



## Religion

## Population

## Area

- Christians : **61.1%**
- Spiritists : **17.1%**
- Agnostics : **16.9%**
- Atheists : **4.3%**
- Others : **0.6%**

11.393.000

109.884 Km<sup>2</sup>

## Legal framework on freedom of religion and actual application

Article five of the Cuban constitution,<sup>[1]</sup> amended in 2002, describes the Communist Party of Cuba as “the superior leading force of the society and the state”, noting that Cuba’s guiding principles are socialist and that it is a one-party state.

According to the constitution, the state “recognises, respects, and guarantees religious freedom.” Likewise article eight states: “In the Republic of Cuba, religious institutions are separate from the state. The different creeds and religions enjoy equal consideration.”<sup>[2]</sup>

Similarly, the state “recognises, respects and guarantees freedom of conscience and religion, [and] simultaneously recognises, respects, and guarantees the freedom of every citizen to change religious creeds, or not to have any; and to profess the religious worship of their choice”. In addition article 55 states: “The law regulates the state’s relations with religious institutions.”<sup>[3]</sup>

Article 42 of the constitution states that religious discrimination is punishable by law.

However, it is important to note several passages in the constitution with the potential to clash with freedom of religion. Article 39 deals with education. In its preamble it says: “The state guides, fosters, and promotes education, culture and sciences in all their manifestations.” It goes on: “[The state] bases its educational and cultural policy on [...] the Marxist ideology and the ideas of José Martí,” adding that “Education is a function of the state” which promotes “the patriotic education and communist training for the new generations.”

Looking further at the actual implementation, article 62 states that “None of the freedoms which are recognised for citizens can be exercised contrary to [...] the existence and objectives of the socialist state, or contrary to the decision of

the Cuban people to build socialism and communism. Violations of this principle can be punished by law.”

Up until 1992 there was article 54.3 which noted: “It is illegal and punishable to oppose faith or religious belief to the Revolution [...] and the other duties established by the constitution.” There is continuing confusion regarding the current application of such principles, but the latest version of the constitution has removed this article.

It must be noted that, in law and in practice, there are important and significant restrictions on the practice of religious freedom. In this context, for example article 237 of the Cuban Penal Code which states that the crime of “abuse of religious freedom” is punished by detention of three to nine months if the religious practice is inconsistent with certain commitments related to education, labour law and national defence.<sup>[4]</sup>

Special mention must be made of articles 239 and 240 of the Penal Code, which can entail jail terms of one to three months for affiliation or membership “in an association not registered with the corresponding state agency” or participation in demonstrations and meetings organised by such associations. Any association that has not been authorised is unlawful. The promoters or directors of an unregistered association can be detained for three to nine months.<sup>[5]</sup>

Religious groups must be registered with the Religious Associations Registry operated by the Ministry of Justice as indicated in the law regarding worship and religious associations. During this process, the organisation is required to identify the place where it will establish its activities and the source of its funding. Legal recognition is denied if the organisation is deemed to duplicate the activities of another group which is already registered. Once recognised, religious entities must request authorisation from the Religious Affairs Office to carry out their own activities.

Although it is not a religion but a set of practices, it has to be acknowledged that many Cubans practice Santería. These quasi-religious practices are commonly intermingled with Catholicism, some groups even demand that practitioners be baptised Catholics to qualify for full initiation; which makes it more difficult to estimate accurately the precise number of Santería practitioners.

The Religious Affairs Office regulates the various aspects of religious life: it approves or denies visits by foreigners to religious associations; approves the construction, repair or acquisition of places of worship; approves the purchase and use of motor vehicles; grants permits to conduct public religious services; regulates the importation of religious literature, etc.

