



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

POLICY UPDATE: CUBA

March 2020

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

Religious Freedom in Cuba in 2019

By Kirsten Lavery, International Legal Specialist

This policy update highlights the key violations of freedom of religion or belief occurring in Cuba, providing representative examples of abuses that have occurred in 2019, and makes recommendations for U.S. policy.

Background and Legal Framework

Cuba is a one-party system with no independent judiciary and where the state tightly controls religious institutions. In April 2018, the Cuban Communist Party (CCP) appointed Miguel Díaz-Canel to the presidency without an election.

Constitutional Protections for Religious Freedom: Soon after taking power, Díaz-Canel launched a campaign to adopt a new constitution. The National Assembly approved a draft in December 2018. Following so-called “public consultations” that excluded many religious leaders, a national constitutional referendum was held in February 2019, after which the new constitution that [maintains](#) the one-party communist system was [enacted](#) in April 2019.

The new [constitution](#) changed the provisions on the freedom of religion or belief, including by removing the prior specific references to freedom of conscience and to changing religious beliefs. Some religious leaders [raised concern](#) that the new constitutional provisions [weaken](#) religious freedom protections.

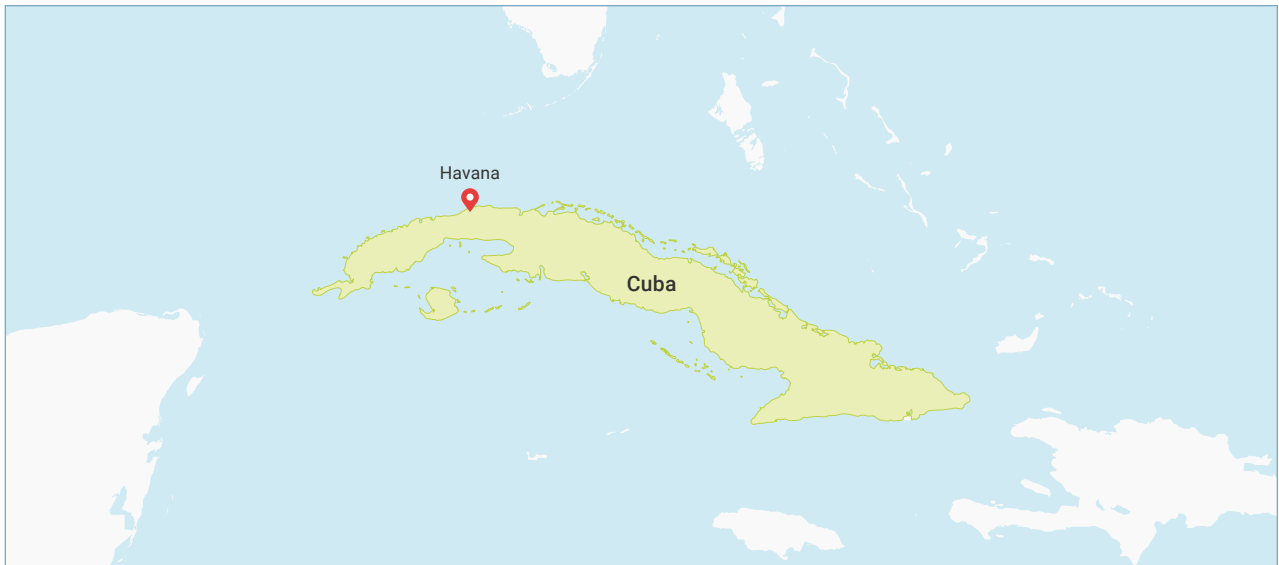
Comparison of Constitutional Provisions

“The State recognizes, respects and guarantees religious freedom. The Cuban State is secular. In the Republic of Cuba the religious institutions and fraternal associations are separate from the State and all have the same rights and responsibilities. The different beliefs and religions enjoy equal treatment.”

– Article 15 of the 2019 Cuban Constitution

“The State, which recognizes, respects and guarantees freedom of conscience and religion, recognizes, respects and guarantees the right of each citizen to change their religious beliefs or not to have any religious beliefs, and to profess, within the respect for the law, the religious worship of their preference. The law regulates the relationship between the State and religious institutions.”

