



Institute on Religion and Public Policy Report:

Religious Freedom in the Bolivarian Republic of Venezuela

Executive Summary

Venezuela's Constitution and laws provide relatively strong protection for religious freedom, though it also codifies some important restrictions on the influence of religious organizations. The legal system also provides the government with the tools to limit religious freedom if it so desires, but it has not yet used these tools to any significant extent. Although religious exercise has not been substantially limited in practice, serious concerns have been raised about the growth of government-promoted anti-Semitism in the country.

The Institute on Religion and Public Policy

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Background History

Since 1958, Venezuela has been governed by democratic rule. After President Carlos Andres Perez was impeached and removed from office on corruption charges in 1998, Hugo Chavez Frias was elected on an anti-corruption reform that promised significant constitutional changes. The newly constructed and elected National Assembly ratified Venezuela's current Constitution in 1999. Chavez was elected President in 2000, but was briefly thrown out of power by a military coup led by a business leader. After the military returned him to power, he was re-elected in a referendum by a substantial majority and remains Venezuela's President.

Legal Structure

The Constitution, ratified in 1999, purports to articulate strong protection for religious freedom, but gives the state a great deal of restrictive power. Article 59

holds that religious freedom is protected provided it is not contrary to morality, good customs and public order. However, it explicitly states that the independence of religious congregations and denominations is defined by the Constitution and laws of the country. As a result, the legislature is free to limit their independence as much as it deems appropriate. Article 59 also states that religious beliefs will not exempt anyone from generally applicable laws. In addition to the limitations found in the very article that proclaims religious freedom, the Constitution also seeks to limit the political influence of religious organizations by forbidding clergy from becoming governor, mayor or President of the country. It also, while affirming strong protection for free speech, explicitly exempts from protection messages that promote religious intolerance.

The plain language of Venezuelan law does not appear to limit religious freedom to any significant extent. Venezuela's Organic Law on Customs allows the government to set limitations on the entry and exit of people and goods. Article 33 of Venezuela's Regulation of the Law of Foreigners stipulates that foreign ministers or missionaries must acquire special permission from the Interior Ministry in order to enter the country. The Ministry of Interior and Justice's Directorate of Justice and Religion requires religious groups to register if they seek legal personality and financial benefits from the government. There is no indication that this process discriminates against any religious group; the only requirement is that groups serve the community interest, and this has been interpreted relatively loosely.

Religious Freedom in Practice

Though very little of Venezuelan law is *prima facie* hostile to religion, the government limits religious freedom in practice. It shows favoritism towards Catholicism relative to other religious traditions, while also restricting the capacity of religious groups to question the state. Protestant groups complain that the government shows excessive favoritism towards Catholicism, the religious tradition to which a substantial majority of the country subscribes. The state's relations with the Vatican are determined primarily by the concordat signed in 1964. The government gives extensive funding to religious organizations in general, but the majority of subsidies go to Catholic institutions. The state also gives funding to Catholic schools and social programs, while other traditions are simply free to establish and fund their own schools if they so desire. Additionally, military chaplains are almost exclusively Catholic. The result is that Venezuela's funding system arguably violates religious freedom both by financially entangling religious and political institutions, and by distributing government support in a manner that discriminates between religious traditions.

Venezuela has also restricted religious freedom by directly limiting or speaking against its exercise. Its customs law requires foreign missionaries to acquire special visas, and problems have been reported with first-time acquisition of them. The government also makes explicit efforts to limit the influence of both

Catholics and Protestants. Chavez and other government officials publicly stated that Catholic bishops should refrain from criticizing the government's proposal. Chavez' government has also sought to remove New Tribes Mission, a missionary group that targets tribal populations, from the country, and that case appears to still be pending. The government's action came after Pat Robertson's public statement that Chavez should be assassinated, but no connection between Pat Robertson and New Tribes Mission has ever been alleged.

In the United Nations, Venezuela co-sponsored the General Assembly resolution opposing "defamation of religion," which passed in November 2008. This represents an alarming threat to religious freedom because religious freedom necessarily incorporates the freedom to challenge differing beliefs regarding religious matters. It also must necessarily include the right to free speech, which is seriously hampered by the UN "defamation of religion" proposal.

Additionally, serious concerns about anti-Semitism in Venezuela are on the rise. Anti-Semitic comments have often been made on government-sponsored media programs, and some members of the Jewish community have raised concerns both about Venezuela's close relationship with Iran and about the presence of Hezbollah members in the country. Chavez himself has made some rather disturbing statements; he has repeatedly linked Venezuela's Jewish community to Israel and alleged that they tacitly support Israel's policies in Gaza, which he labels as genocide. Perhaps even more disturbingly, he has explicitly referred to members of Venezuela's Jewish community as "enemies of the people." He has revived anti-Semitic conspiracy theories and claimed that Jews are conspiring to destabilize the government. At least one government raid of a Jewish synagogue has been reported. Whether due to Chavez's statements or acting on their own accord, a few groups (one pro-Chavez) have attacked or defaced Jewish synagogues and very little action has been taken against them thus far.

United States Policy

The United States' relationship to Venezuela is multifaceted. The two countries have strong financial ties, but political relations have been somewhat strained in recent years. Venezuela has cultivated close ties with Iran; their agreements are primarily economic and social in nature, but Chavez has publicly defended Iran's pursuit of a nuclear program. During the Bush Administration, Chavez defined himself in opposition to the United States and used extremely offensive rhetoric to describe the President. In 2008, Venezuela expelled the United States' Ambassador in accordance with the Bolivian government's decision to do so, and in turn, Venezuela's ambassador was expelled from Washington. Relations appear to have improved at least marginally during the early months of the Obama Administration.

Conclusion

Venezuela's law and policy generally protect religious freedom, with some limitations. The Constitution, though it assures that freedom of religion is protected, gives the government a fair amount of power to limit religious freedom. Generally, the government has not chosen to exercise this power, but it has in some cases sought to limit the influence of religious institutions and has contributed by speech and public media to a disturbing anti-Semitic political climate.