

Testimony of Rosa Maria Paya for USCIRF Hearing on Religious Freedom in Cuba

Overview of the Cuban Communist Party's Repression of Human, Civil, and Political Rights.

The Cuban people have continuously rebelled against the injustices imposed by the State. Since the end of 2020, citizen mobilization and peaceful protests against the government have intensified and become more frequent. According to the information gathered by the Incidents Report Center of the Foundation for Pan American Democracy (FDP), harassment and intimidation against human rights defenders and citizens, in general, have intensified. The State's political repression and violence have become widespread, particularly after the mass protests that began on July 11, 2021.

State Security forces and the police aggressively suppress freedom of expression, assembly, and peaceful demonstrations by ordinary citizens, regardless of their affiliation with opposition or civic organizations. The objectives of this repression are to silence dissident voices in the community and instill fear in the population. In addition to state terrorism, the Cuban government has pushed the Cuban people into a severe economic crisis characterized by the failure of essential systems, rampant inflation, shortages, and hunger. According to *The Economist*¹ in 2021, Cuba had the highest number of deaths from COVID-19 per capita in the entire hemisphere (550 deaths per 100,000 inhabitants) while the authorities refused to accept the vaccines offered through the COVAX mechanism².

Since 2018, the Foundation for Pan American Democracy (FDP) and its Incidents Report Center have collaborated with international human rights organizations to raise awareness and protect victims of repression in Cuba.

The systematic patterns applied by the Cuban government, as registered and documented by the Incidents Report Center, have shown sustained growth from 2018 to the present. These patterns include arbitrary arrests of leaders and their family members, imposition of fines, raids, and restrictions on mobility both within and outside the island. However, besides these patterns, the government has also intensified other repressive tactics such as forced expatriations and disappearances.

In 2020, the State used the pretext of the COVID-19 pandemic to imprison and forcibly disappear prominent dissident leaders, activists, and human rights defenders for extended periods. This behavior by State Security and the police violates the recommendations of the Universal System for the Protection of Human Rights, which call for the guarantee of fundamental legal safeguards for individuals deprived of liberty from the moment of their detention.

¹ <https://www.economist.com/graphic-detail/2022/08/03/covid-19-has-damaged-the-reputation-of-cuban-health-care?s=09>

² <https://www.paho.org/es/covax-amicas>

One of the cases registered by the FDP Incidents Report Center is that of the Navarro family. In July 2021, Félix Navarro, 68, president of the "Pedro Luis Boitel" Party for Democracy and promoter of the "Cuba Decide" movement, was arbitrarily detained along with his daughter, Saylí Navarro. They sought information at the police station in their municipality of Matanzas about the individuals detained during the peaceful demonstrations that took place on July 11. Félix was sentenced to 9 years in prison, and Saylí was sentenced to 8 years by a court that did not adhere to any minimum standards of independence and impartiality. The Inter-American Commission on Human Rights issued Resolution 37/22 on July 28, 2022, granting precautionary protection measures in favor of Mr. Navarro, considering that he is currently in a serious and urgent situation of risk of irreparable damage to his rights in the country. The Cuban State has taken no action to address this damage.

Furthermore, the Cuban State continues to refuse the creation of an independent mechanism for periodic visits to all places of detention. This refusal prevents the implementation of guarantees that would ensure that all individuals deprived of liberty are treated in accordance with the United Nations' minimum rules for the treatment of prisoners, principles of justice, including the fight against impunity, and the rule of law.

The actions and behavior of law enforcement agencies and State Security forces demonstrate a breach of due process, the inaction of the judiciary, and the absence of necessary measures to ensure the independence and impartiality of the judiciary. This pattern has persisted for decades on the island and has intensified in the past three years.

The constitutional reform process in Cuba in 2019 was flawed from its inception as it did not respect the principle that "the will of the people is the basis of the authority of public power"³ Instead, it was initiated and led by a commission composed of the Communist Party of Cuba and headed by Raúl Castro, whose members were not nominated or elected through free, fair, and transparent elections by the citizens. Moreover, the constitutional text explicitly violates Article 21 of the Universal Declaration of Human Rights and the international commitments assumed by the Cuban State when adopting the Vienna Declaration in 1993. It establishes the Communist Party, rather than the people, as the "superior leading political force of society and the State." Additionally, Article 4 of the new constitution declares the "socialist system" as "irrevocable" and perpetuates it by prohibiting any reform mechanism to change "the pronouncements on the irrevocability of the socialist system" for future generations. This directly violates opponents and citizen supporters of the Cuba Decide initiative, which proposes a binding plebiscite for citizens to decide on transitioning to a democratic and pluralistic system. Article 4 grants as a "citizen's right" the power to "fight by all means, including armed struggle, against anyone who tries to overthrow the established political (communist single party), social, and economic order."

