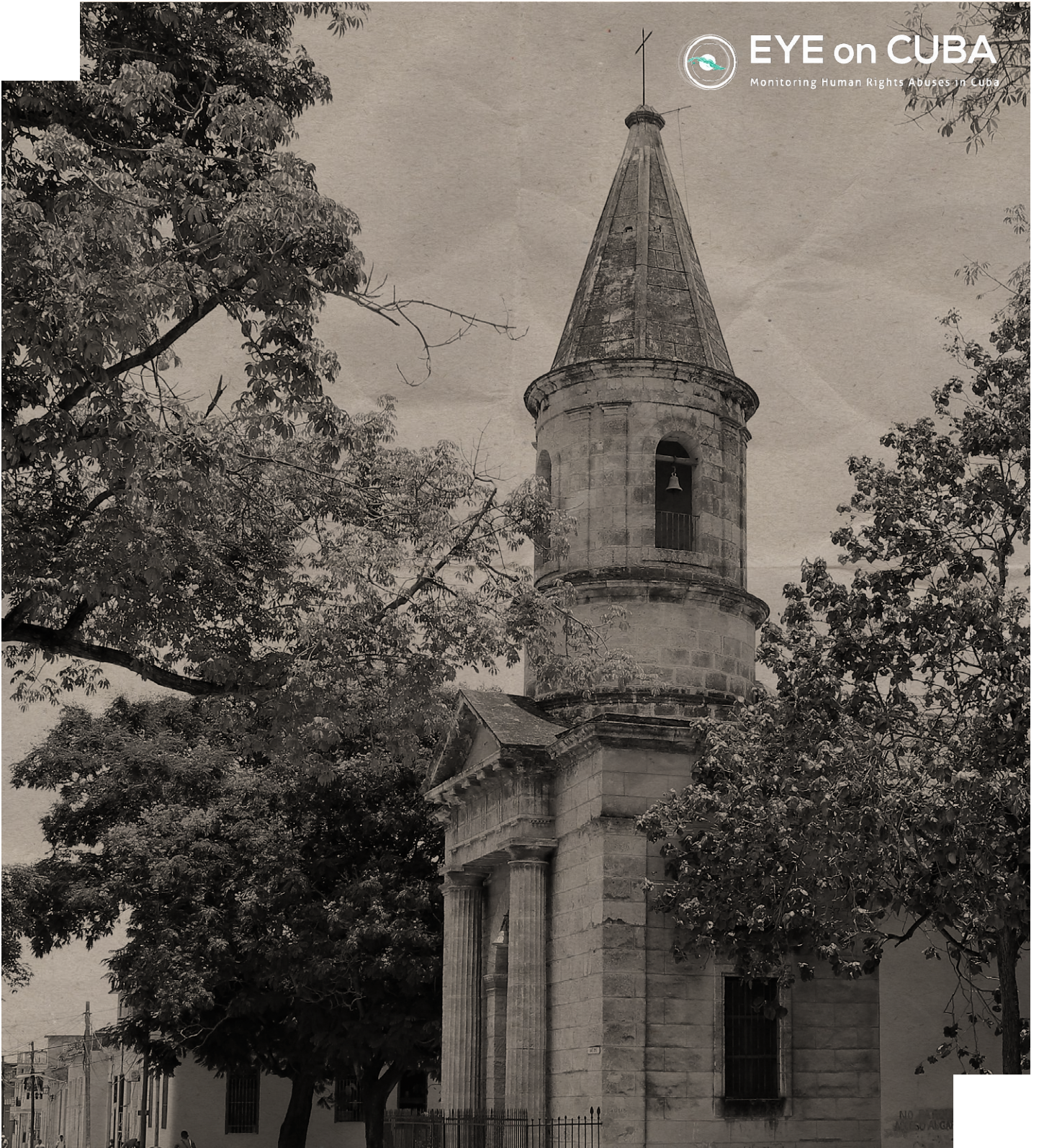




EYE on CUBA

Monitoring Human Rights Abuses in Cuba

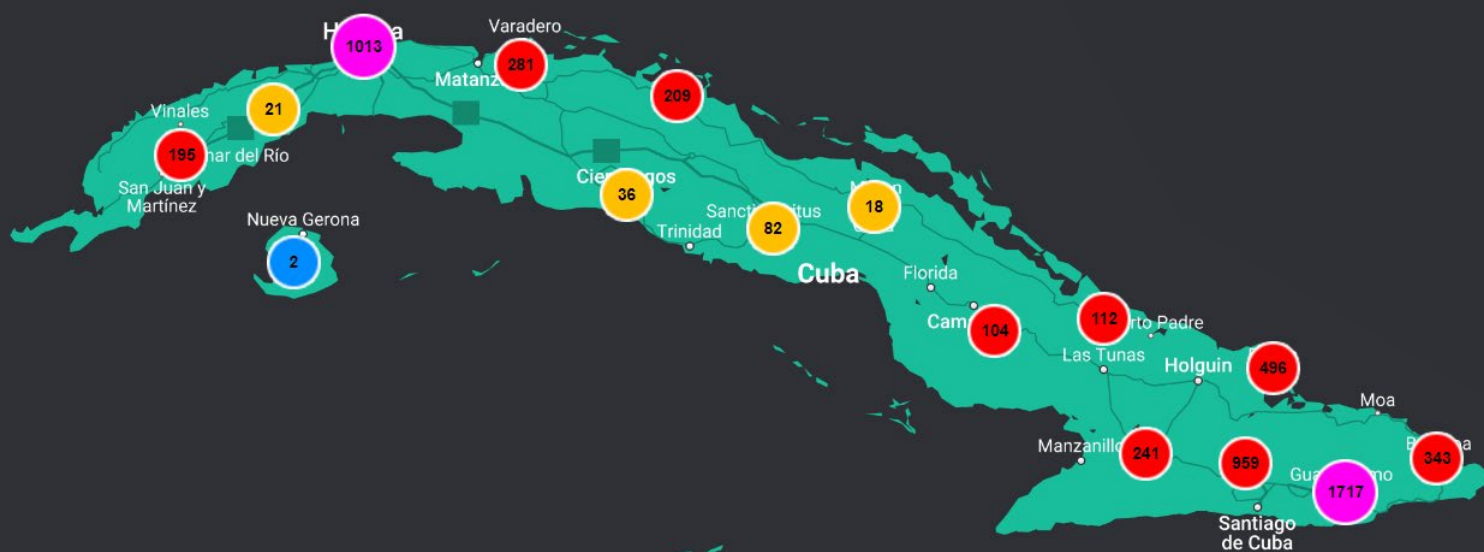


Religious Freedom

Thematic Report

The cases shown allow us to know first-hand the reality of Cuban civil society, which often faces repression from the authorities.

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Introduction

People in Need (PIN) is a non-for-profit, non-governmental organization created in 1992 in the Czech Republic, currently present in dozens of countries such as Costa Rica, Nicaragua, Honduras, Ukraine, Serbia, Syria, Egypt, Afghanistan and others. Over its 30 years of experience it has worked based on principles of freedom, humanism, equity and solidarity, placing human dignity and freedom at its centre. Similarly, throughout its trajectory, it has positioned itself in favour of the full enjoyment of the rights contemplated in the Universal Declaration of Human Rights. This is why it has characterised itself by humanitarian aid, the fight against poverty, and help to those living in authoritarian regimes in different regions.

As part of its work in search for the assurance of human rights, and being aware of the critical situation of such rights, PIN started operations in Cuba in 1997 through the [Eye on Cuba](#) project. The primary objectives of this project are the defence of human rights of the inhabitants of the island, help to the Cuban population, and the dissemination of information towards the international community concerning the situation of human rights in this country.