– [Constitution of Cuba 1992](#), Article 55



The legislature is given one year to draft and modify Cuba's laws to conform to the new constitution, including the over 80 laws it [references](#). While little progress has been made toward comprehensive legal reform to date, the process provides an opportunity to bring legislation into conformity with international human rights standards, including providing greater religious freedom protections.

Other Legal Provisions Impacting Religious Freedom: Alongside the constitution, the government uses a restrictive system of laws and policies, surveillance, and harassment to control religious groups and suppress the freedom of religion or belief. The Office of Religious Affairs, an entity within the CCP, controls all religious activity. Officials use Legal Decree 322 – announced in 2015 purportedly to regulate private properties and zoning laws – to threaten the confiscation or demolition of churches.

The Cuban government also uses the 2005 Directive 43 and Resolution 46 regulating house churches to impose complicated and repressive requirements on the thousands of private residences used for religious worship in Cuba. This law includes mandating registration according to strict procedures and empowering authorities to supervise and control the religious activities of these groups.

Key Freedom of Religion or Belief Issues

Office of Religious Affairs (ORA): Operating out of the Ministry of Justice (MOJ), the ORA holds broad, largely unchecked power. The ORA requires religious organizations to apply to the MOJ for official registration. Membership in or association with an unregistered religious group is a crime, with potential punishments ranging from a fine to imprisonment. The MOJ and ORA decisions on registration applications appear to be arbitrary. Registered religious groups have to request permission for virtually any activities other than regular worship services, including holding public events or processions outside religious buildings, owning vehicles, and renovating or constructing buildings. ORA reportedly manipulates this permit process on a frequent basis to tightly control religious activity or exert pressure on religious groups.

Case Studies: Controlling Religious Activity and Groups through the Permit System

In August, the ORA arbitrarily [revoked](#) the Catholic Church's permit to hold public celebrations and activities for National Catholic Youth Day a week before the event. Before the revocation of the permit, the pope had [encouraged](#) Cuban youth to participate in these spiritual events. Ultimately, the ORA [allowed](#) one public celebration to proceed in Santiago, and the remaining events were held within church property.

The [Maranatha Baptist Church](#) is a historic, registered church in Holguin that the government repeatedly has threatened to confiscate, including through Legal Decree 322. In 2017, the ORA granted Maranatha Baptist a construction permit to build a new church to address overcrowding of the growing congregation. In April 2019, the ORA arbitrarily [rescinded](#) the permit, halting progress on construction. According to reports, the Council of Ministers of the CCP, the highest ranking administrative and executive governing body, reversed the ORA's decision in October 2019. This is an example of the high-level control that the CCP can exert over the affairs of religious groups.

Detention and Harassment of Religious Leaders:

The Cuban government employs harassment and intimidation campaigns against religious leaders. When religious leaders banded together to oppose the new constitution's diminished religious freedom protections, the government [targeted](#) them for their advocacy and pressured them to support the new constitution. Gathering information on religious freedom conditions in Cuba remains a challenge, but human rights groups [reported](#) that the total number of arbitrary detentions doubled leading up to the constitutional referendum in February.

Case Studies: Punishing Religious Leaders for Constitutional Advocacy

In mid-February, around the time of the constitutional [referendum](#), Reverend Carlos Sebastián Hernández was labeled a counter-revolutionary in response to his advocacy for strong constitutional protections of religious freedom. Others, including Pastors Alain Toledano Valiente and Marcos Perdomo, were interrogated by police. Yoruba Priest Alexei Mora Montalvo went on a 15-day [hunger strike](#) to protest the harassment he and his family were experiencing leading up to the constitutional referendum.

