

The Cuban government continues to routinely and systematically violate freedom of religion or belief (FoRB). All religious groups are targeted to varying degrees, usually tied to levels of perceived lack of support of, or cooperation with, the government. Unregistered groups are particularly vulnerable.

Legal framework

Changes made to Cuba's constitution were adopted following a referendum in February 2019. While the constitution sets out specific and basic guarantees regarding FoRB, these freedoms are limited by other provisions in the penal and administrative codes. The constitution also separates freedom of conscience from FoRB and makes it illegal to invoke conscientious objection with the 'intention of evading compliance with the law.'

In July 2019, the government adopted Decree Law 320 which curtails freedom of expression on the internet to guard against 'disseminating information contrary to the common good, morals, decency, and integrity through public data transmission networks'. Since it came into force it has been used increasingly against independent journalists, including those reporting on FoRB and other human rights. In August 2021, Legal Decree 35 came into force. This 'cybersecurity' law criminalises any online criticism of the government as well as incitement to 'public disturbances' which is the term the government uses to describe peaceful protest marches that took place across the island on 11 July. According to the Legal Decree 35, any dissemination of 'content that violates the constitutional, social and economic precepts of the State, that incites mobilizations or other acts that affect public order; that spreads messages that justify violence, accidents of any kind that affect the privacy and dignity of people' will now be considered cyberterrorism. This gives the government sweeping and subjective powers to crack down on freedom of expression and related rights including FoRB.

The government adopted a new penal code in December 2022 which, in Article 272, addresses 'abuse of the freedom of worship' and criminalises anyone who, because of their religious beliefs, 'opposes the objectives of education, or the duty to work, defend the Homeland through the armed struggle when no other resources is available, to revere [Cuba's] symbols or anything else established by the Constitution of the Republic of Cuba', stipulating a six months to one year prison sentence or a heavy fine as punishment. Penalties for leading or belonging to an unauthorised association were increased from a few months' imprisonment to a minimum of six months and a maximum of two years for a leader and one year for a member. The same sentences are applied for leading or participating in an unauthorised meeting. The new criminal code will amplify the government's ability to crack down on religious leaders, especially those associated with unregistered groups, and together with the limits on conscientious objection in the 2019 constitution, effectively nullifies constitutional guarantees for freedom of conscience.

In 2008 Cuba signed both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), both of

which afford protections to FoRB. Fifteen years later, Cuba has yet to make any move to ratify either.

The Office of Religious Affairs

The Office of Religious Affairs (ORA), which operates out of the Ministry of Justice but is part of the Central Committee of the Cuban Communist Party (CCP), is involved to varying degrees in most FoRB violations in Cuba. Despite the official announcement of a government body that was supposed to take over the administration of religious associations, according to religious leaders, in practice the ORA continues to oversee the activities of all religious groups and associations on the island and maintains a hostile approach to those groups viewed as unsupportive of the government.

The ORA regularly calls religious leaders into meetings where State Security officers are present, and in which the leaders are pressured to publicly support government policies and initiatives, interrogated about their positions on various issues of interest to the government, as well as the position of other leaders in their religious group, and belittled and threatened if they decline to cooperate. The ORA habitually denies or simply fails to respond to the requests of religious leaders to, for example, make essential repairs to their buildings of worship or to hold special events. It awards permits, including the right to invite visitors on a required religious visa, according to the inviting religious association's perceived level of support for, or cooperation with, the government.

The ORA also routinely and arbitrarily denies religious groups' applications for registration, which are required for them to operate legally. While all religious groups experience FoRB violations, unregistered groups are most vulnerable and suffer some of the most egregious violations, as their unregistered status means that their very existence, as well as anything they attempt to do as a religious group, is illegal.

Harassment of religious leaders

Violations of FoRB in Cuba most often take the form of threats and harassment against religious leaders, their congregations and families. Leaders are often visited by State Security agents with the intent of intimidating them and making them aware that the government has their activities under close surveillance.

In a typical example, Reverend Arcadis Solano, a long-time pastor with the Baptist Convention of Eastern Cuba, a registered, historic religious association, was for years summoned monthly by a State Security agent using the pseudonym 'Anais'. In these meetings, 'Anais' interrogated the pastor about his positions on various government policies and pressured him to inform on other members of the denomination. He was threatened with imprisonment on multiple occasions and was also subjected to overt surveillance, with State Security officers stationed outside his home and church, who openly took photos and watched his movements. On one occasion, the pastor was summoned by the ORA to a meeting at which Caridad del Rosario Diego Bello, the long-time head of the ORA, threatened and insulted him in front of the leadership of his denomination and others.