Eye on Cuba has taken care to support local initiatives in all the provinces, in order to seek the promotion and protection of human rights of Cubans. It has likewise woven a network of support and protection in favour of activists and citizens who are victims of abuses perpetrated by the regime currently in power. For its part, it has built a documentation platform that gathers current, trustworthy data supplied by the inhabitants, which works as a fundamental means of visibilisation of the current situation in the island. This information is systematised and arranged to finally post it on the official website of Eye on Cuba. This data

base seeks to expose the different and serious abuses committed against the civil population, as well as to offer a programme that is sufficiently broad and reliable.

Among the different abuses shown on the data platform are breaches of civil and political rights, as well as economic, social and cultural rights. However, in a global and diverse context, where the possibility of practising and living under various faiths is sought, the discussions on the national situation have neglected the repercussions of the repression against freedom of worship in the island. In this respect, *Eye on Cuba* finds the need to issue the present topical report as part of the yearly reports that reflect particular situations in the Cuban context.

This report seeks to situate itself in the context presented by the cases documented in 2022, in order to visualise the different affectations on the exercise of religious freedom and related rights. This report has been developed on the basis of the data supplied by collaborators of the Network, as well as on a review of the literature concerning the current understanding, at the international level, of the freedom to profess a religious belief. As a result, it sketches a general overview of the situation of religious freedom in the island.

Cuba and religious freedom

The freedom of religion or belief is guaranteed on Article 18 of the *Universal Declaration of Human Rights*, on Article 18 of the *International Covenant on Civil and Political Rights*, as well as on the *Declaration on the Elimination of All Kinds of Intolerance and Discrimination Based on Religion or Belief*. With different words in these instruments, this freedom is understood as the right of every person to profess their own belief, to have a religion, to have none, or to freely change it.

Additionally, the Universal Declaration of Human Rights asserts that, while a person may not profess the same religious belief as the majority of the population in the country, this freedom must ensure them living in peace on account of their denomination, without any obligation to follow a national or State-sponsored line.

Several of the international instruments that enshrine this freedom understand that such freedom is not merely an ability to choose and practise a religion. Beyond this simple fact, it involves the right to worship with no undue interference from any political, social or economic actor. So much so, that the United Nations Human Rights Committee has stressed that a country's internal laws must not punish any criticism that might come from religious leaders, avoid comments on any religious doctrine or principles of faith, as well as avoid limitations on the exercise of different religious practices as long as these do not involve disrespect for other rights or freedoms of the other groups they are living with.

The following are some of the articles that can be mentioned from the varied international normative corpus concerning freedom of religion or worship:

International Covenant on Civil and Political Rights

Art. 18 (1): "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice [...]"

Art. 18 (3): "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

Universal Declaration of Human Rights

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom [...], either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Declaration of the UN General Assembly, 1981

Art. 1 (2): "No one shall be subject to coercive measures that might diminish his freedom to have such religion or beliefs as he chooses."

Art. 2 (1): "No one shall be subject to discrimination by any State, institution, group or person on account of his religion or other beliefs."

Art. 6 (a): The right to freedom of thought, conscience, religion or beliefs includes the freedom "To worship or to meet in relation to a religion or belief [...]"

Resolution 2005/40 of the Human Rights Commission (paragraph 4 (d)), resolution 6/37 of the Human Rights Council (paragraph 9 (g)), and resolution 65/211 of the General Assembly (paragraph 12 (g))

[...] encourages the States to "Guarantee, in particular, the right of all persons to practise worship or to meet in relation to a religion or belief [...]"

Resolution 6/37 of the Human Rights Council

Art. 9 (g): The Human Rights Council urges the States to "guarantee, in particular, the right of every person to practise worship or to meet in relation to a religion or belief, and to establish and maintain facilities for these purposes [...]"

Resolution 2005/40 of the Human Rights Commission (paragraph 4 (e)) and Resolution 6/37 of the Human Rights Council (paragraph 12 (h))

[...] Urges the States to "guarantee that, in accordance with the appropriate national legislation and according to the international human rights standards, the freedom of all persons and members of groups to set up and maintain religious, charitable or humanitarian institutions be fully respected and protected."



In line with the above excerpts, the current Political Constitution of Cuba, in force since 2019, provides that the Cuban State "recognises, respects and guarantees religious freedom", associated with the constitutionally provided right to "profess or not his religious beliefs, to change them, and to practise the religion of his choice".

