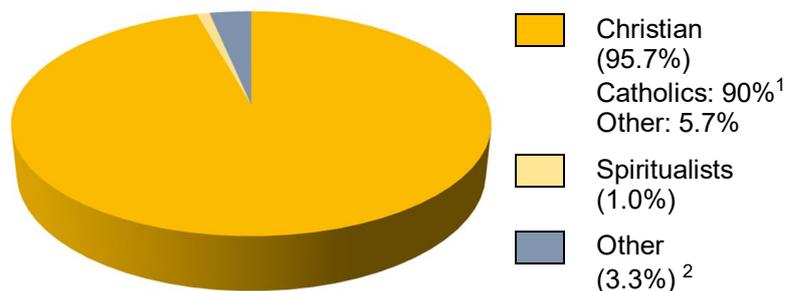


# COLOMBIA



<b>Area:</b> 1,140,000 km <sup>2</sup>	<b>Population<sup>3</sup> :</b> 47.5 million	<b>Political system:</b> Democracy <sup>4</sup>	<b>Major Language(s):</b> Spanish <sup>5</sup>
---	---	--	---

## Legal framework on freedom of religion and actual application

The current constitution of Colombia, promulgated in 1991, states that the authorities shall protect the life, dignity and beliefs of every person living in Colombia (article 2). It also recognises equality before the law and prohibits discrimination on religious grounds (article 13). Freedom of conscience and freedom of religion are expressly guaranteed. No-one can be persecuted for their convictions or belief nor forced to go against them. The freedom to profess religion freely, individually or collectively is recognised, and all Churches and religions are equal before the law (articles 18 and 19).

The civil effects of religious marriage are recognised, within the limits established by the law, and remain valid even in case of religious annulment in accordance with the civil effects laid out in the law (article 42). The rights of parents take precedence in children's education. No-one can be compelled to receive a religious education in public schools (Article 68).<sup>6</sup>

Notwithstanding the Concordat signed with the Holy See in 1973, some of its articles are not applicable because of constitutional provisions regarding religious freedom. Religious groups other than the Catholic Church must seek recognition from the Interior Ministry, which considers the group's degree of acceptance in society and other factors such as their statutes and codes of conduct. A public register of religious entities is maintained.

The anti-discrimination law and the Penal Code impose prison sentences and fines in cases of discrimination, among others, based on religion. Colombia's Constitutional Court has recognised conscientious objection to military service on religious grounds, and ordered the government to provide alternative services.

Religiously-oriented private schools are allowed as long as they meet the standards laid down by the Education Ministry. The Constitutional Court ruled that schools, both public and private, have to offer alternatives for those unable to meet their educational obligations on religious grounds. The ruling stems from an Adventist college student who could not attend classes on Saturdays.

Various non-governmental organisations and religious groups have reported attacks and extortions by guerrilla groups, such as the Revolutionary Armed Forces of Colombia, the National Liberation

Army, *Los Rastrojos*, and the *Clan Úsuga*, against religious leaders who defend the rights of displaced people, rural communities and other vulnerable groups.

In July 2015, ecumenical leaders around the world called on the Colombian government and FARC leaders to end the hostilities that afflict the country.<sup>7</sup> In November 2015, the ELN issued a press release addressed to the Catholic Bishops' Conference of Colombia, requesting its mediation in peace talks with the government. The Bishops' Conference expressed its willingness to mediate in the peace process.<sup>8</sup> At the same time, religious leaders – who are constantly mediating and promoting dialogue between the government and guerrilla groups – recognise that not only are attacks carried out against religious groups, but that people who travel to attend religious services and the timing of meetings of religious groups are restricted. Occasionally, armed groups prohibit acts of worship and other activities.<sup>9</sup>

## Incidents

The official recognition of the right to die with dignity influenced the issue of the conscientious objection. In December 2014, the Constitutional Court recognised the right to die with dignity and ordered the Health Ministry to establish a medical protocol that includes procedures aimed at ensuring that right. The Court called on Congress to regulate by law the right to die with dignity.<sup>10</sup> In April 2015, the Health Ministry issued the protocol governing the medical procedure to guarantee the right to die with dignity, in accordance with the ruling of the Constitutional Court.<sup>11</sup>

In March 2015, the television channel *Caracol TV* broadcast a report called *Secretos bajo la sotana* (Secrets under the cassock) that presented historical child abuse cases in Colombia and the Vatican, and linked priests to nightclubs. This report was heavily criticised because of its generalisations and inaccuracies and its attacks against the priesthood and celibacy.<sup>12</sup>

In June 2015, the Recruiting Command of Colombia's National Army issued new guidelines with respect to conscientious objection to military service on religious grounds.<sup>13</sup>

In July 2015, the Constitutional Court criticised the Embassy of the United Kingdom for its unfair treatment of Darwin Ayrton Moreno Hurtado, who was dismissed because of his religious practices, which were rooted in the Chocó culture to which he belonged.<sup>14</sup>

In July 2015, Congress began vetting a draft bill to regulate the right of conscientious objection.<sup>15</sup>

In August 2015, border disputes between Venezuela and Colombia resulted in the deportation of many Colombians from Venezuela. The Catholic Church played an active role in welcoming those displaced. Bishop Ochoa Cadavid of Cúcuta, called for talks between the two governments.<sup>16</sup>

In November 2015, the Third Section of the State Council ordered the Colombian state to pay compensation to a parish whose church was attacked in 2000 by FARC guerrillas in the city of Huila.<sup>17</sup>

In February 2016, Bishops' Conference president Luis Augusto Castro Quiroga called on the ELN to accept a unilateral ceasefire and enter into a public phase of peace talks with the Colombian government.<sup>18</sup>

The Catholic Church exercises great social influence in Colombia and is recognised as a mediator by various players in Colombia's ongoing social strife.

