

**United Nations Human Rights Council
Universal Periodic Review
Venezuela
Submission of The Becket Fund for Religious Liberty
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The Becket Fund for Religious Liberty is a nonprofit, public interest law firm whose clients have included Buddhists, Christians, Hindus, Jews, Muslims, Sikhs, and Zoroastrians.

**United Nations Human Rights Council
Universal Periodic Review of Member-State Venezuela**

The Becket Fund for Religious Liberty, in special consultative status with ECOSOC, submits this analysis of the rule of law and religious freedom in Venezuela as a contribution to the Universal Period Review of UN member-state Venezuela.

1. Background

Founded in 1830, the Republic of Venezuela has a population of 28.4 million people, 92 percent of which are self-described Roman Catholics.¹ The remaining 8 percent are Protestant, atheist or other. There are more than 100,000 Muslims in Nueva Esparta State and the Caracas area, mostly of Lebanese and Syrian descent.² The Jewish community, centered in Caracas, numbers approximately 9,500³ and has shrunk significantly since President Hugo Chavez came into power in 1998. At that time, there were approximately 22,000 Jews in Venezuela.⁴ This emigration is due in part to Chavez's socialist policies and in part to increasing anti-Semitism within the country.⁵

Since Chavez's rise to power, religious freedom has suffered in Venezuela. The U.S. Commission on International Religious Freedom added Venezuela to its official "Watch List" for the first time in 1999.

Free institutions have declined overall since Chavez came to power. Just this past December, before Chavez supporters were about to lose their two-thirds majority in the National Assembly, they pushed through 25 laws, some of which seriously restrict freedom of speech, academic freedom, and freedom of the press through a number of means, including broadcast radio and the internet.⁶

2. Legal Framework

2.1 Constitutional Framework

¹ See U.S. Dep't of State, *International Religious Freedom Report, 2010: Venezuela* [hereinafter "IRF Report 2010"]. Available at <http://www.state.gov/g/drl/rls/irf/2010/148784.htm>.

The 2010 report covers the period from July 1, 2009, to June 30, 2010.

² See IRF Report, 2010.

³ See IRF Report, 2010.

⁴ See U.S. Comm. on International Religious Freedom, *Annual Report 2010: Venezuela* [hereinafter USCIRF Report 2010]. The 2010 report covers the period from April 1, 2009 to March 31, 2010.

⁵ According to the U.S. Commission on International Religious Freedom, Venezuela was not known for having a problem with anti-Semitism until Chavez came to power. On the contrary, it had a reputation of welcoming Jews during and after the Holocaust. See USCIRF Report 2010, 319.

⁶ According to Human Rights Watch, two of these new laws "introduce sweeping restrictions on internet traffic, reinforce existing restrictions on radio and television content, and allow the government to terminate broadcasting licenses on arbitrary grounds." Another law passed in December "would prohibit human rights groups from receiving foreign funding or fostering public dialogue in Venezuela with international advocacy groups." See *Venezuela: Legislative Assault on Free Speech, Civil Society*, Human Rights Watch (December 22, 2010), available at <http://www.hrw.org/en/news/2010/12/22/venezuela-legislative-assault-free-speech-civil-society>.

The Constitution of Venezuela, approved by voters in 1999, provides certain protections for religious freedom. Article 59 of Section 2 protects the “freedom of cult and religion.” This article guarantees that all people have the right to express their beliefs in private or in public, by teaching and other practices, but conditions these freedoms on the basis that they “are not contrary to moral, good customs and public order.”⁷ Church autonomy is guaranteed and subject only to such limitations as may derive from the Constitution and the law, and the right of parents to have their children receive religious education is protected. Religious exemptions are limited by the provision, “[N]o one shall invoke religious beliefs or discipline as a means of evading compliance with law or preventing another person from exercising his or her rights.”⁸ Article 61 of Section 2 protects freedom of conscience but limits conscientious objections by stating that they “may not be invoked in order to evade compliance with law or prevent others from complying with law or exercising their rights.”⁹ Additionally, Article 57 provides that messages promoting religious intolerance will not be permitted.¹⁰

2.2 International Commitments

In 1978, Venezuela acceded to the International Covenant on Civil and Political Rights, which guarantees the freedom of religion or belief.¹¹ Additionally, as a member-state of the United Nations, Venezuela is bound to the Universal Declaration on Human Rights, which also protects the fundamental right to freedom of religion or belief.¹²

