

The impact of COVID-19 on religious regulation in Colombia, Cuba, Mexico, and Nicaragua

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Abstract

In Latin America and globally, drastic sanitary measures were taken to combat the coronavirus. In this study, we investigate the consequences of these sanitary measures for religious regulation. We compare the situation before and after the sanitary measures taken in four Latin American countries (Colombia, Cuba, Mexico, and Nicaragua). We conclude that the COVID-19 measures mainly restricted the collective dimension of freedom of worship, bringing religious regulation to similar levels as that in some authoritarian regimes. We also found evidence that some governments took advantage of the situation to increase their repression of religious groups.

Keywords

religious regulation, COVID-19, Colombia, Cuba, Mexico, Nicaragua.

1. Introduction

Regardless of whether the extreme sanitary measures taken to combat the coronavirus beginning in 2020 were justified, exaggerated or, on the contrary, insufficient, it is indisputable that they have had real consequences for our societies. While some rejoiced at the positive effects on the environment, others expressed concern about the severe economic consequences. Very little was said, however, about the political consequences of the protective measures, which have been far-reaching and may remain so long beyond the pandemic.

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Among the political consequences of the health measures are practical limitations on the exercise of many democratic activities. For example, the sanitary measures posed significant logistical challenges to the normal conduct of electoral processes. Due to health restrictions, it was also practically impossible to carry out traditional collective actions such as marches, strikes or blockades, or any intervention involving assemblies of large numbers of people. While many social protests shifted to social networks or adopted creative interventions such as “cacerolazos” (in Argentina, Brazil and Colombia) from the balconies of homes, they did not have the same political impact and could more easily be ignored. Similarly, citizens were restricted from visiting the offices of their parliamentary representatives or mayors. And how could true investigative journalism be guaranteed if journalists were unable (or unwilling), because of COVID-19 restrictions, to visit certain sites where human rights violations may occur (Dabène 2021; Petri 2021a; Perdomo 2022)? These examples illustrate the invasive impact of the sanitary restrictions on many civil and political rights.

In this study, we examine the effects of the pandemic on religious regulation through an in-depth study of four Latin American countries: Colombia, Cuba, Mexico, and Nicaragua. These four countries were selected because they provide particularly interesting illustrations of this phenomenon. Cuba and Mexico are the two Latin American countries that had the highest pre-pandemic levels of religious regulation. Colombia, and to a lesser extent Mexico, have established interreligious dialogue mechanisms that have been activated around the pandemic. Nicaragua, and to a lesser extent Mexico, implemented relatively few measures to combat the COVID-19 outbreak. These case studies may provide insights for other scholars who could examine other countries in the region or other regions of the world in the same way.

Religious regulation is a dimension of religious policy² that can simply be defined as “all government laws, policies, and practices that limit, regulate, or control the majority religion in a state, or all religions in a state” (Fox 2013:41). The Religion and State (RAS) dataset (Fox 2008, 2014, 2015, 2016, 2019; Fox, Finke and Mataic 2018) describes religious regulation through 29 variables. In this study, we score these variables for the situation during the pandemic (roughly from April 2020) and compare them to the most recent data available describing the pre-pandemic situation (2014). More recent data is unfortunately not available, but, because the RAS dataset describes policy, most of its variables generally re-

2 The Religion and State Project distinguishes four dimensions of religious policy: official religion, religious discrimination against minority religions, regulation of and restrictions on the majority religion or all religions and religious support. In this article, we discuss only the third dimension, religious regulation.

main very stable in the short term and mid-term and can thus be used as a proxy for the pre-pandemic levels of religious regulation. The only exception is Nicaragua, which has experienced substantial increases in religious regulation in recent years as the regime has increased its repression of religious groups who criticize the government.

When considering religious regulation, we must keep in mind that every state regulates religion in one way or another, which can be more or less restrictive. This is a central point in the work of scholars such as Fox (2016) and Philpott (2019, writing on the Muslim world). Major differences can be observed between democratic and authoritarian states, but also within them.³ State regulation of religion can range from simple administrative requirements such as the registration of religious organizations, which is standard in most democracies, to severe restrictions such as state interventions within religious groups or even the complete outlawing of particular religious practices or groups. The latter is more common in authoritarian states, particularly those that enforce a strict anti-religion policy (such as communist states) or that favor one religion to the detriment of others (such as theocratic states).

