



## Religion

## Population

## Area

- Christians : **88.2%**
- Agnostics : **8.2%**
- Atheists : **2.4%**
- Others : **1.2%**

18,132,000

756,102 Km<sup>2</sup>

## Legal framework on freedom of religion and actual application

The constitution<sup>[1]</sup> states that people are born free and equal in dignity and rights. The state recognises that the “family is the fundamental unit of society” and protects “intermediate groups” through which society is organised and structured. Article 1 declares that the state is at the service of the human person and must help the individual attain the greatest possible spiritual and material fulfilment.

The constitution guarantees freedom of conscience, the expression of all beliefs and the free exercise of all faiths that are not contrary to morality, decency or public order. Religious organisations are allowed to build places of worship in accordance with legal requirements concerning health and safety. Under article 19(6), places of worship and other buildings intended exclusively for worship are exempt from taxes.

Chile’s constitution and laws protect religious freedom for more than 2,000 recognised religious groups in the country. Any religious group can apply for non-profit status. The Ministry of Justice cannot refuse a petition for registration, but it can object to any submission within 90 days if there are shortcomings regarding the legal prerequisites in the application. The applicant then has 60 days to object to the points made by the state or seek redress in court. The state cannot de-register a religious organisation after acceptance. Each recognised religious group in the country can set up its own schools, clubs as well as any other organisations.

The Rules on the Legal Constitution of Churches and Religious Organisations are set out under Law No. 19,638 of 1999, which provides that no one shall be discriminated on the basis of their religious beliefs. It enshrines freedom of religion and worship, with autonomy and immunity from coercion, so that everyone can freely profess the religious belief of their choice by engaging in acts of worship in public or in private, individually or collectively, celebrate festivities, and perform their rites or none at all, as well as the freedom for people to leave their religion. The manner of religious education or

training received is the concern of each individual or organisation.<sup>[2]</sup> Also, under Law No. 20.609 there are measures against arbitrary discrimination, banning any form of exclusion or restriction that lacks reasonable justification that causes deprivation, upheaval or threat in the legitimate exercise of fundamental rights. This applies particularly when they are based on specific grounds including race, ethnicity or religion. Differential treatment is deemed reasonable, however, when the person is exercising other legitimate fundamental rights such as freedom of conscience, the expression of all beliefs and the free exercise of all religions.<sup>[3]</sup> The laws of the country must have regard to the nation's constitution, in particular to the rights and duties as detailed under article 19.

In the case of abortion, conscientious objection applies to individual medical staff and can also be invoked by an institution.<sup>[4]</sup>

## Incidents

In October 2016 Communist Party Deputy Camila Vallejo proposed the elimination of the invocation of God's name in the opening of the sessions of the Chamber of Deputies and its commissions in order to ensure the secular nature of the Chilean state.<sup>[5]</sup>

In September 2017 President Michelle Bachelet and other political leaders attended a Thanksgiving service organised by a number of Evangelical Churches to mark the country's Independence Day. During the ceremony, some pastors spoke out against the president and harshly criticised the government's abortion and marriage equality bills. The president was also insulted by the public outside the church. The government expressed its displeasure with such behaviour, after which an Evangelical bishop said that he would send a letter of apology to the president.<sup>[6]</sup>

In June 2017 the Inter-religious Advisory Council of the National Religious Affairs Bureau (Oficina Nacional de Asuntos Religiosos, ONAR) released a Code of Ethics to promote a culture of peace. It called on all religions and worldviews to adhere to it.<sup>[7]</sup> In September 2017 with ONAR's support, the Interreligious Dialogue Association for Human Development (Asociación de Diálogo Interreligioso para el Desarrollo Humano, ADIR) was launched to promote inter-religious dialogue.<sup>[8]</sup>

