

# POLICY BRIEF



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## Cuba

### Stringent state control of religion

Cuba is a one-party Communist state, in which every Cuban is subject to a totalitarian system of political and social control.<sup>1</sup> Post the 1959 Cuban Revolution, up until the fall of the Soviet Union in 1991, Cuba was an atheist state as per its constitution. The 1992 amendment to the Cuban constitution declared the country to be a secular state.<sup>2</sup> The government closely monitors and tightly controls all churches and their activities in the country. The Cuban government views organized religious groups suspiciously<sup>3</sup> and responds with repression and criminalization against anyone

demanding change for better living conditions.<sup>4</sup> The peaceful protest on July 11, 2021, by thousands of Cuban citizens on issues related to medicines, economy, and restrictions on rights, was met with force by the state resulting into a broad range of human rights violations including harassment, beatings, arbitrary detention, and torture.<sup>5</sup>

Article 54 of the Cuban Constitution recognizes, respects and guarantees people freedom of thought, conscience and expression,<sup>6</sup> however, conditions

<sup>1</sup> [refworld.org/reference/countryrep/uscis/1998/en/77974](https://refworld.org/reference/countryrep/uscis/1998/en/77974).

<sup>2</sup> Constitutional Reform and Religious Freedom in Cuba, A Report by the United States Commission on International Religious Freedom (USCIRF), 2022, pp. 12.

<sup>3</sup> [canopyforum.org/2023/04/29/politics-and-religion-in-cuba-and-nicaragua](https://canopyforum.org/2023/04/29/politics-and-religion-in-cuba-and-nicaragua).

<sup>4</sup> [amnesty.org/en/latest/news/2022/07/five-things-you-should-know-cubas-11-july-protests](https://www.amnesty.org/en/latest/news/2022/07/five-things-you-should-know-cubas-11-july-protests).

<sup>5</sup> [hrw.org/report/2022/07/11/prison-or-exile/cubas-systematic-repression-july-2021-demonstrators](https://www.hrw.org/report/2022/07/11/prison-or-exile/cubas-systematic-repression-july-2021-demonstrators).

<sup>6</sup> [constitutionproject.org/constitution/Cuba\\_2019#:~:text=Citizens%20have%20the%20right%20to,order%20established%20by%20this%20Constitution](https://constitutionproject.org/constitution/Cuba_2019#:~:text=Citizens%20have%20the%20right%20to,order%20established%20by%20this%20Constitution).

set forth in the penal and administrative codes limit these freedoms. For example, Legal Decree 35, which came into force in August 2021, considers any online criticism of the government as well as incitement to ‘public disturbances’ as a criminal offense. This decree gives extensive powers to the government to repress freedom of expression, a related right to freedom of religion or belief (FoRB). Additionally, Article 54 of the constitution makes it illegal to invoke conscientious objection while Article 272 of the Cuban Criminal Code of 2022 criminalizes anyone who opposes to defend the homeland through the armed struggle.

The Catholic Church, the largest religious organization in Cuba, operates within a heavily restricted space with significant limitations on its activities and role in public life. These include, but are not limited to, long and tedious bureaucratic process for construction of churches, or use of social media to share their Christian beliefs. Communicating religious ideas and highlighting the tenets of the religion is an integral part of the Christian faith. Impediments in propagation of religion is a violation of freedom of expression.

The Office of Religious Affairs (ORA) supervises the practice of faith and activities of all religious groups in the country. As a part of the Central Committee of the Cuban Communist Party, the ORA is involved in different levels in most FoRB violations in Cuba. The



Open Doors supported this family with economic resources for their pig breeding business, Cuba