Our starting point is that the sanitary measures adopted to combat the coronavirus have substantially increased, at least for the duration of the pandemic, the regulation of religion and therefore constitute a restriction of religious freedom, as has also been theorized in other contexts (Du Plessis 2021; Flood, MacDonnell, Thomas and Wilson 2020; Martínez-Torreón 2021; Burlacu et al. 2020). To investigate this proposition, we first describe how Colombia, Cuba, Mexico, and Nicaragua responded to the COVID-19 pandemic. We then compare the regulation of religion in these four countries before and during the pandemic, using data collected through the Violent Incidents Database of the Observatory of Religious Freedom in Latin America, which we apply to the RAS indicators. We conclude with a discussion of the broader implications of the sanitary measures for religious freedom.

2. Response by the state to COVID-19 in Colombia, Cuba, Mexico, and Nicaragua

Governments have taken countless measures to address the crisis unleashed by COVID-19. The pandemic negatively impacted not only the health sector, but also the economic, social and political areas. In many countries, especially in Latin America, it exacerbated long-standing problems and revealed other underlying

³ The impact of religious policy on religious freedom can also be considered as a function of state capacity, but we will touch on this aspect only tangentially.

deficiencies related to the inability of governments, further fueled by corruption issues. In this section, we focus on the measures that directly or indirectly affected religious communities and their exercise of religious freedom.

2.1. Colombia

In recent years, Colombia took substantial steps to recognize religious communities in its territory and their important role as social actors in peace and justice processes, as well as in the defense of human rights. In 2017, the Comprehensive Public Policy on Religious Freedom and Worship was adopted by the Ministry of the Interior of Colombia (MICO), with the goal of providing guarantees for the effective exercise of the right to freedom of religion and worship in Colombia. In this spirit, the Colombian government expressly considered religious groups when issuing its decrees (MICO 2020a) to handle the COVID-19 pandemic.

In March 2020, Colombia declared a “state of economic, social and ecological emergency,” ordering all inhabitants to quarantine as a prevention mechanism and limiting the free movement of people and vehicles in the national territory, except for those people engaged in the provision of public or emergency services, supply of basic necessities, financial services, production chains and agriculture, among others. During this lockdown period, the free movement of people dedicated to the provision of funeral services, burials and cremations, as well as to faith-based emergency and humanitarian programs or spiritual and psychological aid, were allowed (MICO 2020b). Religious groups and their various social organizations were also involved in the coordination mechanisms of the Family Police Stations, to deal with cases of intra-family violence during the health emergency (MICO 2020c) and their priorities for obtaining medicine, hygiene items and cleaning supplies (MICO 2020d). Religious groups registered in the Public Registry of the Ministry of the Interior were consulted for information on vulnerable people and families in order to benefit from food aid from the government (Parlamento Andino 2021). Religious services, however, were prohibited at the beginning of the pandemic, being considered a “non-essential activity.”

At the same time, in coordination with religious leaders, the Colombian authorities adopted a series of decrees to prevent the spread of COVID-19 (MICO 2020e). The measures included social distancing, ventilated spaces and the use of masks inside churches, among others. In July 2020, a security protocol was approved to mitigate the risk of the pandemic in the religious sector, and local governments were tasked with monitoring compliance (Ministerio de Salud y Protección Social de Colombia [MSPSCO] 2020a). The measures adopted included a distance of two meters between people, the non-entry of children while the government maintained the mandatory preventive isolation of this group, hav-

ing staff verify the correct use of masks, prohibition of distributing objects hand to hand, and prohibition of meetings before or after religious services. Regarding the size of gatherings, a pilot plan was established that would allow a maximum of 50 people for the first 15 days and, later, up to 35 percent of the capacity religious venues (MSPSCO 2020b).

A nationwide reopening of religious facilities was not possible, but local reopenings were permitted, depending on the degree of impact of the coronavirus. Municipalities with little or no impact from the coronavirus were authorized to request the Ministry of the Interior to lift the mandatory preventive isolation measures in their territory. In the municipalities of moderate and high impact, religious services were not permitted. Local mayors, not religious leaders, were responsible for requesting the respective authorizations for the reactivation of religious services in their municipality.

In August 2020, religious services were eliminated from the list of prohibited activities, and the reopening of religious facilities and services in all municipalities of the country was authorized one month later, regardless of the location's degree of COVID-19 impact, under the conditions that they did not involve crowds of more than 50 people and that they complied with the protocols described above. Under this new regulation, participation by minors and people over 70 years old was allowed. If a mayor of a municipality highly affected by COVID-19 believed that religious services should still be restricted, before adopting a measure for this purpose, he or she was obliged to request authorization from the Ministry of the Interior (Conferencia Episcopal de Colombia 2020).