The backlash continued after the constitutional referendum. In June, seven Cuban Protestant denominations that jointly opposed the constitution [established](#) the Cuban Evangelical Alliance (CEA). The alliance broke off from the Council of Churches of Cuba because it did not feel represented before the Cuban authorities. In perceived retaliation for creating the CEA, [members](#) reported being blocked from receiving foreign visitors, summoned and [interrogated](#) by authorities, and [stopped](#) from traveling, including to the U.S. Department of State's Ministerial to Advance Religious Freedom in July and the World Evangelical Alliance's General Assembly meeting in [November](#).

The Cuban authorities also intimidate religious leaders by manipulating the laws to charge or threaten them with criminal and civil violations for peaceful religious activity. This harassment is often based on Article 72 of the [Penal Code](#), which allows the state to detain or monitor anyone who shows a proclivity to commit a crime, and through the issuance of pre-arrest warrants (actas de advertencia) that are then used to justify arrests and more severe penalties for future alleged crimes. Officials will then repeatedly summon targeted religious leaders under the guise of impending charges.

Alongside this legal harassment, the Cuban government imposes travel bans to further intimidate religious leaders. Although there are no figures available on religious leaders specifically, as of November 2019, 204 individuals, including roughly 20 religious leaders, had been arbitrarily prevented from leaving Cuba during the year.

Case Studies: Abuse of the Legal System to Target Religious Leaders

The Cuban authorities have manipulated the legal system to wage a persistent harassment campaign against Pastor Toledano of the Apostolic Movement. Throughout 2019, Pastor Toledano has consistently been summoned to the police station, [accused](#) of the crime of “disobedience,” and [threatened](#) with detention, pre-arrest warrants, and the confiscation of property where his church now meets after its building was demolished in 2016. The harassment has been connected to his religious activities, including hosting events on the role of [women](#) and [youth](#) in society. Although his church is not a member of the CEA, he was one of the pastors blocked from traveling to the U.S. Ministerial to Advance Religious Freedom. Officials told Pastor Toledano he would not be allowed to leave Cuba until he ceased religious activities.

In April, following a summary trial, [Pastor Ramón Rigal and his wife Adya Expósito Leyva](#) were convicted of homeschooling their children and sentenced to two years and one and a half years of imprisonment, respectively. Pastor Rigal has explained that their decision to homeschool was based on their religious beliefs and concern about Cuban schools’ promotion of socialism and atheism. Pastor Rigal was [convicted](#) of “illicit association,” as his church is not registered, along with other charges including acts against the normal development of a child. Pastor Rigal was previously prosecuted for homeschooling his children in 2017. In December, the authorities [threatened](#) similar legal charges against parents Tejada Beltrán and Lescaille Prebal, members of the Sephardic Bnei Anusim community, following harassment and physical assaults of their children at school that led to a ban on kippahs.

Denial of Religious Freedom for Democracy and Human Rights Activists and Independent Journalists: The Cuban government continues to target pro-democracy and human rights activists, including those who call for stronger constitutional religious freedom protections.

Increasingly, independent journalists are being targeted for reporting on religious freedom conditions.

Case Studies: Arrests of Journalists Reporting on Religious Freedom

Cuban journalist Roberto Jesus Quinones Haces was arrested on April 22, 2019, for covering the trial of Pastor Ramón Rigal and his wife (described earlier). Quinones was assaulted and detained while trying to enter the court on April 22, 2019, and held for five days. Following a problematic trial marred by [due process concerns](#), Quinones was [convicted](#) on charges of resistance and disobedience and sentenced to one year in a labor camp in August 2019. He was detained in September 2019 to enforce the sentence.

Journalist Ricardo Fernandez Izaguirre was [arrested](#) in July after leaving the offices of the Ladies in White (described later), where he had been documenting the religious freedom abuses committed against the group. Izaguirre was held for nine days under charges of an illegal stay in Havana. Izaguirre [maintains](#) that this charge was fabricated. Cuban authorities have continued to harass him, [detaining](#) Izaguirre incommunicado for [29 hours](#) under criminal charges that are still pending.

In an attempt to keep the political and religious spheres separate, the Cuban authorities deny pro-democracy and human rights activists their right to freedom of religion or belief, often by blocking their access to religious services, including special religious events.

