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CUBA | Constitutional Protections Weakened

CSW is deeply concerned that in December 2018, despite calls from the Cuban Catholic Bishops Conference and a cross-denominational coalition of Protestant groups, Cuba's National Assembly failed to add protections for freedom of religion or belief (FoRB) to Cuba's final draft constitution which will go to a public referendum on Feb. 24. Provisions for FoRB remain considerably weaker than the current Constitution adopted in 1992.

The final draft constitution was published over the first weekend of January 2019. Article 15 now reads: "The State recognizes, respects and guarantees Religious Freedom. The Cuban State is secular [laico]. 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."

Additions to the draft include reference to Cuba as a secular state and the inclusion of fraternal associations in the language. In Cuba, groups like the Freemasons come under the authority of the Office of Religious Affairs of the Communist Party. Freedom of conscience, which was explicitly protected in the 1992 constitution, has not been reinstated.

CSW's joint Head of Advocacy Anna-Lee Stangl said, "The current language is problematic as it refers to rights, responsibilities and treatment without defining any of these. The references to the separation of the state is technically correct as Communist Party officials have and apparently will maintain direct authority over all religious groups and activity. It is disappointing, if not surprising, that the National Assembly has ignored calls from Catholic and Protestant leaders and failed to put in place robust protections for freedom of religion or belief and freedom of conscience in Cuba."

The issue has also been raised by UK Parliamentarians. On Jan. 10, the All Party Parliamentary Group for International Freedom of Religion or Belief (APPG FoRB) issued a statement calling on the government of Cuba to strengthen protections for

FoRB. Members of Parliament have also submitted written questions to the UK government.

While constitutional protections are weakened, CSW has continued to record widespread violations of FoRB in Cuba. In 2018, Cuban FoRB defenders documented 151 separate violations of FoRB. Violations ranged from the prevention of attending religious services, to arbitrary detention and harassment. In addition, separate investigations by confidential sources found evidence that 107 men and women were imprisoned because of their religious beliefs and activities related to those beliefs between July 2017 and April 2018. Sentences ranged from one to three years. An additional 87 were arbitrarily detained for shorter periods of time ranging from a few days up to six months.

Stangl said, “CSW is concerned that the responses to questions submitted by UK parliamentarians suggest that the severity of the weakened FoRB protections has been overlooked by the UK government. This issue has been widely underreported. While the stronger language in the previous constitution did not stop the Cuban government from committing FoRB violations, citizens were still able to reference the rights laid out therein with the knowledge that the government was violating its own constitution. The elimination of the right to freedom of conscience and much of the language referencing specific FoRB rights in the final draft constitution sends a strong signal that the Cuban government, under the leadership of President Miguel Díaz-Canel Bermúdez, intends to tighten its grip over religious groups and practitioners.”