In the Cuban capital, Havana, on 23<sup>rd</sup> June 2016, the President of Columbia and the FARC rebel leader signed an historic ceasefire agreement, which took three years to negotiate.

## Prospects for freedom of religion

For many years, Colombia has been beset by guerrilla groups such as the ELN and the FARC. In 2015, Pope Francis' call for peace led some leaders of these organisations to request the mediation of the Catholic Church in peace talks with the government.

Colombian law and the actions of the Colombian judiciary enshrine and protect the exercise of religious freedom and freedom of conscience of the entire population, which is protected as far as the rule of law effectively goes. However, in the mainly rural areas where the guerrillas have greater influence, freedom of religion is poorly protected.

Courts have also played an active role in matters relating to family, parenting, and adoption by homosexual couples, natural death, conscientious objection and freedom of religion, compelling the State to act and guarantee practices that are not accepted by everyone because of their religious beliefs.

Prospects for freedom of religion in Colombia have improved over the previous period (2012-2014), as violence, such the killing of priests, has declined, and attitudes towards the Church as a mediator and facilitator in peace talks have improved.

---

<sup>1</sup> Based on estimates provided by the religious leaders of each confession.

[http://www.thearda.com/internationalData/countries/Country\\_55\\_2.asp](http://www.thearda.com/internationalData/countries/Country_55_2.asp) accessed on 4 May 2016.

<sup>2</sup> [http://www.thearda.com/internationalData/countries/Country\\_55\\_2.asp](http://www.thearda.com/internationalData/countries/Country_55_2.asp) accessed on 28 March 2016.

<sup>3</sup> <http://www.bbc.com/news/world-latin-america-19390026> accessed on 4 May 2016.

<sup>4</sup> Colombia is a decentralized unitary republic with a presidential form of government

<sup>5</sup> <http://www.dane.gov.co/index.php/poblacion-y-demografia/proyecciones-de-poblacion> accessed on 28 March 2016.

<sup>6</sup> [http://www.thearda.com/internationalData/countries/Country\\_55\\_6.asp](http://www.thearda.com/internationalData/countries/Country_55_6.asp) accessed on 28 March 2016.

<sup>7</sup> <http://alc-noticias.net/es/2015/07/13/lideres-ecumenicos-de-todo-el-mundo-piden-cese-bilateral-de-la-confrontacion-armada/> accessed on 28 March 2016.

<sup>8</sup> <http://www.eln-voces.com/index.php/voces-del-eln/comunicadosentrevistas/comunicados/443-saludo-a-la-conferencia-episcopal> accessed on 28 March 2016.

<http://temp.cec.org.co/destacados/5232-iglesia-estaria-dispuesta-a-medar-entre-el-gobierno-y-el-eln> accessed on 28 March 2016.

<sup>9</sup> <http://www.state.gov/documents/organization/238744.pdf> accessed on 28 March 2016.

<sup>10</sup> <http://www.corteconstitucional.gov.co/relatoria/2014/t-970-14.htm> accessed on 28 March 2016; cf.

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4536814/>.

<sup>11</sup> [https://www.minsalud.gov.co/Normatividad\\_Nuevo/Resoluci%C3%B3n%201216%20de%202015.pdf](https://www.minsalud.gov.co/Normatividad_Nuevo/Resoluci%C3%B3n%201216%20de%202015.pdf) accessed on 28 March 2016.

<sup>12</sup> <https://www.aciprensa.com/noticias/colombia-caracol-tv-arremetio-de-nuevo-contra-la-iglesia-y-el-sacerdocio-pese-a-masiva-protesta-19154/> accessed on 28 March 2016.

<sup>13</sup> <http://www.reclutamiento.mil.co/index.php?idcategoria=384213#> accessed on 28 March 2016.

<sup>14</sup> <http://www.corteconstitucional.gov.co/relatoria/2015/t-462-15.htm> accessed on 28 March 2016.

<sup>15</sup> <http://190.26.211.102/proyectos/index.php/textos-radicados-senado/pl-2015-2016/449> accessed on 28 March 2016.

<sup>16</sup> <http://www.aica.org/19410-un-obispo-interviene-en-el-caso-de-los-colombianos-deportados.html> accessed on 28 March 2016.

<sup>17</sup> <http://www.lanacion.com.co/index.php/actualidad-lanacion/item/261708-estado-debera-indemnizar-a-iglesia-del-municipio-de-colombia-por-ataques-de-las-farc> accessed on 28 March 2016.

<sup>18</sup> <http://www.eltiempo.com/estilo-de-vida/gente/iglesia-hace-llamado-al-eln-para-cese-unilateral-del-fuego/16511226> accessed on 28 March 2016.