ORA frequently and arbitrarily denies applications for registration by religious groups, which is a prerequisite to operate legally. While Protestant denominations registered before 1959 are authorized, no new denominations have been allowed to register since.<sup>7</sup> To evade these restrictions, both independent and registered Protestant churches started meeting in private homes. The ORA delays or refuses, without providing a reason, requests made for repair of buildings of worship or to hold special religious events.<sup>8</sup> Religious visas awarded to visitors by the ORA are based on the religious association’s support for the government.<sup>9</sup> The government of Cuba also restricts many faith leaders from travelling abroad on grounds of ‘public interest’ and a threat to national security. For example, Islamic religious leaders were banned from travelling to Mecca on grounds of ‘public interest’, thus restricting their freedom to movement.<sup>10</sup>

## Harassment and arbitrary detention of faith leaders

The exercise of FoRB is closely linked to other freedoms, including those of expression, association, and assembly. As a result, violating one of these right results in Cuban Christians facing multiple restrictions on religious expression.<sup>11</sup> The government controls the state apparatus at all levels and there is no independent authority to ensure respect for the rule of law or to guarantee the human rights of citizens.<sup>12</sup> The government often uses harassment, intimidation, physical assault, arbitrary detention or threats against Christian faith leaders or their families or even members of the congregation.<sup>13</sup> The trend towards harassment and arbitrary arrests has become more severe since the July 11 protests. Unregistered churches and their leaders are particularly vulnerable, as the authorities perceive their church activities as ‘illegal’, resulting in the constant fear of being harassed, discovered and punished with closure, demolition and arrests.<sup>14</sup>

## Control and surveillance of churches

Churches across denominations are closely monitored, both digitally and physically. The authorities conduct close surveillance of any faith leader with a dissenting

<sup>7</sup> Petri, D. Christians in Cuba: Dealing with Subtle Forms of Repression, *Evangelical Review of Theology*, November 2021, pp. 327.

<sup>8</sup> [csw.org.uk/2024/01/10/report/6143/article.htm](https://csw.org.uk/2024/01/10/report/6143/article.htm).

<sup>9</sup> *Ibid.*

<sup>10</sup> Constitutional Reform and Religious Freedom (USCIRF 2022), *Ibid.*, pp.20.

<sup>11</sup> [hrw.org/reports/1999/cuba/Cuba996-10.htm](https://hrw.org/reports/1999/cuba/Cuba996-10.htm).

<sup>12</sup> “Cuba: Country Dossier”, World Watch Research, February 2024. Available at Full Country Dossier Cuba 2024 ([opendoorsanalytical.org](https://opendoorsanalytical.org)) (password: freedom).

<sup>13</sup> Constitutional Reform and Religious Freedom (USCIRF 2022), *Ibid.*, pp.5.

<sup>14</sup> “Cuba: Country Dossier”, *Ibid.*, pp.39.

view of the government's restrictions related to registration of new churches or freedom to peaceful assembly either in the digital or physical space.<sup>15</sup> As the state is the only internet provider, all electronic communications by church leaders are also kept under surveillance. Informants from state security agencies are always present and listening to the sermons. As a result, church leaders censor themselves and refrain from stating anything that could be implied as criticizing the government or the Cuban Communist Party. For example, in October 2023, a Catholic priest Kenny Fernandez, reported that state agents were carefully monitoring him for his critical stance on the government's new family law, which was contrary to his religious beliefs. Additionally, any foreign funding received by a church or religious organization that the government considers to be directed against the state or its constitutional order is punishable up to 10 years of imprisonment.<sup>16</sup>

The government deems 'illegal' unregistered Protestant churches that meet in private homes, called as Casas Cultos. The 2005 government-imposed Regulation No. 46 severely restricts religious gatherings in private homes. Under Regulation No. 46, all house churches are required to register with the authorities. Two house churches of the same denomination are not allowed to exist within two kilometres (1.25 miles) of one another. Complete registration information including the number of people attending the house church service and details related to their names and ages, data related to the physical address as well as the professional qualification of the person holding the service, must be provided to the authorities. Once authorization is granted, Regulation No. 46 empowers the authorities to supervise the operations of house churches. They may suspend meetings for one year or more if they determine that the house church is not operating according to the specified conditions. Non-Cubans must first seek official permissions from the authorities to attend and participate in house churches. Even after an authorization is given to a house church, it is still bound by certain limitations such as ban on displaying any sign on the outside of the building that would indicate it as a house church and the limitation on number of people attending a service due to the size of the house.<sup>17</sup> Depriving religious communities of their legal status through such discriminatory and burdensome processes impacts the collective aspect of the right to freedom of religion or belief including the ability to practice their faith together with others.



