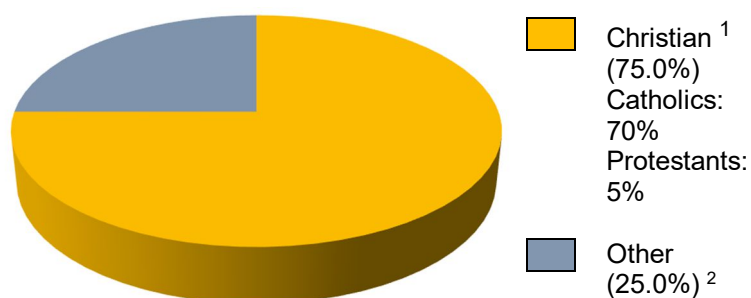


CUBA



Area:	Population:	Political system:	Major Language(s):
110,860 km ²	11.2 million	Autocracy ³	Spanish

Legal framework on freedom of religion and actual application

The constitution, amended in 2002, describes the Communist Party of Cuba as “the leading force of the society and of the state” in Article 5,⁴ establishing that Cuba’s guiding principles are socialist and that it is a one-party state.

According to the Constitution, the state recognises and guarantees freedom of conscience and religion. It establishes the separation between religious institutions and the state, and establishes that different beliefs and religions enjoy equal consideration (Article 8).⁵

The Constitution, which recognises, respects and guarantees freedom of conscience and religion, also guarantees the right of every citizen to change religion, as well as to profess a religion or profess none in accordance with the law. The Constitution establishes that discrimination on religious grounds *inter alia* will be punished by law (Article 42).

The Worship and Religious Associations Act says that religious groups must register with the Registry of Religious Associations in the Ministry of Justice. This process requires organisations to identify the place where they plan to conduct their activities and the source of their funding. Legal recognition can be denied if an organisation is thought to be duplicating the activities of an already recognised group. Once religious entities are recognised, they must apply for authorisation from the Office of Religious Affairs to carry out their activities.

The Office of Religious Affairs regulates various aspects of religious life by: approving or denying religious visits; approving the construction, repair or purchase of places of worship; approving the purchase and use of motor vehicles; granting permits to carry out public religious services; importing religious literature; etc.

Article 206 of the Penal Code establishes the offence of abuse of freedom of worship, allowing the detention of individuals for up to a year when the exercise of worship comes into conflict with areas including education, work-related duties, and national defence.

Resolution 43, of April 2005, and Resolution 46, of February 2005, impose restrictions on the use of places of worship. According to the first of these, any repair, expansion or new construction by a religious institution requires prior government authorisation, even for minor repairs. According to the second, rules are set for the application, processing and authorisation for worship in private homes.

However, Resolution 43 was not uniformly enforced in 2015, when it came into force together with Decree-Law 322, the General Housing Act. Its implementation resulted in the outlawing of more than

2,000 places of worship, including the closure and demolition of 100 buildings, in a number of provinces.⁶

Incidents

In the period under review (June 2014 to June 2016), incidents have been reported involving Protestant Christian communities, found to be non-compliant with current government regulations (see above), mostly in regard to non-registration at various levels: buildings,⁷ religious services, the content of radio broadcasting,⁸ as well as issues concerning the use of funds.⁹ To give one example: in February 2015, Protestant pastor Jesus Noel Carballeda was arrested in the city of Havana, without reason or warrant.¹⁰ He was imprisoned for six months without being brought to trial, accused of holding unauthorised religious services; at the end of that period was released. Churches and communities can appeal and have in some cases had decisions reversed.¹¹

With respect to the Catholic Church, there are no reports of specific problems during this period, although the Church has been trying to recover assets and property. The visits of Pope Francis to Cuba renewed hope that the Church might be able to re-establish its role in Cuban society.