Decisions 43 and 46 of February 2005, published in the Official Gazette (No. 8, April 2005), impose restrictions on the use of places of worship. The first requires that if religious institutions plan to carry out repairs – including minor ones, enlarge existing properties, or begin new works they must have prior government authorisation. The second lays out the guidelines dealing with requesting, processing and authorising services to be held in private homes<sup>[6]</sup>

## Incidents

In the period under review (June 2016 to June 2018), most of the recorded incidents relate to breaches of the legal restrictions outlined above; however, in many cases the breaches and sanctions have a religious element to them<sup>[7]</sup> In some incidents, the problem was the arbitrariness with which the laws were applied to religious adherents or individuals motivated by religious principles.<sup>[8]</sup>

On 24th January 2018, three Catholic priests wrote a letter to Raul Castro denouncing the lack of freedom in Cuba. Priests across the country supported the letter,<sup>[9]</sup> which looked at different issues that affect the Cuban people, including the lack of religious freedom, which they summarised as follows:

The Church is tolerated, but it is constantly monitored and controlled. Complete religious freedom is curbed through a restrictive policy of permits to worship. Christians can meet to share their faith but they are not allowed to build a church. The Church can hold processions and even public Masses, but always on condition

of obtaining the express permission from the authorities with, if it is not granted, no allowance for an appeal or an explanation. The Church can speak out in the churches but has no open access to mass media and, in the few circumstances when this happens, it is always under censorship. Lay people are censored when they try to apply their faith to political and social practice.<sup>[10]</sup>

Needless to say, the huge growth in the number of new churches and religious groups connected to different Protestant group has been a clear challenge to existing laws.<sup>[11]</sup> Many of these groups are not recognised and therefore illegal, while others have cult-like characteristics that would also raise questions about their structure and intentions elsewhere in the world.<sup>[12]</sup>

On 12th November 2006, Rev Ibrahim Pina Borges, pastor of the Universal Pentecostal Church (Iglesia Pentecostal Universal) and a member of the National Christian Alliance (Alianza Nacional Cristiana) presented a draft law on cults and religious associations in Cuba,<sup>[13]</sup> to Cuba's parliament, the National Assembly of People's Power. Ten years later, in 2016, Rev Manuel Alberto Morejón Soler of the National Christian Alliance (an umbrella organisation for some 500 Protestant groups not legally recognised), once again asked the National Assembly to respond to the draft law presented by Rev Borges. Although no answer was forthcoming, a meeting in January 2018 between state security officers and Pastor Manuel Morejón to discuss the matter can be seen as a positive step<sup>[14]</sup>

It is against such the background of restrictions on religious activity that we must view some of the recorded cases listed below:

On 22nd October 2016, Pastor Juan Carlos Núñez Velázquez, a member of the Apostolic Movement, was sentenced to one year's house arrest after neighbours filed complaints against him for violating environmental laws because of the noise generated by the meetings of his community. Rev Núñez Velázquez had been holding services for about 500 co-religionists in his compound. According to his own statements, his sound system had a volume of 150W, and the Sunday service lasted from 9:30 am to 1:00 pm.<sup>[15]</sup>

On 21st February 2017, Pastor Ramón Rigal and his wife, Adya, were arrested and charged with "acting against the normal development of minors" because they had decided to educate their seven and 11-year-old children at home. They were released the next day and formally ordered to report in person to the police every week until their trial. In April they were given a year of correctional labour under house arrest for refusing to allow their children to be educated in Cuban state schools. In August 2017, Rigal lost his permit to work as a pastor of the Church of God!<sup>[16]</sup>

On 22nd October 2017, Misael Díaz Paseiro, a member of the Orlando Zapata Tamayo Civil Resistance Front, was arrested for "pre-criminal social dangerousness", that is, he was detained for political rather than religious reasons. However, state security agents seized two Bibles, crucifixes and five rosaries from his home. He was sentenced to three-and-a-half years in prison. Initially, Paseiro was denied access to his Bible in prison and was not allowed visits from a minister.<sup>[17]</sup>

In March 2018, several media outlets echoed the complaints of Christian ministry group Bíblica after 17,000 copies of New International Version of the Bible were sent back to Miami in 2016 by the Religious Affairs Department of the Communist Party.<sup>[18]</sup>

In a number of cases, defendants from religious communities successfully appealed their convictions, mostly obtaining modifications to their sentences.<sup>[19]</sup> Churches and faith communities also launched appeals, and in some cases sentences were overturned. The most encouraging case occurred in May 2017, when the superintendent of the Assemblies of God was summoned to the Religious Affairs Office, where government officials announced that the 2015 order seizing more than two thousand churches belonging to the Assemblies of God was being revoked (see ACN's Religious Freedom in the World 2016 report, Cuba country report). In this case, a written document officially cancelling the demolition order of one of the churches was provided.<sup>[20]</sup>