In line with the above excerpts, the current Political Constitution of Cuba, in force since 2019, provides that the Cuban State “recognises, respects and guarantees religious freedom”, associated with the constitutionally provided right to “profess or not his religious beliefs, to change them, and to practise the religion of his choice”. The Constitution also “recognises, respects and guarantees the persons’ freedom of thought, conscience and expression”. It is constitutionally provided that Cuba is a lay State, which ensures the separation between religious institutions and the State, and yet forbids discrimination based on religious reasons.

Nevertheless, the 2019 Report on [International Religious Freedom in Cuba](#), developed by the American Embassy in Cuba, points out several circumstances concerning religious freedom in the island. To begin with, the Constitution acknowledges the right of meeting, demonstration and association for workers, peasants, women, students and other sectors of the working population. The right of religious association is not explicitly recognised, despite the fact that the same Constitution forbids discrimination based on such motives.

Concerning the state of religious freedom, the Embassy indicates that the Ministry of Justice and the different Security Services of the Government are recruited in order to control and watch over religious practices in the Cuban territory. There is an Office for the Attention of Religious Affairs (OAAR [Spanish acronym]) which is in charge of regulating religious entities and religious practice.

In addition, there is a Law of Associations that requires all religious groups to request their official registration with the Ministry of Justice. The requirements include the identification of the facilities where their activities will be conducted, a sketch of the religious leadership, and the group’s funding sources. It has been observed that if the Ministry of Justice considers that the requesting group has interests identical or similar to those of another group that is already registered, or that its practices might involve a danger or attempt against the common good, the registration is denied. However, if the registration of a religious group is approved by the Ministry, it is then officially registered similarly to civil society organisations and workers’ entities.

Afterwards, even if the religious group has already been duly registered by the Ministry of Justice, if it is going to carry out activities different from regular services, the group must request OAAR’s permission. These different activities might include holding meetings at different sites than approved in the official request, publishing major decisions of religious meetings, hosting foreign visitors, importing religious literature, building or repairing worship facilities, etc.

On the other hand, those groups that do not register or that hold religious activities without authorisation from the Ministry of Justice may face sanctions, from fines through shutting up their organisations and seizing their assets. Similarly, the Penal Code provides that belonging to an unregistered group or associating with such a group constitutes an offence, whose penalties range from financial fines to three months in prison. Likewise, a religious leader of a unregistered group may be sentenced to one year in prison.

A different report of 2 August 2022, from the organisation *Prisoners Defenders*, [Constitutional Reform and Religious freedom in Cuba](#), researched on some constitutional parameters such as freedom of speech and the right to non-discrimination. It came to the conclusion that the Cuban Communist Party has claimed “full ability to arbitrarily restrict religious freedom and worship, with no legal possibility to oppose.”

Although the Cuban government has expressed that the recent effectiveness of the Political Constitution ensures recognition, respect and guarantee of religious freedom, the religious institutes and fellowship associations separated from the State and the efforts of international human rights organisations demonstrate the opposite.

The [Report on Religious Freedom in Cuba](#) from the *Cuban Human Rights Observatory* (OCDH [Spanish acronym]) for the year 2023 has reaffirmed the growing deterioration on people’s freedom in the Island. Among the data referred to in the study, 68% of the people interviewed recognise that they personally, or another person close or known to them, has suffered from repression, persecution, threats, obstruction or harassment on account of their religious beliefs or practices.

On the other hand, around 50% of those interviewed consider that publicly professing a religious denomination is a prevailing reason in hindering the activities of a civil society organisation or a reason for discrimination in the public or private working sector.

In general, according to the OCDH report for 2023, among the restrictions to freedom of worship currently experienced by people in Cuba are: restricting access to events at public locations, denial of permits for carrying out processions, prohibiting to exit the country, prohibiting the entrance of foreign religious groups to the country, denial of access to media, intercepting access to information or the use of communications technology and media, etc.

