks against religious temples and holy sites are expected to continue. Thus, prospects are bleak, negatively affecting freedom of worship and freedom of religion.

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<sup>1</sup> Evangelical

<sup>2</sup><http://www.uchile.cl/portal/presentacion/la-u-y-chile/acerca-de-chile/8035/presentacion-territorial> accessed on 6<sup>th</sup> May 2016.

<sup>3</sup><http://www.bbc.com/news/world-latin-america-19357497> accessed on 6<sup>th</sup> May 2016.

<sup>4</sup><http://www.leychile.cl/Navegar?idNorma=242302> accessed on 29<sup>th</sup> March 2016

<sup>5</sup><http://www.leychile.cl/Navegar?idNorma=242302> accessed on 4<sup>th</sup> March 2016.

<sup>6</sup><http://www.leychile.cl/Navegar?idNorma=145268> accessed on 4<sup>th</sup> March 2016.

<sup>7</sup>[http://boletinlegislativo.bcn.cl/proyectos\\_boletin.dtml?id\\_boletin=229](http://boletinlegislativo.bcn.cl/proyectos_boletin.dtml?id_boletin=229) accessed on 31<sup>st</sup> March 2016.

<sup>8</sup>[http://www.senado.cl/presidenta-del-senado-asiste-a-te-deum-evangelico/prontus\\_senado/2014-09-15/111322.html](http://www.senado.cl/presidenta-del-senado-asiste-a-te-deum-evangelico/prontus_senado/2014-09-15/111322.html) accessed on 31<sup>st</sup> March 2016.

<sup>9</sup><http://congresoabierto.cl/proyectos/9716-07> accessed on 31<sup>st</sup> March 2016.

<sup>10</sup><http://radio.uchile.cl/2014/10/31/corte-de-apelaciones-de-concepcion-confirma-condena-a-colegio-por-vulnerar-ley-zamudio> accessed on 4<sup>th</sup> April 2016.

<sup>11</sup><http://derechoyreligion.uc.cl/es/docman/documentacion/chile/normas-juridicas-1/normas-reglamentarias/302-oficio-nd-051007-de-la-division-de-educacion-general-ministerio-de-educacion/file> accessed on 30<sup>th</sup> March 2016.

<sup>12</sup><http://app.vlex.com/#vid/570385338> accessed on 4<sup>th</sup> April 2016.

<sup>13</sup>[http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=9804-03](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=9804-03) accessed on 4<sup>th</sup> April 2016.

<sup>14</sup><http://www.diarioconstitucional.cl/noticias/accion-de-proteccion/2015/01/11/cs-confirma-sentencia-y-acoge-amparo-en-favor-de-ministro-de-culto-que-pretendia-ingresar-a-territorio-nacional/> accessed on 4<sup>th</sup> April 2016.

<sup>15</sup><http://www.latercera.com/noticia/politica/2015/01/674-615019-9-presidenta-bachelet-presenta-proyecto-sobre-despenalizacion-del-aborto.shtml> accessed on 4<sup>th</sup> April 2016.

<sup>16</sup><http://www.cnnchile.cl/noticia/2016/03/17/diputados-despacharon-proyecto-de-despenalizacion-del-aborto-en-tres-causales> accessed on 25<sup>th</sup> March 2016.

<sup>17</sup>[http://documentos.iglesia.cl/conf/documentos\\_sini.ficha.php?mod=documentos\\_sini&id=4405&sw\\_volver=yes&descripcion=](http://documentos.iglesia.cl/conf/documentos_sini.ficha.php?mod=documentos_sini&id=4405&sw_volver=yes&descripcion=) accessed on 25<sup>th</sup> March 2016.

<sup>18</sup><https://www.aciprensa.com/noticias/atacan-con-bombas-molotovs-santuario-de-la-virgen-de-lourdes-en-santiago-58796/1/> accessed on 30<sup>th</sup> March 2016.

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([http://www.biobiochile.cl/2014/09/30/concejo-municipal-tomara-acciones-legales-tras-destruccion-de-santuario-catolico-en-santa-barbara.shtml?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+radiobiobio+\(Bio-Bio+Noticias\)](http://www.biobiochile.cl/2014/09/30/concejo-municipal-tomara-acciones-legales-tras-destruccion-de-santuario-catolico-en-santa-barbara.shtml?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+radiobiobio+(Bio-Bio+Noticias))) accessed on 5<sup>th</sup> March 2016.

<https://www.aciprensa.com/noticias/etiquetas/ataque-a-objetos-religiosos/> accessed on 30<sup>th</sup> March 2016.

<https://www.aciprensa.com/noticias/desconocidos-atacan-a-la-virgen-de-lourdes-en-chile-65931/> accessed on 30<sup>th</sup> June 2016

<https://www.aciprensa.com/noticias/desconocidos-atacan-imagen-de-la-virgen-maria-en-chile-31703>, accessed on 5<sup>th</sup> March 2016.

<http://www.cnnchile.com/noticia/2016/03/08/ataque-incendiario-afecto-a-vivienda-e-iglesia-en-vilcun> accessed on 25<sup>th</sup> March 2016.

<http://www.latercera.com/noticia/nacional/2016/03/680-672294-9-ix-region-intendente-denuncia-siete-ataques-a-templos-religiosos.shtml> accessed on 30<sup>th</sup> March 2016.

<http://www.emol.com/noticias/Nacional/2016/03/17/793444/Obispo-de-Villarrica-acusa-ataque-a-libertad-de-culto-y-percibe-terror-en-victimas-de-violencia.html> accessed on 31<sup>st</sup> March 2016.

<http://impresa.elmercurio.com/pages/newsdetail.aspx?dt=2016-04-01&Paginald=5&BodyID=3&tipoPantalla=undefined> accessed on 4<sup>th</sup> April 2016.