During the 2016-2018 period, a draft law to legalise abortion in three situations (risk to the woman's life, non-viability of the foetus and rape) was debated. Several churches spoke out against the proposed legislation. The bill was approved in September 2017, including the right of doctors and other medical staff to conscientious objection. The Constitutional Court ruled that the law must allow institutions to claim the right to conscientious objection as well!<sup>[9]</sup> In January 2018 the protocol for conscientious objection by individuals and institutions was approved. However, it did not allow institutions to exercise the right of conscientious objection if they had signed agreements with National Health Care Service to provide gynaecological and obstetric services. Two Church-linked hospitals challenged the protocol in an appeal. In March, after a new government came into office, a new protocol was adopted overruling that of January; however, the country's General Accounting Office ruled that neither protocol complied with the law.<sup>[10]</sup>

During the period under review, the feast day of Saint Lawrence and the days of Pope Francis's visit were declared holidays for religious reasons.<sup>[11]</sup>

In January 2018 Pope Francis visited Chile. In the event, the visit was complicated by the fact that it took place in the middle of a sexual-abuse crisis involving the Church and saw a low turn-out among the faithful!<sup>[12]</sup> During the visit, the Municipality of Iquique erected a ten-metre cross at the city's entrance, which now stands as a memorial to the Pope's visit.<sup>[13]</sup>

Attacks against churches, including arson, continued in the Araucanía region. In June 2016, during a service at an Evangelical church in a rural district, a group of gunmen entered the place of worship and set it on fire. In April 2018 two of those involved in this incident were convicted and sentenced to 10 years in prison!<sup>[14]</sup> In September 2017 unidentified

individuals burnt three churches in different Mapuche communities.<sup>[15]</sup> A series of attacks took place both before and after Pope Francis's visit, mostly against Catholic places of worship: four arson attacks were reported in the capital, while seven more occurred in the Araucanía, with six Catholic chapels and one Evangelical chapel destroyed. In some cases, pamphlets opposing the papal visit were found. The attacks were linked to the Mapuche, an indigenous people pursuing land claims.<sup>[16]</sup> Chilean President Bachelet condemned the attacks.<sup>[17]</sup>

Other attacks against churches included an incident in June 2016 when hooded men burst into a church in central Santiago. They took a religious image of the crucified Christ into the street and broke it into pieces.<sup>[18]</sup> In September 2017 a youth found guilty of damaging a national monument and desecrating sacred objects was convicted.<sup>[19]</sup> In July 2016 two exterior images of the Cathedral of Melipilla were desecrated and in January 2018, a group of armed individuals entered a Schoenstatt shrine where they threatened some nuns and stole the Virgin's crown.<sup>[20]</sup>

During the period under review, traditional religious festivals were celebrated, including the Fiesta de la Tirana, which incorporates religion and Andean worldview,<sup>[21]</sup> and the pilgrimage to the Virgin de Lo Vásquez in December, which required the deployment of police and road safety staff. The shrine is located half-way down the highway that connects Santiago to Valparaíso.<sup>[22]</sup>

In May 2018, the Appeal Court in Temuco rejected the writ of amparo (protection) filed by the jailed Machi (Shaman) Celestino Córdova against the Chilean Gendarmerie for denying him a leave of absence to participate in a Mapuche ritual.<sup>[23]</sup>

In May 2018, it was reported that a group of lawmakers planned to present a bill in Congress that would require priests to report crimes of which they had knowledge.<sup>[24]</sup>

## **Prospects for freedom of religion**

During the period under review, attacks against Churches continued. In the central region, attacks were apparently linked to criticism of the Catholic Church. In the Araucanía, they seem to be connected to the conflict over land claims involving the Mapuche people. However, some observers believe that extremist groups have seized on this issue, taking advantage of the situation in an effort to destabilise the social order. Most Mapuche are Christians who are affected by the attacks. Other violent and non-violent acts have been reported in connection with religious matters, unrelated to the Mapuche cause. This is indicative of a climate of intolerance on the part of both believers and non-believers. Police have prosecuted violent acts and courts have tried cases.

There are also some positive signs with respect to religious tolerance. Traditional festivals and grassroots religious celebrations continue to take place in public. The Association of Inter-religious Dialogue for Human Development was created with government support. Even though attacks against churches have persisted, most of them have been concentrated in one region and are not representative of the general climate of respect and peaceful coexistence among religions in the country. Stopping attacks against places of worship and other religious sites remains a challenge that the state must meet to ensure freedom of religion across the country.

## **Endnotes / Sources**

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