Regarding the restitution of places of worship and buildings once owned by faith communities and confiscated at the time

of the Revolution, religious authorities did announce some returns in 2013 and 2014.<sup>[21]</sup> In 2015, the construction of three new Catholic churches was authorised for the first time, one in Havana, another in Santiago and a third in the western province of Pinar del Río.<sup>[22]</sup> Since then, there has been no news about any more restitutions or permits.<sup>[23]</sup> In March 2017, the Italian newspaper La Stampa reported that the parish church of the town of Cobre, which was used previously as a warehouse, was going to be returned to the Diocese of Santiago de Cuba,<sup>[24]</sup> but this has not yet taken place at the end of the period covered by this report.

In recent years, one positive element has been the acceptance by the state of subsidiary charitable<sup>[25]</sup> and educational projects, such as training facilities, nurseries, care centres for seniors and small libraries with religious material.

Equally, some reports indicate that it is becoming easier for foreign clergy and religious to enter the country. Both the Catholic Church and the Church Council of Cuba (Consejo de Iglesia de Cuba) also noted that they were able to conduct religious services in prisons and detention centres in some provinces.

## Prospects for freedom of religion

In conclusion, it is clear from the evidence thus far examined that the situation holds out some promise for the future of religious freedom in Cuba. If we analyse the situation of recent decades, freedom of religion in Cuba has undoubtedly improved. The constitution now defines the state as secular whereas it had previously defined it as atheist. Thus, we can say that the foundations for coexistence have been laid. There are some guarantees for freedom of worship and the exclusion of Christians from mainstream social structures has diminished significantly.

Although all this is positive, it is not sufficient. The guidelines that govern freedom of religion and worship are imprecise, sometimes contradictory and therefore arbitrary; hence, there is a long and hard road ahead. Cuba's current project of constitutional reform<sup>[26]</sup> could be another step towards freedom of religion as it is being proposed in light of socio-economic changes affecting the lives of people across the country.

## Endnotes / Sources

[1] Cuba's Constitution of 1976 with Amendments through 2002, [constituteproject.org](http://constituteproject.org), [https://www.constituteproject.org/constitution/Cuba\\_2002.pdf?lang=en](https://www.constituteproject.org/constitution/Cuba_2002.pdf?lang=en) (accessed 26th June 2018).

[2] Ibid.

[3] Ibid.

[4] Ley No. 21 Código Penal, República de Cuba, [http://files.sld.cu/prevemifiles/2013/03/ley\\_21\\_codigo\\_penal\\_19791.pdf](http://files.sld.cu/prevemifiles/2013/03/ley_21_codigo_penal_19791.pdf) (accessed 26th June 2018).

[5] Ibid.

[6] Gaceta Oficial N° 8 19 de abril de 2005, Ministerio de la Justicia, República de Cuba, [http://www.scu.sld.cu/cpscsc/wp-content/uploads/sites/89/2017/11/GO\\_X\\_008\\_2005-Resolucion-44-45.pdf](http://www.scu.sld.cu/cpscsc/wp-content/uploads/sites/89/2017/11/GO_X_008_2005-Resolucion-44-45.pdf) (accessed 26th June 2018).

[7] This is the famous case of the Ladies in White (Damas de Blanco), an opposition group that usually expresses its political discontent at Sunday Mass. The government does not allow them to enter the church because their protest is political, not religious. See Roque Planas, "These Are The Major Human Rights Issues In Cuba And The Castro Government's Response", The Huffington Post, 22nd March 2016, [https://www.huffingtonpost.ca/entry/cuba-human-rights-castro-government\\_us\\_56f12d7fe4b03a640a6b7e30](https://www.huffingtonpost.ca/entry/cuba-human-rights-castro-government_us_56f12d7fe4b03a640a6b7e30) (accessed 27th June 2018).

