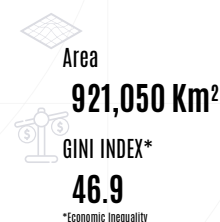
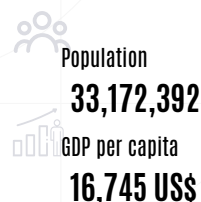
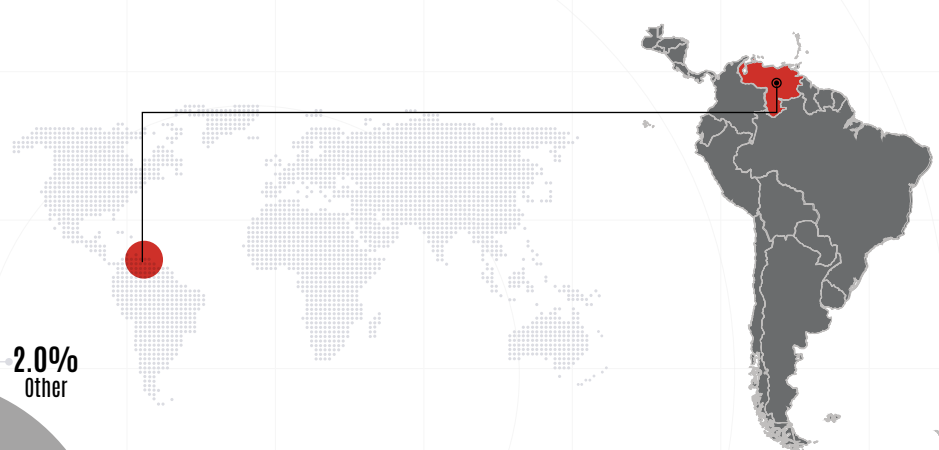
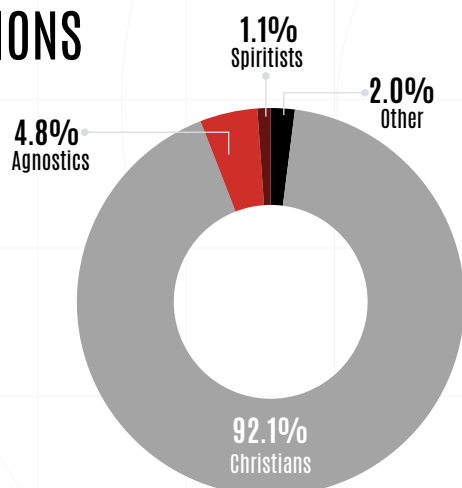


VENEZUELA

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Preamble to the Venezuelan Constitution¹ invokes God’s protection with regard to the establishment of a democratic society that upholds rights, including freedom from discrimination.

Under Article 59 of the Constitution, the state guarantees freedom of worship and religion. The same article states that everyone has the “right to profess their religious faith and cults,” as well as “to express their beliefs in private or in public, by teaching and other practices, provided such beliefs are not contrary to moral[ity], good customs and public order.” The article goes on to guarantee the independence and autonomy of Churches and religious denominations, and recognise the right of parents to educate their children in accordance with their beliefs.

Article 61 upholds freedom of conscience and expression. It also stipulates that conscientious objection cannot be invoked to avoid complying with the law.

According to Article 89 (4), all forms of discrimination in

the workplace are prohibited.

The state recognises the rights of indigenous peoples under Article 119 of the Constitution, including their right to their religions. According to Article 121, indigenous people also have the right to maintain and develop their customs and values, including their spirituality and places of worship. These rights are not only protected by the country’s Constitution but also by other laws.

Article 97 of the 2005 Organic Law on Indigenous People and Communities² recognises the spirituality and creed of indigenous communities as fundamental components of their worldview. Imposing religious beliefs on indigenous peoples is not allowed, nor is denying their practices and beliefs (Article 98). The religious education of indigenous children and adolescents is the responsibility of their parents, relatives and members of their community (Article 100). Indigenous people have the right to protection from political and religious fanaticism (Article 107).