Without indicating any mayor differentiation in the activity that prevents or restricts access and freedom in religiosity, 68% of the people surveyed consider that the OAAR plays a key role in the violation or limitation of these rights.

Among all the institutions (both governmental and non-governmental) that make up the Cuban society, religious organisations are the ones that have the most support and perception of trust by the population. This is partly due to the fact that their nature offers an alternative vision of morality and a safe space, distant from the authoritarianism of the State. For instance, while religious institutions have 42% of perception of trust by the population, this percentage goes down to only 13% and 8% for the Government and the Communist Party respectively. This is one of the main reasons why persecution against religious freedom has made a comeback with such hostility in recent years.

Additionally, given the reiterated international and national denunciations on the state of religious freedom in the Island, the Council of Ministers of the Republic of Cuba created in March 2022 the Department of Attention to Religious Institutions and Fraternal Associations in order to perfect the methods of direction and policy regarding religious matters. Around the same date, the Communist Party asserted that the OAAR of the Cuban Communist Party “shall continue to exercise its task in the implementation of the Revolution policy concerning religion and believers.”

The Ladies in White

The Ladies in White are a peaceful movement that started in Havana in 2003,¹ which has achieved international recognition. Its members are mainly wives and family members of political prisoners or Cuban that have disappeared during the Communist dictatorship. Since the movement began, they have pronounced themselves publicly to demand the release of political prisoners and to denounce the poor conditions and treatments at detention centres. Their launching letter, published internationally on 1st April 2003, reads as follows:

To the international public opinion:

We, the wives, mothers, sons and daughters of those men and women who are unjustly in prison after the recent massive wave of arrests against peaceful dissidents in Cuba, request solidarity and support for an international campaign to demand the immediate release of our family members. They have been arrested for exercising their freedom of expression and thought, and for desiring for our beloved nation the reconciliation and respect for human rights.

Their main form of activism are peaceful marches they carry out on Sundays, dressed in white and walking in silence as they head to Mass at Santa Rita's, in the Miramar district of Havana. However, the group has grown and now one can find Ladies in White in all the provinces where political prisoners are known to exist. They use these silent marches as a symbol of peace, over and against the violence exerted by the Government against dissidents of all kinds.

¹ Communiqué from The Ladies in White requesting international support during the Black Spring of 2003. Available at damasdeblanco.com



Methodology and Data Analysis

The Eye on Cuba platform

The *Eye on Cuba* network gathers data based on the information supplied by collaborators, who identify, document and report State actions that undercut the exercise of fundamental rights, according to the Universal Declaration of Human Rights. The present report is based on the analysis of the cases gathered during the year 2022, which included a total 280 cases.

Typology of violations of religious freedom

In the year 2022, a total of 280 cases were registered, distributed over the whole Cuban territory, of which 5.7% (16) were actions geared towards limiting the exercise of religious freedom. Similarly, 31% of these violations included deprivation of freedom for the victims.

As to the victims, 31% (5) of the violations were carried out against men, while 60% had women as their victims. Of the total victims, 94% are activists, while only 1 person did not consider themselves as such. Both characteristics are related to the fact that the activist community Ladies in White is made up of women

Conclusions

Cuba has traditionally been the scene for the exercise of the broadest diversity of religious practice. As a heritage of the Spanish colonisation, the Catholic religion was preponderant in the social, cultural and political life of the nation. Likewise, there is a diversity of African religious currents inherited from slavery, such as Yoruba.

It is in the framework of this diversity that the Cuban Political Constitution of 2019 recognised respect for all forms of spiritual practice. However, as is typical of the centralism that characterises the Cuban Government, religious practices are not exempt from control, which is exercised by the Office of Religious Affairs of the Central Committee of the Cuban Communist Party. Through this institution, the regime has exercised control over religious institutions by imposing requirements that attempt against the free exercise of worship.

In addition to this previous censorship, which makes the organisation of religious communities difficult, the regime also harasses and criminalises organisations and individuals that find in religion a space for mutual association and exercise of their rights.

The cases on which the present report was based can be found on the [Eye on Cuba](#) platform.

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