2.3 Other Laws

Law affecting Religious Education

While Article 59 of Section 2 of the Venezuelan Constitution guarantees that parents are “entitled to have their sons and daughters receive religious education in accordance with their convictions,”¹³ on August 13, 2009, the National Assembly passed the Organic Education Law that could amount to government oversight of education in religious schools. The law creates “communal councils” dominated by the ruling party, which would oversee and control all schools, including private religious schools. The councils would determine curriculum, teachers, and administration.¹⁴ Further, the law prohibits teachings that run counter to the Bolivarian socialist doctrine. Given the tensions between the Venezuelan government and Israel, Jewish schools have voiced concerns that this prohibition would inhibit certain teachings on the Jewish people and Israel.¹⁵

Law affecting Religious Property

In 2009, a law was passed to protect nationally important historic buildings. Catholics have voiced concerns that this law will allow the government to confiscate church property. The Catholic Church reported that in October 2010 in Caracas, a local district council leader

⁷ Venezuela Constitution, Section 2, Article 59.

⁸ Venezuela Constitution, Section 2, Article 59.

⁹ Venezuela Constitution, Section 2, Article 61.

¹⁰ Venezuela Constitution, Section 2, Article 57.

¹¹ G.A. Res. 2200A (XXI), art. 18, U.N. Doc. A/6316 (Dec. 16, 1966).

¹² G.A. Res. 217A, art. 18, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948).

¹³ Venezuela Constitution, Section 2, Article 59.

¹⁴ See USCIRF Report 2010, 319.

¹⁵ See USCIRF Report 2010, 319. The law also encourages indigenous languages in schools, which raises concern about how Hebrew languages courses might be impacted.

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announced that this law would be used by the government to confiscate several church-run schools.¹⁶

3. Implementation

Despite certain de jure religious protections in Venezuelan law, Jewish, Catholic, and some Protestant organizations are frequently the subjects of discriminatory rhetoric, and sometimes action, by the government. Specifically, religious groups that criticize the government face intimidation and harassment. In recent years, the Roman Catholic Church has had the most conflict with the government over its continued criticism that Chavez is leading the nation into a dictatorship. Chavez's cooperation with Iran has raised concern for the Jewish community, and anti-Semitic messages are frequently spread by Chavez, government officials, and government-sponsored media. Further, the government has been reluctant to investigate or crack down on societal discrimination against Jews and Catholics.

3.1 Mandatory Registration of Religious Groups

The Directorate of Justice and Religion (DJR) in the Ministry of Interior and Justice maintains a registry of religious groups, and all religious groups must register with DJR to have legal status as a religious organization. This is primarily an administrative requirement, but there is a requirement that the group must serve the community's social interests.¹⁷

The DJR also distributes funds to religious organizations and promotes awareness and understanding among religious communities. While all registered groups are eligible for funding for religious services, most funding has traditionally gone to Roman Catholic organizations.¹⁸ However, in recent years there has been a decline in subsidies to Catholic organizations and an increase in funding to evangelical groups that implement government-sponsored social programs.

3.2 Intimidation/Discrimination against the Roman Catholic Church

Religious discrimination by the government is most common when a religious group speaks out against the government's policies and actions. In this regard, there has been significant tension between President Hugo Chavez and the Catholic Church, which has been vocal in their criticism that his regime is increasingly authoritarian. Chavez has referred to Catholic leaders as "oligarchs" and "the devil" and has accused them of conspiring against him with the United States, and even being involved in plots to assassinate him.¹⁹

The Catholic Episcopal Conference of Venezuela (CEV) reported that government-sponsored media targets its leadership. In April 2010, a government-sponsored newspaper accused a Catholic leader of "oppos[ing] independence" from his "throne" of "privilege and riches" after Catholic leaders criticized the government.²⁰ Similarly, last summer Chavez publicly stated that the Vatican should replace Cardinal Jorge Urosa after the Cardinal told the Vatican that Chavez is

¹⁶ See USCIRF Report, 319.

¹⁷ See IRF Report, 2010.

¹⁸ See IRF Report, 2010.

¹⁹ See USCIRF Report 2010, 321.

²⁰ See IRF Report, 2010

leading Venezuela towards a dictatorship.²¹ In the same speech, he expressed desire that a certain government-friendly priest become cardinal.