Case Study: Blocking Pro-Democracy Activists from Religious Services

On July 28, police officials [prevented](#) a number of Catholics from attending the funeral of Archbishop Cardinal Jaime Ortega. Civil society activists and journalists were told before the service that they were not allowed to attend and threatened with arrest. A long-time friend of the cardinal, [Dagoberto Valdés Hernández](#), was among those prohibited from attending. Leading up to the funeral, Hernández was stopped from attending other church activities and services.

The Ladies in White, who are the wives and relatives of dissidents imprisoned in 2003, have experienced consistent and severe attempts to block them from religious services.

Case Study: Blocking Ladies in White from Attending Religious Services

Ladies in White wear white clothing and march to Sunday Mass to increase attention to the imprisonment of their families. Every Sunday for over 200 weeks, Cuban authorities have [detained](#) members of the Ladies in White on their way to Mass or other religious services. In September, it was [reported](#) that 267 arbitrary detentions took place in Cuba, almost half of which were Ladies in White. Consistently, [Berta Soler](#), leader of the Ladies in White, is arrested and subject to violence. While many are detained and released soon after, some Ladies in White are serving longer prison sentences. Several members of the group have also been [blocked](#) from leaving the country.

U.S. Policy on Cuba

The Trump Administration's policy toward Cuba is guided by [the National Security Presidential Memorandum](#) entitled "Strengthening the Policy of the United States Towards Cuba," issued in November 2017. This policy focuses on the need for human rights, democracy, and free enterprise in Cuba.

In 2019, the Trump Administration imposed a [series of sanctions](#) against Cuba for its poor human rights record and its support of the Maduro government in Venezuela, including placing visa restrictions on former President and First Secretary of the CCP [Raúl Castro](#) and on Cuba's Interior Minister [Julio Cesar Gandarilla Bermejo](#) and their families in September and November, respectively. In September, the State Department [issued](#) a statement condemning violations of religious freedom in Cuba, including highlighting specific religious prisoners of conscience. In December, the State Department placed Cuba on its [Special Watch List](#) for severe violators of religious freedom.

For fiscal year 2019, Congress appropriated \$20 million for democracy programs and \$29.1 million for Cuba broadcasting.

Following unexplained health issues for U.S. diplomats and their families between 2016 and 2018, the U.S. embassy in Havana operates with a permanently reduced staff, which has limited embassy operations. Most non-immigrant visa applicants, including religious leaders traveling to the United States to meet with co-religionists or attend meetings on freedom of religion or belief, must now travel to a third country to obtain a visa, which is often prohibitively expensive. Compounding the problem, the U.S. State Department [announced](#) in March 2019 that it was eliminating the five-year multi-entry visa for Cubans and replacing it with a three-month single entry visa. As the five-year multi-entry visa was enacted in 2013, many of these visas are expiring this year.

USCIRF's 2019 [Annual Report](#) provided several recommendations for the United States to further support religious freedom in Cuba. In addition to reiterating these recommendations to address the specific religious freedom issues raised in this update, USCIRF recommends the U.S. government:

- Impose targeted sanctions against authorities responsible for severe religious freedom abuses, including imposing a visa ban or other sanctions against Caridad Diego, head of the ORA;
- Ensure that United States programs that support independent journalism in Cuba are responsive in aiding journalists who face increased harassment as a result of reporting on religious freedom conditions; and
- Prioritize the processing of visas for religious leaders in Havana to facilitate their travel to the United States, without requiring travel to a third country.



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Professional Staff

Harrison Akins

Policy Analyst

Danielle Ashbahian

Communications Specialist

Keely Bakken

Policy Analyst

Dwight Bashir

Director of Outreach and Policy

Elizabeth K. Cassidy

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Dominic Nardi

Policy Analyst

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Zachary Udin

Project Specialist

Scott Weiner

Policy Analyst

Kurt Werthmuller

Supervisory Policy Analyst

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on threats to religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.

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[@USCIRF](https://twitter.com/USCIRF)

Media@USCIRF.gov

732 N. Capitol Street, NW, Suite #A714

Washington, DC 20401

202-523-3240