Other laws³ recognise the right of children and adolescents to freedom of thought, conscience, and religion. Their parents or guardians have the right and duty to guide them in the exercise of this right. Minors

have the right to their own cultural life, to profess and practise their own religion or beliefs, and use their own language, especially those who belong to ethnic, religious or indigenous minorities.

In the field of education,⁴ the state declares itself to be secular, independent from all religions. Parents are given the right to choose their children's religious education.

In accordance with the tax reform of 2014,⁵ tax exemptions for institutions dedicated to religious, artistic, scientific and other activities have been eliminated. Such exemptions are now restricted to charities and social welfare organisations.

The Penal Code of Venezuela⁶ categorises various types of conduct that threaten freedom of worship. Article 168 concerns the punishment of people who attempt to prevent or disturb religious services or ceremonies or intentionally damage items used in worship.

Churches are recognised as legal entities.⁷ Under an agreement with the Holy See, signed in 1964, the Catholic Church is recognised as an international and public legal entity.⁸ In 1994, another agreement was signed with the Holy See regarding the provision of spiritual assistance in the Armed Forces.⁹

In 2017, the Constituent National Assembly (Asamblea Nacional Constituyente, ANC) adopted the Constitutional Law against Hate, for Peaceful Coexistence and Tolerance,¹⁰ which imposes penalties of up to 20 years in prison for anyone who disseminates hateful messages – by radio, television, social media – on account of a person's affiliation with certain groups defined, among others, by their social status, ethnicity, religion, political views, or sexual orientation.

The law is broad and imprecise and is highly discretionary in its application. In the opinion of the NGO Espacio Público, it is a means to limit freedom of expression, especially any dissenting opinion.¹¹

INCIDENTS AND DEVELOPMENTS

Repression, Violence and Religious Freedom

In January 2019, a group of 20 people stormed Our Lady of Guadalupe de Maracaibo parish during Mass. Carrying sticks, firearms, and grenades, they dese-

crated the Blessed Sacrament and attacked the parish priest and the worshippers present. The archbishop denounced the lack of police action and protection.¹² That same month, amid anti-government demonstrations, army troops surrounded the Cathedral of Maturín, where more than 700 people had taken refuge, including seminarians and priests.¹³ The Dulce Nombre de Jesús church in Petare, Caracas, was besieged for days in February 2019, including besiegers using horns and playing music; it was vandalised with graffiti painted on its façade denigrating its priest because he had criticised the government.¹⁴

In May 2019, members of Venezuela's Bolivarian National Guard attacked Nuestra Señora de Fátima parish in the city of San Cristóbal during Mass. They stormed into the church on a motorcycle, throwing tear gas canisters inside the church.¹⁵ In October and November 2019, two churches in the State of Miranda saw the Eucharist desecrated and a number of items stolen.¹⁶ In October, the General Directorate of Military Counterintelligence (Dirección General de Contrainteligencia Militar, DGIM) arrested Pastor José Albeiro Vivas, an officer in the Venezuelan Air Force. At the beginning of the traditional March for Jesus he said: "Venezuela, your time for freedom has come". He was charged with misusing military decorations and insignia.¹⁷

The practices of the government of Nicolás Maduro against the Catholic and Evangelical Churches are listed in the reports on religious freedom in Venezuela prepared by the US State Department. They are so numerous and of various nature that we present only representative cases. The 2018 report cites insults, threats, the expulsion of foreign religious workers, and bureaucratic obstacles that make it harder to obtain recognition as religious entities.¹⁸ The 2019 report includes interrupted religious services, attacks on churches, and the arrest of a Protestant pastor while he was leading a prayer service.¹⁹ Notably, in April 2019, due to orders from "higher up", the Bishop of San Cristóbal was not allowed to enter the Occidente Prison, where he was to celebrate Mass on Holy Thursday.²⁰ In July 2019, Cardinal Baltazar Porras noted that in Venezuela the Church is persecuted for its positions on the country's social, political, and economic crisis. Schools are blocked, priests' homilies are monitored, and social outreach is hindered, among other limitations.²¹