[8] One case worth mentioning is that of Karina Gálvez, a Catholic lay woman, who was sentenced in September 2017 to three years in prison for tax evasion. Gálvez is a member of the editorial board of the Christian-oriented periodical

Convivencia and her home served as the headquarters for a project of an independent study centre with the same name. In a press release, the centre said that “the real reason for what happened was harassment against the study centre and its magazine Convivencia, which got worse after 1st September 2016, with interrogations and threats to each of the members of the project.” See Pinar del Río, “El régimen devuelve algunos bienes muebles a la economista Karina Gálvez”, *Diario de Cuba*, 9th April 2017, [http://www.diariodecuba.com/derechos-humanos/1491766368\\_30272.html](http://www.diariodecuba.com/derechos-humanos/1491766368_30272.html) (accessed 26th June 2018).

[9] María Martínez López, “Sacerdote cubano: ‘Por nuestra carta a Castro podemos morir... en un accidente de coche’”, *Alfa y Omega*, 19th February 2018, <http://www.alfayomega.es/142584/sacerdote-cubano-por-nuestra-carta-a-castro-podemos-morir-en-un-accidente-de-coche> (accessed 26th June 2018).

[10] The letter can be found in its entirety in Álvaro de Juana, “Sacerdote se entrevista con Secretario de Estado Vaticano para hablar de Cuba”, *Aci Prensa*, 9th February 2018, <https://www.aciprensa.com/noticias/sacerdote-se-entrevista-con-secretario-de-estado-vaticano-para-hablar-de-cuba-51997> (accessed 26th June 2018).

[11] Ernesto Pérez Chang, “Templos florecientes en una Cuba devastada”, *CubaNet*, 1st March 2018, <https://www.cubanet.org/destacados/templos-florecientes-en-una-cuba-devastada/>, (accessed 26th June 2018); “Despite some tensions, evangelical churches booming in Cuba”, *FoxNews*, 27th March 2017, <http://www.foxnews.com/world/2017/03/27/despite-some-tensions-evangelical-churches-booming-in-cuba.html> (accessed 26th June 2018).

[12] Rudy Salles (rapporteur), “The protection of minors against excesses of sects”, *Parliamentary Assembly, Council of Europe*, 17th March 2014, <http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20544&lang=en> (accessed 26th June 2018).

[13] “Proyecto de Ley sobre Cultos y Asociaciones Religiosas en Cuba”, *Iglesia Reformada*, 12th November 2018, [http://www.iglesiareformada.com/Proyecto\\_Ley\\_Sobre\\_Cultos\\_Cuba.html](http://www.iglesiareformada.com/Proyecto_Ley_Sobre_Cultos_Cuba.html) (accessed 26th June 2006).

[14] “Seguridad del Estado se interesa en Ley de Culto en Cuba”, *Martí Noticias*, 12th January 2018, <https://www.martinoticias.com/a/seguridad-del-estado-entrevista-promotor-ley-de-culto-/160272.html> (accessed 26th June 2018).

[15] Interview with Pastor Núñez Velázquez for the Cuba al día radio programme, “Declaraciones de Juan Carlos Núñez al programa Cuba al Día,” *Martí Noticias*, 1st November 2016, <https://www.martinoticias.com/a/132806.html> (accessed 27th June 2018); “Cuban pastor awaits outcome of appeal”, *Christian Solidarity Worldwide*, 1st November 2018, <https://www.csw.org.uk/2016/11/01/news/3333/article.htm> (accessed 26th June 2018); Legislation concerning the environment, *Ley No. 81 del Medio Ambiente, Gaceta Oficial de la República de Cuba Edición Extraordinaria, La Habana*, 11th July 1997, Año XCV, no. 7, [http://www.oas.org/dsd/fida/laws/legislation/cuba/cuba\\_81-97.pdf](http://www.oas.org/dsd/fida/laws/legislation/cuba/cuba_81-97.pdf) (accessed 26th June 2018). It is difficult to determine how many decibels a 150W sound system can generate since this depends on several elements.