In recent years, numerous religious leaders have also

been declared 'regulado', effectively subjecting them to an arbitrary and indefinite international travel ban. In October 2022, Abu Duyanah who leads the Cuban Association for the Dissemination of Islam, was preparing to board a flight to make pilgrimage to Mecca. Before boarding, an officer from the Directorate of Identification, Immigration, and Foreigners (DIEE) notified him that he was regulado and would not be allowed to board his flight. When Abu Duyanah asked why he was under a travel ban, the officer informed him that he is a person of 'public interest' and a threat to national security. Over the past year, government officials have lifted the travel ban on a number of religious leaders and human rights defenders only on the condition that they leave the country and do not return.

The Ladies in White

The Ladies in White are a peaceful protest movement comprising the wives and other female relatives of jailed dissidents in Cuba. Except for a seven-month pause in 2020 due to the COVID-19-pandemic, every Sunday since 2003, members, who dress in white, have attempted to attend Sunday Mass and then march silently in peaceful protest at the unjust incarceration of their loved ones. Each week, members of the movement are arbitrarily detained to prevent them from attending religious services. These detentions are often violent, and the women are frequently threatened, fined and held without charge in poor or dangerous conditions, sometimes for over a day. Many have also been forcibly stopped from attending other religious activities during the week.

11 July 2021 protests

On 11 July 2021, the largest independent protests since 1959 erupted across Cuba. Protestors marched peacefully across the country and openly called for economic and political reform. The CCP responded to the protests with violence; many protestors were beaten and detained. Several religious leaders were among those detained, including Roman Catholic Priest Father Castor José Álvarez Devesa, who was beaten and detained for 24 hours in Camagüey. Reverend Lorenzo Rosales Fajardo, the leader of an unregistered Protestant church in Palma Soriano was also arrested by Cuban State Security and paramilitary officers on 11 July and remains imprisoned. He was given a summary trial in December 2021 and in May 2022 his family was informed that he had been sentenced to seven years in prison. Loreto Hernández García, Donaida Perez Paseiro and two other members of the Association of Free Yorubas, an Afro-Cuban religious group, are also serving prison sentences in connection with their participation in the 11 July protests. The group has a long history of being targeted by the government, in part because of their decision to remain independent of Afro-Cuban religious groups with links to the government. Over the past year, Mr. Hernández García, who has a serious health condition has been blocked from receiving critical medical treatment and has been repeatedly humiliated and ridiculed by prison officials because of his religious beliefs.

Recommendations

To the government of Cuba:

- Amend provisions for freedom of religion or belief and freedom of conscience in the constitution, and bring civil, administrative and penal law and regulations into line with both international law and the San José Pact;
- Eliminate the Office of Religious Affairs as it currently exists, or reform it to operate transparently within defined legal parameters and with recourse to appeal and eliminate registration requirement for religious groups or put in place clear and transparent procedures for registration that are in line with international laws protecting FoRB;
- Guarantee freedom for religious leaders to carry out their work without harassment, threats or government pressure targeting them or their families and allow all religious groups to engage in social work and to hold peaceful public events free from interference and intimidation;
- End the targeting of human rights defenders, including FoRB defenders, and their families by harassment, threats and imprisonment;
- Issue a standing invitation to all UN Special Procedures, ensuring they have unhindered access to all areas of the country and ensure that members of civil society, including religion or belief communities, can freely meet with these independent experts without reprisal.

To United Nations Member States:

- Urge Cuba to ratify the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and ensure that local authorities, including Cuban Communist Party leaders, are aware of and implement the provisions at a local level;
- Urge all relevant UN mechanisms, including the Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their reporting on Cuba, addressing the vulnerabilities and violations faced by religion or belief communities and those seeking to defend them;
- Urge Cuba to amend constitutional provisions for freedom of religion or belief and freedom of conscience in line with international standards, and bring civil, administrative, and penal law and regulations into line with both international law and the San José Pact;
- Continue to seek ways of engaging with members of Cuban independent civil society, offering support when appropriate and publicly condemn reprisals against members of Cuban independent civil society seeking to engage with the UN and other international forums;
- Monitor reports of arbitrary detention and call on Cuba to protect all persons from arbitrary detention and guarantee the right to a fair trial.