Political Crisis and the Church

The Catholic Church has been critical of the Venezuelan government, pointing to the humanitarian crisis and the displacement of millions of Venezuelans caused by the country's deep social, political and economic crises. In January 2019, the Church said that Venezuela was "in a tragic and extremely serious situation" due to growing poverty and the ills that afflict it: "policies of hunger, political persecution, military and police repression, political prisoners, torture, corruption".²² In addition, Church leaders denounced the new presidential mandate, saying that it was illegitimate in origin and lacked democratic support. In relation to popular protests, the Church called on the government to respect the rights of protesters and avoid repression and arbitrary arrests. Various bishops took part in peaceful demonstrations.²³

In May 2019, the Bishop of San Cristóbal said that senior government officials asked the Church to grant them asylum in the event of the fall of the Maduro regime.²⁴ He noted that the Church has the right to give sanctuary to the persecuted. That same month, the Catholic Bishops' Conference of Venezuela condemned the deaths during a riot in the General Police Command jail in Acarigua as a result of security forces intervening to reimpose order.²⁵

In October 2019, the Bishop of Carúpano said that the country is in a situation similar to that of Europe after World War II, with people suffering, children dying from malnutrition, medical drugs in short supply, and violent groups allowed to control people. In the prelate's words, the situation was so extreme "that families do not even have money to bury their dead in a dignified way." All of this has forced people to leave, displacing almost 15 percent of the population by the end of 2019.²⁶

In January 2020, the Catholic Bishops' Conference of Venezuela criticised the illegal election of the speaker of the National Assembly. For the bishops, by preventing Members of the Assembly from entering the legislative building, the military engaged in abuse of power, evidence of the government's totalitarian and undemocratic ideology.²⁷ In May 2020, the Bishops' Conference called for an inclusive national accord to allow the country to overcome its serious crisis and recover socially, politically and economically.

Following the outbreak of the COVID-19 pandemic, the Church called on the authorities to pay more attention to the opinion of doctors and specialists as well as to

guarantee the media's right and duty to inform. Church leaders also highlighted the solidarity that emerged from the population and the work of social outreach of the Catholic Church together with other Churches and religious groups.²⁸ In September 2020, Cardinal Porras spoke about the country's profound crisis, noting that Venezuelans have been denied the right to express opinions or to show dissent, and that people are suffering a lot.²⁹

Like in other Latin American countries, popular expressions of religiosity are an important feature of life in Venezuela. For example, in August 2019 the pilgrimage of the Santo Cristo de la Grita took place, with priests of the Diocese of San Cristóbal carrying the cross on their shoulders.³⁰

Other Developments

In December 2019, President Maduro decreed that the 15th January be the National Day of the Evangelical Pastor. In making his announcement, he said: "I am a Christian of Christ and the people of Christ can count on me, Nicolás Maduro, the Christian president and worker!" He also established the Vice Presidency of Religious Affairs within the United Socialist Party of Venezuela, created the first Evangelical University and the "Pastoral Government Councils", and gave land to religious groups. For some, this is part of a political strategy to gain the support of Evangelical groups.³¹

In April 2020, the creation of the Interreligious Social Council was announced. It includes a number of Churches (Catholic, Evangelical, Anglican, Seventh-day Adventist), the Jewish community, as well as a number of social organisations. The purpose was to engage in joint work on understanding and peace.³²

PROSPECTS FOR RELIGIOUS FREEDOM

The situation of religious freedom has not changed significantly in Venezuela since the previous report. The country is still going through a deep social, political and economic crisis, with a government whose legitimacy is questioned by broad sectors of society, the Church and the international community. The Church has denounced the shortages of food and medicines, as well as the tragedy of displaced people.

According to media reports, state actors and pro-government armed groups are responsible for the vio-

lence, as they act against anyone who disagrees with the regime or criticises it. With attacks on churches and acts of aggression and harassment of members of the clergy, upholding religious freedom is a big challenge. In view of the situation of the past few years, the future can be expected to be more negative.