[16] Manuel Alejandro León Velázquez, “Un prestigioso colegio otorga una beca gratuita a la familia que no envía a sus hijos a una escuela estatal”, *Diario de Cuba*, 27th August 2017, [http://www.diariodecuba.com/derechos-humanos/1503868179\\_33572.html](http://www.diariodecuba.com/derechos-humanos/1503868179_33572.html), (accessed 26th June 2018); “Ramón Rigal, juzgado en Cuba por educar en casa”, *CitizenGo*, 25th April 2017, <https://www.citizenngo.org/es/ed/54955-ramon-rigal-juzgado-cuba-por-educar-casa>; (accessed 26th June 2018); “Incluyen caso de pastor sancionado en informe de represión religiosa en 2018”, *Martí Noticias*, 28th January 2018, <https://www.martinoticias.com/a/161238.html> (accessed 26th June 2018); Pablo Alfonso, “Autoridades rechazan petición de pastor cubano para educar a sus hijos en casa”, *Martí Noticias*, 31st August 2018, <https://www.martinoticias.com/a/cuba-autoridades-rechazan-peticion-pastor-educar-hijos-en-casa/152038.html> (accessed 26th June 2018); “Pastor Barred From Working As Church Leader”, *Christian Solidarity Worldwide*, 4th August 2017, <https://www.csw.org.uk/2017/08/04/news/3656/article.htm> (accessed 26th June 2018); Mike Donnelly, “Parents arrested for home schooling,” *Home School Legal Defense Association*, 27th February 2017,

<https://hslida.org/content/hs/international/Cuba/201702240.asp> (accessed 26th June 2018).

[17] "Number of FoRB Violations Remains High", Christian Solidarity Worldwide, 24th January 2018, <https://www.csw.org.uk/2018/01/24/news/3826/article.htm> (accessed 26th June 2018).

[18] Anugrah Kumar, "Cuba blocks distribution of 17,000 NIV Bibles despite lifting Bible ban", The Christian Post, 31st March 2018, <https://www.christianpost.com/news/cuba-blocks-distribution-17000-niv-bibles-despite-lifting-bible-ban-222315> ; "Misionero: 'Muchos dividen una Biblia entre seis personas en Cuba'", Noticia Cristiana, 27th March 2018, <http://www.noticiacristiana.com/misiones/evangelismo/2018/03/misionero-dividen-biblia-cuba.html> (accessed 26th June 2018). The reasons or explanations given by the Government for the refusal are not included.

[19] For example, the case of Pastor Rigal whose sentence of penal labour with internment was later commuted to penal labour without internment.

[20] "Update: The Status of 2,000 AoG Churches Threatened with Confiscation in Cuba", FoRB in Full, (a blog by Christian Solidarity Worldwide), 9th August 2017, <https://forbinfull.org/2017/08/09/update-status-of-aog-churches-threatened-with-confiscation-cuba/> (accessed 26th June 2018).

[21] "La Iglesia Católica cubana espera que el Gobierno le siga devolviendo propiedades", Diario de Cuba, 29th March 2018, [http://www.diariodecuba.com/cuba/1521844431\\_38235.html](http://www.diariodecuba.com/cuba/1521844431_38235.html) (accessed 26th June 2018).

[22] Sergio N. Cándido, "Confirman construcción de tres nuevas iglesias en Cuba", El nuevo Herald, 21st September 2015, <http://www.elnuevoherald.com/noticias/mundo/america-latina/cuba-es/article35959389.html> (accessed 26th June 2018); Eduardo González Martínez, "Una iglesia moderna crece en Sandino", OnCuba, 13th June 2017, <https://oncubamagazine.com/sociedad/una-iglesia-moderna-crece-en-sandino/> (accessed 26th June 2018).

[23] "La Iglesia Católica cubana espera que el Gobierno le siga devolviendo propiedades", op. cit.

[24] Luis Badilla, "Cuba; la iglesia de El Cobre será restituida al episcopado", La Stampa, 4th March 2017, <http://www.lastampa.it/2017/03/04/vaticaninsider/cuba-la-iglesia-de-el-cobre-ser-restituida-al-episcopado-fZafkzoFsYOswSUJ2b35ML/pagina.html> (accessed 26th June 2018).

[25] In April 2018, the Catholic Church presented a new welfare project, which welcomes (at no cost) those who come to the capital from other places for medical treatment and need lodging and food.

[26] "Cuba anuncia avances en la preparación de su nueva Carta Magna", Agencia Efe, 11th June 2018, <https://www.efe.com/efe/america/politica/cuba-anuncia-avances-en-la-preparacion-de-su-nueva-carta-magna/20000035-3645631> (accessed 26th June 2018).