In June 2021, new rules established new criteria for the development of economic, social, and State activities – including religious activities – according to three different cycles (MSPSC resolution 777):

- i) *Cycle 1*: public or private events may be held, as long as the occupancy of intensive care (ICU) beds in the department to which the municipality belongs is equal to or less than 85 percent, a minimum physical distance of 1 meter is maintained, and a maximum of 25 percent of the capacity of the event is admitted. If the occupancy of ICU beds is greater than 85 percent, public or private events that exceed 50 people are not allowed.
- ii) *Cycle 2*: events of a public or private nature may be held if the physical distance of at least 1 meter is maintained and a maximum of 50 percent of the capacity of the venue is admitted.
- iii) *Cycle 3*, public or private events may be held if the physical distance of 1 meter is maintained and a maximum of 75 percent of the venue's capacity is admitted. The development of religious activities is also subject to these conditions.

Describing each Colombian norm or decree related to COVID-19 is beyond the scope of this study, but from the above description, we can conclude that religious services in Colombia during the pandemic depended heavily on government authorization. Even though religious leaders had the power to determine the procedures to be followed in each church or denomination, their decisions necessarily had to be adapted to the guidelines approved by local authorities. In some cases, religious leaders chose voluntarily to close buildings temporarily or cancel the celebration of specific religious festivities, to avoid crowds and thus prevent contagion.

The activities of the religious sector were considered essential but only in their humanitarian dimension, that is, only with respect to those activities dedicated to social assistance or psychological support (MICO 2020e). In contrast, worship services, the celebration of the sacraments, and religious events such as processions or group prayers were completely suspended or made dependent on the impact of COVID-19 in each territory and subject to the authorization of the local authorities (Rodríguez 2020). During the lockdowns, there were even some cases in which church buildings with people assembled for worship were emptied by the police.

2.2. Cuba

At the beginning of the pandemic on the island, the country declared an emergency hygienic-epidemiological situation (Ministerio de Justicia de Cuba, MJCU 2020a), under which it determined the mandatory temporary isolation period for all travelers from abroad who entered the country, and for people with contagious symptoms. At first, the authorities determined that the epidemiological quarantine would be an extraordinary measure. Non-essential personnel were prohibited from entering hospitals and other public institutions, to prevent the spread of the virus.

In June 2020, the Council of Ministers approved a series of measures for the post-COVID-19 recovery stage. These were grouped into 13 areas and were divided into those that applied equally in each of three phases and those that would require adjustment between phases. Religious institutions were considered among the activities of the social sector (Consejo de Ministros de la República de Cuba 2020). They were advised that they could gradually resume holding services, provided that they guaranteed suitable distance between people and respected other guidelines.

Due to the rise in infections, the strategy was to divide the country's provinces into different phases: i) Limited autochthonous transmission, ii) Phase 1, iii) Phase 2, iv) Phase 3, v) New normal, with specific restrictions according to each

phase in each province (Ministerio de Salud Pública de Cuba 2021). The first one, Limited Autochthonous Transmission was the name given to the stage in which there was a record of the highest contagions and therefore entailed greater limitations. A province entered this phase when cases were confirmed that could not be traced to travelers from affected areas, but when the cases were limited to small communities or institutions (Universidad Virtual de Salud 2020). Stricter capacity limits and rules concerning operating hours were enforced under Phase 1. In Phase 2, authorities could lift restrictions on inter-municipal passenger transport and ease restrictions on the tourism sector. In Phase 3, all economic and productive activities were allowed to continue, and interprovincial travel could resume.

In August 2020, the Council of Ministers established sanctions with the aim of increasing compliance with public-health measures so as to prevent the spread of the coronavirus in the province of Havana (MJCJ 2020b). The main sanction was fines ranging from two thousand to three thousand pesos. Failure to pay within the established period would lead to the opening of a criminal case. Agents of the National Revolutionary Police and inspectors of the Integral Directorate of Supervision and Control of the Province of Havana, of Public Health, of the National Office of State Inspection of Transport, and of the State Directorate of Commerce were tasked with imposing these sanctions.

