



OBSERVATORY OF
RELIGIOUS FREEDOM
IN LATIN AMERICA

Obstacles of religious actors- leaders in the promotion of rights and democracy in Cuba

Presentation at meetings with civil society, in the framework of the 181st Period of Sessions of the Inter-American Commission on Human Rights (IACHR).

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Currently, the Government of Cuba does not participate in the Organization of American States and has not signed the American Convention on Human Rights. Nevertheless, in compliance with the Charter of the Organization of American States and the American Declaration on the Rights and Duties of Man, monitoring human rights in the country continues to be a duty of particular importance for the IACHR.

To contribute to this goal, the Observatory of Religious Freedom in Latin America-OLIRE aims to draw attention to the situation of religious actors-leaders who promote rights and democracy in Cuba.

As part of our monitoring work, we have observed that precisely because of the influence that religious leaders exert on the community, they are perceived by the Cuban government as a voice of competing authority. In this sense, to the extent that religion or religious groups do not adhere to the postulates or interests of the Communist Party, they represent a danger to its legitimacy, stability, and perpetuation in power. Recognizing this dynamic leads to the need to emphasize how the persistence of the Cuban state to systematically repress any sign of peaceful opposition to official ideology has uniquely exposed religious leaders.

In recent months, we have become aware of the escalation of repressive actions against religious actors-leaders, especially of those who have expressed a strong position or opinion rejecting the Government's measures; of those who in the framework of the protests of July 11 have chosen to accompany the people and raise their voices demanding the release of political prisoners or the guarantee of the right of peaceful assembly, as well as the situation of religious leaders who have denounced the violations of rights of which they are constant witnesses.

OLIRE expresses deep concern about the ongoing harassment against pastors, priests, Yoruba leaders, and Muslim communities. We can mention:

- The application of exorbitant fines, arbitrary accusations by state security against religious leaders, demolition of places of worship, as well as the confiscation of donations received by religious communities/churches, especially those not registered. This denotes a blatant violation of the right to equality before the law, to property, to regular or due process and the right to justice, among others.
- The impediment or complex bureaucratic procedures in the registration of churches, especially Protestants, have led to the proliferation of unregistered churches, which are constantly sanctioned, closed, or fined, affecting the right to recognition of legal personality, assembly, association, equality, justice, and others.
- The impediments of religious leaders perceived or known as opponents of the party's postulates to travel abroad or within Cuba, under the figure of "regulation," have hindered the whole exercise of their right to residence and transit.
- The constant monitoring and surveillance of religious leaders, not only of their activities but of their homilies or religious services and their expressions of faith in public and private media, also constitutes a direct violation of their right to freedom of expression.
- The prohibition of homeschooling implies the impossibility of parents to educate and transmit to their children civic, political, and religious contents according to their beliefs.
- The impediment or excessive difficulty for bureaucratic reasons of political prisoners or political activists amid hunger strikes to receive spiritual assistance or religious items, such as bibles or rosaries, constitutes a violation of their right to religious freedom.
- The arbitrary arrests and physical violence against religious leaders who accompanied the people in the July 11 protests also imply a violation of their right to health and integrity. Detention and interrogation without legal basis or arbitrarily applying laws has become one of the most widely used instruments to coerce and harass religious leaders perceived as opponents.
- More restrictive regulations around buildings capacity or activities allowed during the COVID-19 context have further limited the development of religious activities, affecting the right of assembly and association of religious leaders and their congregations.
- On the other hand, the state's lack of interest in investigating these actions or punishing those responsible also means indifference to the right to justice and due process.

Respectable Commission, we know that your office has taken note of the multiplicity of human rights violations to which the Cuban citizens are exposed. The recent country and thematic reports and numerous press releases, among other efforts, condemn the violations of the rights established in the American Convention on Human Rights and the American Declaration on the Rights and Duties of Man. However, under the mandate of the Commission's and the particular context of

religious leaders in Cuba, it is also essential to address violations of their rights in connection with the right to religious freedom.

Although Cuba has not ratified the main international instruments that protect the right to religious freedom, this should not impede the Commission's measurement of human rights protection standards to be adapted to those parameters. Thus, when evaluating the situation of religious leaders in Cuba, article 12 of the American Convention regarding freedom of conscience and religion must be considered, also linked to Article 18 of the International Covenant on Civil and Political Rights and the General Comment No. 22 of the Committee on Human Rights.

In this sense, religious freedom must be analyzed under a multidimensional and interdependent concept, with a comprehensive view of intersecting rights like the right to worship or assemble concerning a religion or belief and establish and maintain premises for these purposes. Establish religious, humanitarian, and charitable institutions. Teach a religion or belief in suitable places for it and establish seminaries or theological schools. Request and receive voluntary and other financial contributions. Communicate with individuals and communities on issues of faith nationally and internationally, among many others.

Thus, accordingly the reality of the country, there have not been sufficient guarantees for the complete and integral exercise of this right for a long time. Therefore, it is imperative to address the violations of the rights of religious leaders and even their religious communities in connection with the right to religious freedom in a specific way. This action is even more urgent in the current repressive Cuban political context. Above all, it is a trend verified in other countries with equally oppressive governments, such as Nicaragua, a territory in which religious leaders have also become the target of hostilities when they have demonstrated their rejection to the Government in office.

In this sense, it would be an important step for the Commission to observe politically motivated religious freedom violations as a significant challenge for protecting human rights in the region.