- 1 Venezuela (Bolivarian Republic of) 1999 (rev. 2009), Constitute Project, https://www.constituteproject.org/constitution/Venezuela_2009?lang=en (accessed 5th December 2020).
- 2 “Ley Orgánica de Pueblos y Comunidades Indígenas,” Asamblea Nacional de la República Bolivariana de Venezuela, http://www.acnur.org/fileadmin/Documentos/Pueblos_indigenas/ley_organica_indigena_ven.pdf?file=fileadmin/Documentos/Pueblos_indigenas/ley_organica_indigena_ven (accessed 30th October 2020).
- 3 “Ley Orgánica para la Protección de Niños, Niñas y Adolescentes,” Organización Aliadas, 10th December 2007, <http://aliadasencadena.org/wp-content/uploads/2017/01/LOPNNA.pdf> (accessed 30th October 2020).
- 4 “Ley Orgánica de Educación (Vigente),” 15th August 2009, URBE Universidad Rafael Bellosó Chacín, <https://www.urbe.edu/portal-biblioteca/descargas/Ley-Organica%20de-Educacion.pdf> (accessed 30th October 2020).
- 5 “Decreto N°1435. 17 de noviembre de 2014. Decreto con Rango, Valor y Fuerza de Ley de Reforma de la Ley de Impuesto sobre la Renta,” Gaceta Oficial de la República Bolivariana de Venezuela, N°6.152 Extraordinario, página 42, 18th November 2014, <https://dhqrdotme.files.wordpress.com/2013/02/decreto-con-rango-valor-y-fuerza-de-ley-del-cc3b3digo-orgc3a1nico-tributario.pdf> (accessed 30th October 2020).
- 6 Código Penal de Venezuela, Organizations of American States, https://www.oas.org/juridico/spanish/mesicic3_ven_anexo6.pdf (accessed 30th October 2020).
- 7 See Article 19 (2), Código Civil, Organizations of American States, https://www.oas.org/dil/esp/Codigo_Civil_Venezuela.pdf (accessed 30th October 2020).
- 8 “Ley aprobatoria del Convenio celebrado entre la República de Venezuela y la Santa Sede Apostólica,” 26th June 1964. Gaceta Oficial de la República de Venezuela, N.º 27.478, 30th June 1964, <https://data.miraquetemiro.org/sites/default/files/documentos/GO%2027478%20Ley%20Aprobatoria%20Convenio%20entre%20Venezuela%20y%20Santa%20Sede%20Apostolica.pdf> (accessed 30th October 2020).
- 9 “Acuerdo entre la Santa Sede y la República de Venezuela para la creación de un Ordinariato Militar,” Vatican City, 24th November 1994, http://www.vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19941031_s-sede-venezuela_sp.html (accessed 30th October 2020).
- 10 “Publicada en Gaceta Oficial Ley Constitucional contra el Odio,” Gobierno Bolivariano de Venezuela, 8th November 2017, <http://vicepresidencia.gob.ve/publicada-en-gaceta-oficial-ley-constitucional-contra-el-odio/> (accessed 18th November 2020); “De periodistas a sacerdotes: quiénes fueron las víctimas de la ‘Ley contra el odio’ de Maduro,” Infobae, 12th July 2020, <https://www.infobae.com/america/venezuela/2020/07/12/de-periodistas-a-sacerdotes-quienes-fueron-las-victimas-de-la-ley-contra-el-odio-de-maduro/> (accessed 18th November 2020).
- 11 Gustavo Ocando Alex, “La Ley contra el Odio entra en ‘fase intensa’ en Venezuela con 21 arrestos desde enero,” Voice of America, 22nd July 2020, <https://www.voanoticias.com/venezuela/la-ley-contra-el-odio-entra-en-fase-intensa-en-venezuela> (accessed 18th November 2020).
- 12 “Venezuela: Grupos armados profanan Santísimo en Misa con niños de Primera Comunión [VIDEOS],” ACI Prensa, 28th January 2019, <https://www.aciprensa.com/noticias/grupos-armados-profanan-santisimo-durante-misa-con-ninos-de-primera-comunion-en-venezuela-20429> (accessed 30th April 2020); “Arzobispo denuncia inactividad de policía venezolana antes profanación de iglesia,” ACI Prensa, 29th January 2019, <https://www.aciprensa.com/noticias/arzobispo-denuncia-inactividad-de-policia-venezolana-ante-profanacion-de-iglesia-69159> (accessed 30th April 2020).