As of mid-December 2020, Cuban authorities were still enforcing stricter business and movement restrictions in provinces with higher transmission rates, while applying the “New Normal” phase of recovery across other provinces in the country. As of January 2021, the proposed measures for the stage of limited autochthonous transmission included the temporary suspension of religious activities (CubaDebate 2021). In June 2021, the Cuban authorities decreed that the entire national territory would enter the phase of community transmission due to the high number of cases of COVID-19 (Crisis24 2021). It was a phase that had not been declared before in the country and led to the application of new measures, aimed at stopping transmission and advancing health intervention. This led to the approval of a new contingency plan that emphasized, among other things, avoiding high concentrations of people and reducing their mobility (Puig 2021). Local authorities could enforce tighter measures on business, public transport, and recreational and group activities based on local disease activity with little to no notice. This stricter plan directly impacted religious services.

Cuba initiated efforts to develop its own vaccine. In July 2021, the Center for State Control of Medicines, Medical Equipment and Devices (CECMED) authorized the emergency use of Abdala, the first anti-SARS-CoV-2 vaccine developed and produced in Latin America and the Caribbean (CECMED 2021). As of De-

ember 2021, the Center for Genetic Engineering and Biotechnology (CIGB) confirmed the protection of the vaccine against the most serious form of COVID-19 by 92 and 90.7 percent. (Conde 2021) Although Cuba began the procedures for the World Health Organization to approve the vaccine, as of November 2022, the international organization is still waiting for the necessary documentation (WHO 2022).

During the time the most restrictive measures were in force to reduce the risk of contagion from COVID-19 access to places of worship become an acute problem, especially for unregistered churches. The powers granted to local authorities to verify compliance with security measures have translated into greater power to close churches or impose fines, which often leaves congregations without a place to meet (ADN Cuba 2021a).

The measures adopted by the government, under the guise of epidemiological surveillance to guarantee compliance with prevention measures, have been arbitrarily applied by the authorities to monitor activities at places of worship and to scrutinize the content of sermons, not only at unregistered churches but also at some registered ones (Cardoso 2021).

Given the recent escalation of repression by the government, more and more religious leaders, including some usually silent Catholic priests, have raised their voices, despite the risk of sanctions (ADN Cuba 2021b). Religious leaders and members of religious communities who speak out openly against the regime have been arrested on false or arbitrary charges. The pandemic has fueled these incidents under the pretext of crimes such as “transmission of the epidemic” or allegedly not complying with the required sanitary precautions during religious services (Cardoso 2020). Religious leaders who have sought to distribute aid to needy populations during the pandemic have been charged with contempt.

2.3. Mexico

In March 2020, Mexico declared the “epidemic generated by the SARS-CoV-2 virus (COVID-19) a health emergency due to force majeure” (Secretaría de Gobernación, SGMEX 2020a), which led to the immediate suspension of “non-essential activities.” Only services necessary to respond to the health emergency, such as public security, fundamental sectors of the economy and government social programs, were allowed to continue operating. The population was exhorted to self-quarantine, but this was not mandatory (SGMEX 2020b). Religious services were not included in the range of essential activities, which led to a strange situation in which liquor stores were allowed to remain open but churches could not receive visitors.

In April 2020, the Secretariat of Government called on churches, associations and religious groups in the country to follow up on security measures, exhorting

them to promote self-quarantine among church members and urging them to suspend in-person religious services in favor of virtual worship (SGMEX 2020c). The General Directorate of Religious Affairs issued a statement with specific guidelines to extraordinarily allow the transmission of acts of public worship by non-printed mass media during the period of the health emergency, in accordance with article 21 and 22 of the Law of Religious Associations and Public Worship (SGMEX 2020d).

As of June 2020, a regional traffic light system was established to gradually reopen social, educational and economic activities, based on weekly assessment of the epidemiological risk related to the resumption of activities in each federal entity. Activities carried out in closed public spaces could gradually be restarted. As for religious facilities, their activities would be suspended if they were located in places categorized as “Maximum” (red), the allowed capacity would be 25 percent in places categorized as “High” (orange), it would be 50 percent in places categorized as “Medium” (yellow), and regular activities could take place with basic prevention measures in places categorized as “Low” (green). When locations reopened, recommended security protocols were issued (SGMEX 2020e).

The federal Ministry of Health was responsible for determining when activities could restart. Due to the nature of the traffic light, the reopening dates varied between states and municipalities. As of June 2020, there was no general determination for the reopening of places of worship. This was largely dependent on the guidelines issued at the federal, state, or municipal level about the reopening stages. To date, the epidemic risk traffic light strategy is maintained to determine what activities are allowed, including religious services.