³ [Universal Declaration of Human Rights, Art. 21](#)

On February 24, 2019, the constitutional text was imposed without an independent and impartial electoral body that could accurately, fairly, equally, and transparently count all the votes. Throughout the process, the Cuban State consistently violated the freedom to campaign on equal terms for rejection supporters, equal access to the census, the electorate, and state media, and hindered the presence of independent national and international observers at all stages of the process.

The Patmos Institute's annual report on religious freedom denounces the increase in violations of religious freedom in Cuba in 2022. The Office of Religious Affairs (ORA), a part of the Central Committee (CC) of the Communist Party of Cuba (PCC), has been the highest authority responsible for these violations and holds a monopoly over religious activities, monitoring, blocking, distorting, and obstructing them. All religious groups continue to be restricted from undertaking social actions, educational activities, or accessing mass media. Christians, for instance, have been prevented from accessing community resources due to their faith. The construction or renovation of church buildings and the reclaiming of historic religious sites and places of worship previously confiscated from believers are prohibited. Confiscation of Bibles and other religious materials also persists in 2022.

The Cuban government continued preventing religious activists from traveling outside Cuba in 2022, leading to an unprecedented migration crisis as believers sought refuge elsewhere. Some Christian pastors, leaders, and journalists were forced to leave the country due to their religious practices. Following the July 11, 2021 protests, several religious believers were taken to court and sentenced to multiple years in prison simply for exercising their right to freedom of expression. The report also warns about the increased persecution that churches or individual Christians may face in the future due to the implementation of the new Penal Code and the establishment of the new Family Code.

The report assesses that "the totalitarian paranoia of the Cuban government is above any ideology, including the communist one. Nevertheless, communism is the ideology that shows its face, given the need to have one, and consistent for more than six decades, where the maximum political power (even above the Constitution itself and also declared by it) lies in the Communist Party of Cuba (PCC). In the PCC's Central Committee lies the Office of Religious Affairs (Oficina de Atención a los Asuntos Religiosos), which tries to supervise and register everything related to religion. The Head of Office Caridad Diego Bello along with other officials such as Roberto Noa Frometa, Odalis Sabalo, Sonia Garcia, Maria de los Angeles Perez, and Mirian Garcia Merino, Head of the Registry of Associations of the Ministry of Justice, have full responsibility in all this".

"The National Assembly of People's Power approved the Penal Code Law on May 15, 2022, which further limits the exercise of religious freedoms. Ruben Remigio Ferro, President of the People's Supreme Court (Tribunal Supremo Popular, TSP), is among those mainly responsible for the approval of this new repressive instrument. This Penal Code replaces the earlier law that had been enacted in 1987. Furthermore, the magistrates, judges, prosecutors, specialists, members of the Ministry of the Interior, law professors, and

Members of the National Assembly from different territories (among the latter, Member of the Assembly, Jose Luis Toledo Santander stood out) were complicit of this approval.

Due to the Penal Code, repression against Christians has further intensified. Other types of criminal offenses were added such as prosecuting believers for their “participation in subversive activities”. This means that any Christian activity can be classified as such by the government. Meanwhile, “attacks on information and communication technologies” are a criminal offense that legalizes the persecution of Christians for using social networks. The Penal Code also reinforces rigorous sanctions that aggravate current circumstances and adds new sanctions, which contemplate life imprisonment, deprivation of freedom of up to 30 years, and even applying the death penalty for 23 severe types of criminal offenses that Christians can be classified under.”

The conclusions of the aforementioned report include:

- The system indoctrinates children and deprives parents of their rights, controlling and administering education while subjecting Cuban Christian children to anti-Christian teachings. The totalitarian government intends to strip parental rights through the provisions of the new Family Code.
- The implementation of the new Penal Code approved on May 15, 2022, further restricts the exercise of religious freedoms, leading to intensified repression against Christians.
- The regime's censorship extends to prohibiting the use of symbols and phrases that do not align with the Communist Party or are deemed contrary to its interests. This significantly affects Christian groups that the system refuses to grant legal recognition, as identifying with any symbol could result in lawsuits or prosecutions under the charge of "The Illicit Association."
- Christians accused in court were deprived of their basic rights and equal treatment by those who govern under the regime's laws. Several believers remain in prison after July 11, 2021.
- The government continues to monitor and obstruct Christian preaching, teachings in churches, and the publication of materials with religious content.
- Many pastors and believers are frequently subjected to police summons, fines, searches, confiscations, threats, and coercion. Catholic layman Ángel Mesa Rodríguez and Pastor Lorenzo Rosales Fajardo have remained in prison under concerning circumstances since 2021.