- 13 “Venezuela: Soldados rodean catedral con cientos de personas adentro,” ACI Prensa, 23rd January 2019, <https://www.aciprensa.com/noticias/venezuela-soldados-rodean-catedral-con-cientos-de-personas-adentro-22230> (accessed 11th November 2020).
- 14 “Caracas: Asedian iglesia Dulce Nombre de Jesús en Petare para acallar a monseñor Héctor Lunar, sacerdote crítico de Maduro,” Aporrea, 1st March 2019, <https://www.aporrea.org/actualidad/n338973.html> (accessed 16th November 2020).
- 15 Angel Alberto Morillo, “La Guardia Nacional de Venezuela ataca con bombas lacrimógenas un templo en San Cristóbal durante la misa,” Vida Nueva Digital, 2nd May 2019, <https://www.vidanuevadigital.com/2019/05/02/con-bombas-lacrimogenas-guardia-nacional-bolivariana-ataca-templo-durante-eucaristia-en-san-cristobal/> (accessed 30th April 2020).
- 16 “Profanan la Eucaristía en dos iglesias de Venezuela,” ACI Prensa, 3rd November 2019, <https://www.aciprensa.com/noticias/profanan-la-eucaristia-en-dos-iglesias-de-venezuela-98334> (accessed 30th April 2020).
- 17 “Pastor y militar venezolano es arrestado tras organizar Marcha para Jesús,” Evangélico Digital, 17th October 2019, <https://www.evangelicodigital.com/latinoamerica/10035/militar-y-pastor-venezolano-es-arrestado-tras-organizar-marcha-para-jesus> (accessed 16th November 2020).
- 18 Antonio José Chinchetru, “El régimen de Nicolás Maduro atenta contra la libertad religiosa de católicos y evangélicos,” Kon Zapata, 8th June 2018, <https://konzapata.com/2018/06/el-regimen-de-nicolas-maduro-atenta-contra-la-libertad-religiosa-de-catolicos-y-evangelicos> (accessed 6th December 2020); Office of International Religious Freedom, “Venezuela,” 2018 Report on International Religious Freedom, U.S. Department of State, <https://www.state.gov/reports/2018-report-on-international-religious-freedom/venezuela/> (accessed 30th April 2020).
- 19 Office of International Religious Freedom, “Venezuela,” 2019 Report on International Religious Freedom, U.S. Department of State <https://www.state.gov/reports/2019-report-on-international-religious-freedom/venezuela/16> (accessed 16th November 2020).
- 20 “Impiden a Obispo de Venezuela celebrar Jueves Santo en centro penitenciario,” ACI Prensa, 18th April 2019, <https://www.aciprensa.com/noticias/impiden-a-obispo-de-venezuela-celebrar-jueves-santo-en-centro-penitenciario-74418> (accessed 30th April 2020).
- 21 “Iglesia Católica es perseguida por el gobierno de Venezuela, denuncia Cardenal,” ACI Prensa, 9th July 2019, <https://www.aciprensa.com/noticias/iglesia-catolica-es-perseguida-por-el-gobierno-de-venezuela-denuncia-cardenal-68457> (accessed 30th April 2020).
- 22 “Exhortación Lo que hicieron a uno de estos hermanos míos más pequeños, a mi me lo hicieron,” Conferencia Episcopal Venezolana, 9th January 2020. <https://conferenciaepiscopalvenezolana.com/downloads/exhortacion-lo-que-hicieron-a-uno-de-estos-hermanos-mios-mas-pequenos-a-mi-me-lo-hicieron> (accessed 16th November 2020).
- 23 “Obispos piden evitar la represión durante marchas en Venezuela,” ACI Prensa, 23rd January 2019, <https://www.aciprensa.com/noticias/obispos-piden-evitar-la-represion-durante-marchas-en-venezuela-77558> (accessed 11th November 2020).
- 24 “Líderes de Gobierno de Maduro fueron a pedir asilo a la Iglesia, afirma obispo de Venezuela,” ACI Prensa, 7th May 2019, <https://www.aciprensa.com/noticias/lideres-de-gobierno-de-maduro-fueron-a-pedir-asilo-a-la-iglesia-afirma-obispo-de-venezuela-17348> (accessed 30th April 2020).
- 25 “Obispos condenan muertes ocurridas en cárcel de Venezuela y exigen que no queden impunes,” ACI Prensa, 29th May 2019, <https://www.aciprensa.com/noticias/obispos-condenan-muertes-ocurridas-en-carcel-de-venezuela-y-exigen-que-no-queden-impunes-18238> (accessed 30th April 2020).