Access to places of worship and other inside or outside activities no longer depends on ecclesiastical authorities, but on the criteria of each state authority based on the incidence of COVID-19. In some states, the authorities established a dialogue with religious leaders to jointly determine the measures to be adopted in places of worship, whereas in others, the authorities decided unilaterally, and often arbitrarily, which activities were to remain suspended.

2.4. Nicaragua

Unlike the other countries under review, in Nicaragua, lockdowns and travel restrictions were never part of the government’s response to COVID-19. Very few policies were implemented to mitigate the crisis caused by the pandemic (Miranda 2020). On the contrary, the regime did not recognize the seriousness of the situation and, instead of following international health protocols, provided little or no information about the progress of COVID-19 in the country. In fact, it encouraged massive activities in order to promote a false security among its

inhabitants and reinforce the impression that the government was in control of the situation (Hurtado 2020).

The Ministry of Health promoted measures related to controlling COVID-19 cases only for those people with symptoms or with positive test results (Ministerio del Poder Ciudadano para la Salud de Nicaragua, MPCSNIC 2020a). Other strategies included home visits by community health staff to communicate health protection measures, establishment of a National COVID-19 Information Center to field calls (MPCSNIC 2020b), disinfection of public spaces and public transport, and raising awareness about the importance of handwashing (MPCSNIC 2020c). The government also issued the Plan for the Employment of Forces and Means of the Nicaraguan Army, under which military capacity was used to combat the pandemic. Among the activities assigned to the army were the reorientation of military production plans related to suits, masks, disinfectant substances and other items; reinforcement of military units in border territories; disinfection of public spaces (Ejército de Nicaragua 2020); and campaigns to communicate basic COVID-19 prevention measures (Ejército TV 2020). The Nicaraguan Ministry of Health issued guidance to prevent the transmission of COVID-19 as well as biosafety guides for different spaces, from commercial food establishments to pharmacies, dental practices and beauty salons (MPCSNIC 2020d).

In March 2021, the Ministry of Health elaborated a risk management guide for mass events and activities, including events of a religious nature (MPCSNIC 2020e). As part of the prevention and control measures, the Local Comprehensive Health Care System (Sistema local de atención sanitaria integral or SILAIS) would have the power to request organizers to implement systems that allow identification of participants and disclosure of contact information to the health authorities. The guide also explained means of maintaining communication and cooperation with the health authorities for the exchange of necessary information. In general, however, isolation and quarantine requirements were not officially applied. Measures were limited to prevention recommendations and communication campaigns (Secretaría Privada de Políticas Nacionales de la Presidencia de la República 2020). On multiple occasions, the authorities not only allowed but promoted massive events (Hurtado 2021).

National unions and civil society organizations, as well as regional and international organizations, repeatedly called on the government to adopt stricter measures and greater transparency in the information provided on confirmed cases or deaths due to COVID-19 (Belchi 2021). Although, as of the date of publication of this article, the Pan American Health Organization has indicated that Nicaragua reports vaccination coverage against COVID-19 of 80.9 percent of its total population (PAHO, 2022), by March 2021 – the time of writing – the authorities had

not presented a national vaccination plan in accordance with the parameters of the World Health Organization, nor have they decentralized COVID-19 detection tests, which made it difficult to know the real number of infected people in the country. Instead, authorities harassed those who tried to provide information on the evolution of the pandemic in the country (Swiss Info 2021), including religious groups, arguing that such actions contradicted the government's position and threatened the country's sovereignty.

Some recent regulations, approved during the crisis unleashed by the pandemic, have reduced the opportunity for foreign civil society organizations to be affiliated with Nicaraguan religious denominations. The most outstanding rule in this regard is the Law for the Regulation of Foreign Agents, which establishes that "foreign agents" must provide identification data on the foreign government(s), parties and related entities. It also requires that these "foreign agents" refrain – under penalty of legal sanctions – from intervening in internal and external political activities and from financing or promoting the financing of any organization, party or coalition that carries out internal political activities in the country.

Although one of the exceptions includes legally recognized religious entities properly registered with the Ministry of the Interior, those that carry out any type of activism that the government considers contrary to their interests could be sanctioned with fines, cancellation of their legal status, or confiscation of their assets, in addition to criminal charges. In practice, this also implies that any affiliation or relationship with religious organizations perceived as opponents of the government may jeopardize an entity's legal status (OLIRE 2020).