In February of 2016, Pope Francis stopped off in Cuba on his way to a pastoral visit to Mexico to meet with the Russian Orthodox Church's head, Patriarch Kirill. The two had a private meeting and signed a joint declaration.¹² In order for the meeting to occur, the Catholic Church in Cuba held numerous meetings with government representatives. The Pope expressed his appreciation for the "feeling of welcome and readiness from President Castro", who helped the Church facilitate the meeting.¹³

In June 2016, the Parish of Baire, in the Archdiocese of Santiago de Cuba, erected a cross at the site of its future church, the construction of which had been blocked since 1962.¹⁴

Perspective for freedom of religion

Although many problems persist, especially for non-Catholic religious communities, there are hopes that the promotion and protection of the fundamental right to freedom of religion will continue as Cuba moves into a different phase of its international relations and new rules come into force with respect to registering religious communities.

Given that, with religious communities having access to the justice system some decisions have been reversed in their favour, and that there are concrete signs of a productive dialogue between the Catholic Church and the authorities (as evinced by the papal visits), there is reason to believe that, in the public sphere, religious freedom will continue to expand.

¹ Estimates from the Catholic Church in Cuba. Spiritism and Animism are not included as these tend to be popular practices rather than organised groups with stable numbers of adherents.

² According to data provided by the Catholic Church of Cuba, minority religions include the following (all numbers are approximate): Jehovah Witnesses: 94,000; Seventh-Day Adventists and Methodists: 30,000; Anglicans: 22,000; Presbyterians: 15,000; Muslims: 8,000; Jews: 1,500. Other confessions include Greek and Russian Orthodox, Buddhists, and Baha'is.

³ https://en.wikipedia.org/wiki/Democracy_Index

⁴ <http://www.cuba.cu/gobierno/cuba.htm>

⁵ http://www.thearda.com/internationalData/countries/Country_63_6.asp accessed on 13th April 2016.

⁶ <http://www.csw.org.uk/2016/01/15/report/2951/article.htm> accessed on 12th July 2016.

⁷ In June 2015, Rev Yiorvis Bravo, leader of the Apostolic Movement in Cuba, was handed a restriction order for not paying rent to the Government of Cuba on property expropriated in 2013. He received the order one day before he was scheduled to travel to Peru to attend a civil rights conference. <http://www.csw.org.uk/2015/06/29/news/2642/article.htm>, accessed on 13th March 2016.

⁸ In October 2014, Pastor Mario Felix Leonart received a third official warning, stating that he would stand trial if he kept close ties with "counterrevolutionaries inside and outside Cuba and with counterrevolutionary radio stations": http://www.14ymedio.com/nacional/Mario-Felix-Leonart-policia_0_1648635129.html accessed on 13th March 2016.

⁹ In April 2015, after five years, the government unfroze the bank accounts of the First Baptist Church in Santa Clara Trinidad. However, funds can only be used for specific repairs to the building. <http://www.csw.org.uk/2016/01/15/report/2951/article.htm>, accessed on 13th April 2016, and <http://www.fiajc.org/desafios-la-libertad-religiosa-en-america-latina/> accessed on 12th July 2016.

¹⁰ <http://www.noticiacristiana.com/sociedad/persecuciones/2015/09/pastor-cubano-es-liberado-despues-de-pasar-seis-meses-de-prision.html>, accessed on 13th April 2016.

¹¹ In December 2015, the Cuban government reversed its expropriation of the Maranatha First Baptist Church's building and began the process of allowing them to make improvements on it.

<http://www.csw.org.uk/2015/12/22/news/2919/article.htm>, accessed on 13th March 2016.

¹² http://w2.vatican.va/content/francesco/es/speeches/2016/february/documents/papa-francesco_20160212_dichiarazione-comune-kirill.html accessed on 1st June 2016.

¹³ http://w2.vatican.va/content/francesco/es/speeches/2016/february/documents/papa-francesco_20160212_cuba-messico-saluto-giornalisti.html accessed on 1st June 2016.

¹⁴ <http://www.iglesiacubana.net/index.php/noticias/18-santiago-de-cuba/918-nueva-cruz-preside-el-futuro-templo-parroquial-de-baire> accessed on 7th July 2016.