- 26 Blanca Ruiz, "Venezuela es un "campo de concentración", afirma Obispo," ACI Prensa, 10th October 2019, <https://www.aciprensa.com/noticias/venezuela-es-un-campo-de-concentracion-afirma-obispo-85397> (accessed 30th April 2020).
- 27 "Venezuela: Obispos advierten ilegalidad en elección de Parra a la cabeza de Parlamento," ACI Prensa, 8th January 2020, <https://www.aciprensa.com/noticias/venezuela-obispos-advierten-ilegalidad-de-eleccion-de-parra-a-la-cabeza-de-parlamento-26560> (accessed 30th April 2020); "¡Claro! Cardenal Porras tras hechos en la AN: "Venezuela clama a gritos un cambio de rumbo", Maduradas, 15th January 2020, <https://maduradas.com/cardenal-porras-tras-hechos-la-an-venezuela-clama-gritos-cambio-rumbo/> (accessed 30th April 2020).
- 28 "Exhortación "Se oye una voz de alguien que llora amargamente (JER 31,15) Necesitamos una concertación entre todos y un acuerdo nacional inclusivo," Conferencia Episcopal Venezolana, 28th May 2020, <https://conferenciaepiscopalvenezolana.com/downloads/necesitamos-una-concertacion-entre-todos-y-un-acuerdo-nacional-inclusivo> (accessed 16th November 2020).
- 29 "Cardenal Porras: 'Venezuela se está convirtiendo en un mundo esquizofrénico'," Religión Digital, 17th September 2020, https://www.religiondigital.org/baltazar_porras/Cardenal-Porras-venezuela-futuro-esquizofrenico-tesis-politica-pobreza-esperanza_7_2269343059.html (accessed 11th November 2020).
- 30 "Sacerdotes llevan en hombros a Santo Cristo de La Grita en peregrinación [FOTOS]," ACI Prensa, 2nd August 2019, <https://www.aciprensa.com/noticias/sacerdotes-llevan-en-hombros-a-santo-cristo-de-la-grita-en-peregrinacion-fotos-46239> (accessed 30th April 2020).
- 31 Jesús Mesa, "¡Soy el presidente cristiano y obrero!": La estrategia evangélica de Maduro en Venezuela," El Espectador, 25th December 2019., <https://www.elespectador.com/noticias/el-mundo/soy-el-presidente-cristiano-y-obrero-la-estrategia-evangelica-de-maduro-en-venezuela/> (accessed 30th April 2020).
- 32 Paola Calderón Gómez, "Venezuela anuncia creación de Consejo Interreligioso Social," Prensa Celam, 22nd April 2020, <https://prensacelam.org/2020/04/22/venezuela-anuncia-creacion-de-consejo-interreligioso-social/> (accessed 11th November 2020).