Surveillance inside places of worship is carried out by the authorities and by infiltrators who monitor sermons, especially those of religious leaders perceived as opponents of the government. Verification of the preventive measures adopted to counter COVID-19 is often taken as a justification for the monitoring of services, although this practice has been normalized to some extent and religious leaders know that they should be careful with their messages to parishioners so as not to be accused of "treason against the homeland" (García 2020). Despite this, many religious leaders, especially Catholics, remain outspoken critics of the government, continually exposing themselves to possible reprisal (Salinas 2021).

Nicaragua is the only country in our sample where the ecclesiastical authorities themselves, voluntarily and due to the government's inaction at the beginning of the pandemic, chose to cancel religious services and did not allow parishioners to access houses of worship in order to avoid the spread of the virus. Other religious leaders continued their activities on a regular basis, applying security protocols.

3. Comparison of the regulation of religion before and during the pandemic

The foregoing descriptions of the measures taken by the authorities in Colombia, Cuba, Mexico, and Nicaragua to combat the COVID-19 pandemic indicate that additional regulations and restrictions of religion were imposed in most of the following areas:

- 1) Restrictions on trade associations or other civil associations affiliated with religion.
- 2) Restrictions on or monitoring of sermons by clergy.
- 3) Restrictions on access to places of worship.
- 4) Government influence on the internal workings of religious institutions and organizations.
- 5) Restrictions on religious activities outside recognized religious facilities.
- 6) Arrest of people engaged in religious activities.
- 7) Restrictions on religious public gatherings that were not placed on other types of public gatherings.
- 8) Arrest, detention and/or harassment of religious figures, officials and members of religious parties.

These restrictions and regulations correspond to eight of the 29 variables describing religious regulation in the RAS dataset. We suggest adding a ninth variable to account for the variety of all other religious restrictions derived from the COVID-19 measures – such as the imposition of hygiene protocols – that are not covered by the existing variables. Other areas of religious regulation were left untouched.

Most of these restrictions (e.g., access limitations, prohibiting activity outside recognized religious facilities, arrests), correspond to the collective dimension of freedom of worship. Regarding the first two variables, only Nicaragua did not implement any restrictions – on the contrary, the authorities exploited religious festivities to gain greater social legitimacy – while Mexico allowed considerable flexibility.

Only in Cuba was the individual dimension of freedom of worship *de facto* affected by the sanitary measures, because the majority of the population does not have access to the internet and therefore attending livestreamed religious services was not an option for them.

Arrests for religious activities in Cuba and breaking up of religious services in Colombia occurred when authorities believed that sanitary measures were being violated, although in Cuba these enforcement actions may also have been used as a pretense to intimidate religious leaders critical of the regime, in line with its practice of fabricating charges that have nothing to do with religion (Petri 2020).

The variable of restrictions on religious public gatherings that are not placed on other types of public gatherings is complex to score in the COVID-19 context because restrictions on public gatherings did not discriminate between religious and non-religious gatherings. Nevertheless, some degree of arbitrariness in the categorization of essential and non-essential activities could be observed, as no objective criteria were provided to exclude religious services from the list of non-essential activities. At any rate, it is hard to explain why places of worship had to close while liquor stores could remain open. Only in Colombia were humanitarian initiatives by faith-based groups considered essential activities, and this classification did not apply to regular religious services. Furthermore, in both Mexico and Colombia, religious activities were among the last activities to be considered for reopening as the pandemic situation receded.

The individual dimension of freedom of worship was rarely affected by the COVID-19 measures, and much collective worship continued through virtual channels. From an anthropological perspective, it is notable that most religious communities underwent a process of adaptation to the circumstances imposed by the coronavirus, reinventing their religious practices. The use of technology for virtual religious services became widespread, or religious services were organized outdoors and in markets, where the risk of contagion was lower. The Mexican Catholic Church developed protocols for dealing with cases of COVID-19 and appointed a sort of “coronavirus coordinator” to supervise this process (Gazanini 2020). Orthodox Jewish groups, which usually do not use electronic devices on the Sabbath, authorized electronic celebrations.

Another area affected by the COVID-19 measures was the internal autonomy of religious institutions, which is measured by the variable of government influence on the internal workings of religious institutions and organizations. In all cases where religious services were suspended, the reopening of places of worship was subject to an administrative decision in which religious organizations themselves had little to say, except in Colombia where the government actively consulted religious groups.