In February of 2010, Chavez ordered the government to expropriate a number of office buildings, three of which were CEV investment properties.²²

3.3 Anti-Semitism

The past decade has seen an increase in anti-Semitism, both on a societal level and in government rhetoric. Anti-Semitism ebbs and flows consistent with political events involving Israel. For example, Anti-Semitic rhetoric and acts reached a new level at the end of 2008 and early 2009, corresponding to the Israel-Gaza conflict, “fostering a climate permissive of anti-Semitic actions.”²³ Reports of Anti-Semitism have decreased since February of 2009.²⁴

Government rhetoric has compared the actions of Israel to the Nazis, blamed Israel and the Jews for all the world’s problems, and propagated stereotypes of Jewish financial control and influence, among other things.²⁵ These themes have been prominent in government media, including cartoons, radio programs, articles, and rallies.²⁶ As a result, it is not uncommon for Venezuelan Jews to be targeted in the same way that Israelis targeted.

Jews have been accused of participating in anti-government conspiracies by society, government-sponsored media, and sometimes even government officials. For example, in 2007, the host of a talk show on the official Venezuelan television station claimed that Jews were attempting to “destabilize” the Chavez government.²⁷ Without providing evidence, the host accused Jewish businessmen of financing student demonstrations against Chavez’s proposed constitutional reforms. That same year, government officials were involved in raiding a Jewish community center with armed security agents, searching for weapons to no avail.²⁸

In January of 2009, the Tiferet Israel synagogue was vandalized by 11 people, allegedly including police officers. As of June 2010, the suspects were awaiting trial in prison.²⁹

The State Department listed Venezuela as a state sponsor of anti-Semitism in their *March 2008 Contemporary Global Anti-Semitism Report*.

3.4 Lack of Government Enforcement against Religious Discrimination

The government has at times failed to prosecute attacks against religious groups. For example, on several occasions Chavez’s supporters have forcefully entered and occupied the residence of

²¹ See Chavez, *Venezuelan Church Clash Over Freedoms*, CBSNews.com (July 12, 2010), available at <http://www.cbsnews.com/stories/2010/07/11/ap/business/main6668823.shtml>.

²² See IRF Report 2010.

²³ See USCIRF Report, 320.

²⁴ See USCIRF Report, 320.

²⁵ See USCIRF Report, 320.

²⁶ See USCIRF Report, 320.

²⁷ See U.S. Dep’t of State, *Contemporary Global Anti-Semitism: A Report Provided to the United States Congress*, March 2008, available at <http://www.state.gov/documents/organization/102301.pdf>.

²⁸ See *Synagogue in Venezuela Vandalized in Break-In*, The New York Times (January 31, 2009), available at <http://www.nytimes.com/2009/02/01/world/americas/01webvenez.html>

²⁹ See IRF Report, 2010.

Catholic leaders, following which no arrests were made.³⁰ Recent examples of squatters illegally occupying Catholic property involve a Catholic church under construction in Merida and a CEV property in Barinas. The government never took any action to remove the squatters.³¹ Similarly, four properties owned by evangelical organizations were occupied by squatters or government-sponsored Community Councils. Again, the government did not take action. There have also been instances where Chavez supporters have played loud music outside of churches to drown out preaching by priests who oppose Chavez' policies, and some priests have been threatened.³²

3.5 Missionaries

Foreign missionaries require special visas, and the process of attaining them seems somewhat burdensome. Some missionaries reported concern about refusal rates for first-time missionaries, and, less frequently, renewals, and that the religious visa process is prone to delay.³³ Additionally, the government forbids missionaries from working in indigenous areas.³⁴

4. Recommendations

During the Universal Periodic Review, the UN Human Rights Council should take care to consider religious freedom in its evaluation of Venezuela. We respectfully recommend that the UNHRC not only base its evaluation of Venezuela on constitutional assurances of religious freedom, but also on the current regime's failure to implement those assurances.

The UNHRC should evaluate the implementation of recently-passed laws that seem to pose a threat to religious education and property ownership by churches and other religious organizations.

The UNHRC should address the government's failure to investigate the harassment of Catholic priests and other religious leaders who exercise their right to freedom of speech protected by Venezuela's Constitution.

The Venezuelan government should endeavor to protect all citizens from discrimination regardless of their religious affiliation. Venezuela's Constitution states that speech promoting religious intolerance will not be permitted, yet government officials themselves engage in anti-Semitic speech and fail to crack down on anti-Semitic attacks. The UNHRC should evaluate the anti-Semitic and anti-Catholic rhetoric by government officials and government-sponsored media.

³⁰ See USCIRF Report, 321.

³¹ See IRF Report, 2010.

³² See USCIRF Report, 321.

³³ See IRF Report, 2010.

³⁴ See IRF Report, 2010.