A theological training class for students from Havana and Las Tunas, Cuba

### **New Family Code and the right of parents to raise their children in accordance with their religion**

Cubans approved by referendum in September 2022 a new Family Code (Codigo de las Familias or Law 156, 2022). Article 138 of the new Family Code contains a comprehensive list of criteria, such as love of country, respect for its symbols, and respect for the authorities. If parents do not adhere to these standards, Article 191 of the new Family Code allows children to be removed from their homes.

Because education in Cuba is state-owned, the educational system lays a lot of emphasis in imparting ideological indoctrination to students. Religious communities fear that the new Family Code could be used to take children away from parents whose religious activity or religious home education is seen as a threat to the Cuban regime.<sup>18</sup> Religious families are cautious about what their children share in the public sphere, especially in schools. Any topic related to religious moral teaching that is incompatible with state teaching regarding communist principles could lead authorities to separate children from their parents. The new Family Code thus endangers the right of parents to raise their children according to their own religious convictions and they have no legal means to oppose.

<sup>15</sup> [hrw.org/reports/1999/cuba/Cuba996-10.htm](https://hrw.org/reports/1999/cuba/Cuba996-10.htm).

<sup>16</sup> "United States Department of State 2022 Report on International Religious Freedom: Cuba", US State Department (IRFR 2022), pp.5. Available at [state.gov/wp-content/uploads/2023/05/441219-CUBA-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf](https://state.gov/wp-content/uploads/2023/05/441219-CUBA-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf).

<sup>17</sup> [webarchive.archive.unhcr.org/20230519092603/https://www.refworld.org/docid/46891957d.html](https://web.archive.org/20230519092603/https://www.refworld.org/docid/46891957d.html).

<sup>18</sup> "United States Commission on Religious Freedom 2022 Report on Religious Freedom Conditions in Cuba", USCIRF (2022), pp. 4. Available at [uscirf.gov/sites/default/files/2022-12/2022%20Cuba%20Country%20Update.pdf](https://uscirf.gov/sites/default/files/2022-12/2022%20Cuba%20Country%20Update.pdf).

# Recommendations:

To stop the continuous and severe violations of fundamental rights of Cubans, Open Doors makes the following recommendations:

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**1** To strengthen its international commitments to the rights of equality and non-discrimination, the Cuban Government should ratify the following treaties as a matter of priority:

- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- American Convention on Human Rights (San José Pact).

**2** To abolish grievous infringement of fundamental rights, and to ensure the respect of freedom of religion or belief, the Cuban Government should:

- **Amend Article 54 of the Cuban constitution** to include the right to have conscientious objection to military service as a legitimate exercise of the right to freedom of religion or belief and freedom of conscience;
- **Eliminate mandatory registration requirements for religious groups.** To this end, the Cuban government **should reform the Office of Religious Affairs** to operate transparently in accordance with international human rights standards, including the option to appeal any decision;
- **Revise all domestic legislations** including civil, administrative and penal laws and bring them in line with international and regional laws;
- **Urgently acknowledge intimidation** and arbitrary detention of faith leaders by officials from the state security agency and police, **conduct fair and thorough investigations** of such cases and hold accountable those who operate with impunity.

**3** The Cuban Government should send a standing invitation to the UN Special Rapporteur on freedom of religion or belief for an official visit and investigation of the human rights situation in the country including consultations with independent civil society organizations.

**4** The International Community should find creative solutions to lift the burden of Cuban religious leaders from registered and unregistered religious communities that restrict them from exchanging aid and materials, interacting with coreligionists globally.