Actions that the Biden Administration and Congress could take to positively affect religious freedom in Cuba

Action 1: Create an international effort, a coalition of nations, in support of the Cuban people's call for freedom with the aim of denouncing the illegitimacy of the Cuban regime and supporting the holding of a binding plebiscite. This plebiscite would allow the Cuban

people to choose a peaceful transition to democracy. The following course of action is proposed:

- The United States should not negotiate with the regime but instead demand and confirm the following:
 1. Unconditional release of all political prisoners, an end to repression, and respect for freedom of expression, association (including independent political parties), public assembly, and economic freedom.
 2. Implementation of all necessary measures to enable the people to express themselves and decide sovereignly on transitioning to a democratic system through a binding plebiscite, leading to free, fair, and multiparty elections.
 3. Prior establishment of measures ensuring equal access to the census, the electorate, and the media; independence and impartiality of the electoral body; accurate, fair, equal, and transparent vote counting; and the presence of national and international observers at all stages of the process.

Action 2: Stop impunity and hold the regime accountable for its abuses:

- Apply targeted sanctions, utilizing the Global Magnitsky Act, against top officials and individuals involved in human rights abuses in Cuba, as well as their corrupt family members. Utilize all available tools to influence decision-makers to accept the people's call for a democratic transition.
- Enforce the Global Magnitsky Act against those who violate religious freedom in Cuba, including Caridad Diego Bello, director of the Office of Religious Affairs (ORA), and her staff.
- Require companies still conducting business with the Cuban regime to adhere to the Global Sullivan Principles, which promote respect for human rights and discourage enriching the rulers.
- Seek hemispheric leadership for peace by involving the European Union and members of the Organization of American States (OAS) in similar efforts to hold the regime accountable. Utilize all available tools, such as the EU Global Human Rights Sanctions Regime and the Inter-American Treaty of Reciprocal Assistance, to address the threat posed by the Cuban regime.

Action 3: Ensure uncensored internet access throughout Cuban territory, overcoming regime interference. Consider the following options, listed in order of significance:

1. Deploy Space Data Balloons with LTE payload to connect to user mobile LTE phones.
2. Provide Starlink (SpaceX) internet service, which offers excellent bandwidth capacity and low latency, albeit requiring a dish.
3. Enable LTE hotspots with integrated SIM cards to enable roaming on local and international carriers.

Action 4: Reopen the Political Refugee Program for Cubans facing political persecution and life-threatening situations on the island.

The work of Cuba Decide and Latin American Network of Young People for Democracy.

It is crucial for the United States and all nations in the free world to support the Cuban people's fight for change. The victory of democracy in Cuba is essential for peace, prosperity, and stability in the entire hemisphere.

Cuba Decide, our national and global movement, aims to force the Cuban regime to yield to the will of the people and leave. We, as civic organizations and opposition groups like UNPACU, religious leaders, LGBT activists, and citizens at large, are Cubans with diverse positions and ways of thinking. Together with Cubans worldwide and friends from the international community, we tirelessly mobilize Cubans and the global community to generate the necessary pressure for the regime to bow to the sovereign will of the citizens and pave the way for democracy. Cuba Decide presents a roadmap that unites the majority of Cubans at this crucial moment. The roadmap consists of four key steps:

1. Recognition of Human Rights and Fundamental Guarantees: Acknowledge and ensure the protection of human rights and essential guarantees for all individuals in Cuba. This includes safeguarding freedom of expression, assembly, association, and civil liberties.
2. Binding Plebiscite for System Change: Conduct a binding plebiscite that allows the Cuban people to vote on replacing the current communist single-party system. Similar to Chile's democratic transition, this plebiscite should employ democratic mechanisms to usher in a new era of democracy in Cuba.
3. Transition Process: Initiate a transition process that establishes democratic institutions, upholds the rule of law, and ensures a peaceful and orderly transfer of power. This phase aims to foster inclusivity, political pluralism, and equal representation for all citizens.
4. Free and Multi-Party Elections: Organize free and multi-party elections, marking a significant milestone after more than 64 years. These elections will enable the Cuban people to choose their leaders and participate in a democratic decision-making process, fostering a vibrant and diverse political landscape.

It is important to note that achieving these steps requires exerting pressure on the military authorities in Cuba. While the voices of the people on the streets are crucial, the support of democratic nations worldwide is also necessary to archive democracy.

Furthermore, the Latin American Network of Youth for Democracy, which we established almost 10 years ago to defend democracy in Cuba, also promotes Cuba Decide. Over time, it has become a network advocating for democracy across Latin America, particularly in countries that have succumbed to dictatorships like Cuba, Venezuela, and Nicaragua. Comprised of committed youth, this network strives to defend, strengthen, and consolidate democracy by speaking out against abuses of power by government leaders in the region. Through these efforts, democratic institutions and the rule of law are defended.