The most striking aspect is that decisions about the internal work of the churches, especially in relation to worship or indoor work – such as the number of people permitted to attend, distribution of parishioners in the sanctuary, or times of permitted access – no longer depended on the religious authorities but on the consent of external agents, such as mayors, governors or ministries, and bureaucratic processes. This meant that, in those territories where the authorities have not cultivated a culture of respect for human rights or are not aware of the multiple dimensions of religious freedom, religious services were at risk of being limited or suspended indefinitely and arbitrarily.

In Cuba and Nicaragua, the government actively took advantage of the COVID-19 situation to increase its pressure on religious groups. In both countries, ensuring compliance with sanitary protocols was used as a pretext to intensify the monitoring of sermons by state actors, thereby restricting the clergy's freedom of expression on politically sensitive matters. In Nicaragua, the Law for the Regulation of Foreign Agents, imposed during the pandemic, directly hindered religious groups that had ties with foreign organizations perceived as opponents of the government. In Cuba, as already mentioned, religious leaders and members of religious communities who spoke out against the regime were arrested on false or arbitrary charges, with the authorities conveniently claiming that their activity was contributing to the propagation of the pandemic. This is particularly worrying because in both Cuba and Nicaragua, religious services continue to be among the few places where messages in support of justice, democracy, protection of human rights, or respect for the rule of law can still be delivered.

Two positive aspects of the position of religious minorities during the pandemic can be mentioned. In Colombia, the government actively sought input from religious groups when issuing its sanitary measures, actively supported their humanitarian work throughout the pandemic, and involved them in the process that led to the gradual reopening of places of worship. Some local governments in Mexico also consulted representatives of religious groups to inform their COVID-19 responses. Mexico temporarily overturned its ban on the broadcast of worship services by non-print media – a unique step, considering the country's anticlerical history.

Following the RAS codebook, we re-scored the four countries of our sample based on their additional religious regulations and restrictions related to the COVID-19 measures. Detailed scoring of individual variables can be found in Appendix 2. The 29 variables describing religious regulation were scored on a scale of 0 to 3⁴ and can be combined to create a Religious Regulation Index with a range from 0 to 87. Figure 1 compares the most recent scores on this index (2014) to the COVID-19 situation. The 2014 scores were taken directly from the RAS dataset. The COVID-19 scores are based on our own assessment, which is informed by the Violent Incidents Database, the media monitoring instrument of the Observatory of Religious Freedom in Latin America (OLIRE).

4 Each of the items in the category "Regulation of and restrictions on the majority religion or all religions" was coded on the following scale: 3 = the activity is illegal, or the government engages in this activity often and on a large scale; 2 = significant restrictions including practical restrictions, or the government engages in this activity occasionally and on a moderate scale; 1 = slight restrictions including practical restrictions, or the government engages in this activity rarely and on a small scale; 0 = no restrictions.

Religious Regulation Index (0-87)	2014	Covid19
Colombia	2	8
Cuba	27	36
Mexico	20	25
Nicaragua	8	14
Latin America (average)	6.2	
Western democracies (average)	5	
Middle East (average)	21.5	
Other regions (average)	12.1	

Figure 1: Comparison of the Religious Regulation Index of Colombia, Cuba, Mexico and Nicaragua before and during the COVID19 pandemic. Source: RAS dataset (2014); COVID19 scores are ours.

Although the RAS dataset is a quantitative instrument, this study is not primarily a quantitative study. Rather, we provide a qualitative reflection on religious regulation in four countries, using the RAS variables as a comparative framework. The re-coding of the RAS variable for the four countries is done for illustrative purposes only.

As a result of the additional religious regulations and restrictions related to the COVID-19 situation, the Religious Regulation Index increased in all four countries in our sample, pushing them closer to the average of Middle Eastern countries (most of which are not democracies), or even above them in the case of Cuba and Mexico. These two countries already had relatively high levels of religious regulation prior to the pandemic. The former is explained by the anti-religious nature of the communist regime and the latter by the historic anticlericalism in the country (Petri 2020).

4. Implications for religious freedom

As stated earlier, in this study we are not debating the pertinence of the sanitary measures but only describing their objective impact on religious regulation. Although some measures taken by the governments of the four countries may have been justified on health grounds, others were unnecessary, disproportionate or insufficiently sensitive to the specific needs of religious groups. The ease with which many public officials dismissed religious services as “non-essential activ-

ities” is worrisome and shows an evident lack of sensitivity to the needs of religious communities, as well as poor religious literacy (Petri 2021b). Governments may have failed to balance the imperative of public health and the protection of the right to religious freedom (Flores and Muga 2020).

Indisputably, the COVID-19 measures restricted aspects of the collective dimension of freedom of worship, as the Inter-American Commission on Human Rights – which does not often report on issues related to the violation of the human right to religious freedom – also warned in a press release, pointing to some COVID-19 measures that limited the possibility of congregating, participating in processions or attending funerals (IACHR 2020).

The most acute consequences of the restrictions were mitigated to some degree when governments consulted religious groups to inform their policies, as happened in Colombia and in parts of Mexico, but even in these cases religion received a discriminatory normative treatment. When the restrictions began to be lifted, religion and/or religious services were almost always among the last to be considered for restoration by the authorities, who at times disrespected the internal autonomy of religious institutions.

The COVID-19 measures also had an impact on religious freedom beyond religious regulation (see Appendix 1). An increase in societal religious discrimination could be observed.

Around the world, religious gatherings were accused of contributing to the spread of the virus – not without justification since there is evidence that mass gatherings of people increased the risk of contagion due to the saliva dispersed in the air during collective singing. Likewise, religious groups have been accused of taking advantage of the crisis to collect more offerings and win more followers. Also, accusations of obscurantism were directed toward some religious communities whose alternative views on the virus contradicted those of conventional medicine.

In areas with a weak state presence, such as some indigenous communities or areas affected by organized crime, as well as in autocratic states such as Cuba and Nicaragua, the pandemic context served as a pretext to silence critical voices in religious groups. In indigenous communities in some areas of Mexico, there were reports of converts away from the majority religion being denied access to health services. In Cuba, arbitrary detentions of religious ministers were reported (Flores and Muga 2020). Across the continent, there is very little tolerance for people who do not wish to be vaccinated for reasons of conscience.

Moreover, during the pandemic, the authorities focused heavily on controlling the spread of infection and enforcing prevention measures, which led to paying less attention to other security problems, especially in the most remote areas. As

a result, the lockdowns benefited criminal groups in Colombia and Mexico. In rural areas, guerrillas or cartels were the ones imposing curfews and quarantines or authorizing movements of people and the distribution of food or medicine. In these communities, the risk of extortion increased for those ministers of worship who decided to continue their humanitarian work when the streets were deserted due to the confinements. In sum, COVID-19 made it even more likely that religious leaders or minorities would be exposed to various types of hostilities or threats by criminal groups.

In the four countries under study and more generally in Latin America, most religious groups gladly complied with the sanitary measures demanded by the government, combined with remarkable displays of solidarity. Throughout the continent, religious services were suspended, strict sanitary measures were taken, and religious communities offered spiritual and humanitarian accompaniment to the victims of the pandemic. Very few confessional actors denounced the far-reaching nature of the religious restrictions resulting from the sanitary measures.

The unquestioning support of these protective measures is somewhat surprising because of the unprecedented nature of the restrictions placed on religious freedom. We must recall that the exercise of religious freedom has both individual and collective dimensions. It sits at the intersection between several fundamental rights (including freedom of worship, assembly, association, expression and conscience) and enjoys special legal recognition. With regard to this last point, the United Nations Human Rights Committee, in its General Comment 22 of 1993, stipulated that religious freedom is a “far-reaching and profound” right that “cannot be derogated from, even in time of public emergency.” Limitations of the right to religious freedom are permitted only “to protect public safety, order, health or morals, or the fundamental rights and freedoms of others,” but not arbitrarily: they must be “prescribed by law” and “necessary.” Considering that the health measures taken to curb the spread of the coronavirus constituted effective restrictions on several essential dimensions of religious freedom, the question therefore arises whether the international normative framework on religious freedom was fully respected (Petri 2021a).

Almost three years after the pandemic began, it is of utmost importance to acknowledge the multiple implications of these issues so that civil society, academia, and the public sector can design strategies that contribute to a better understanding of the multiple dimensions of the right to religious freedom and allow religious communities, especially religious minorities, to develop proper resilience strategies. With regard to the post-COVID-19 scenario, it is reasonable to wonder whether past restrictions will have a lasting effect on religious freedom.

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	Colombia	Cuba	Mexico	Nicaragua
Killings	2	0	9	2
(Attempts) to destroy, vandalize or desecrate places of worship or religious buildings	17	7	44	21
Closed places of worship or religious buildings	17	1	0	0
Arrests/detentions	1	33	12	0
Sentences	3	3	0	0
Abductions	2	0	10	1
Sexual assaults/harassment	7	0	0	0
Forced Marriages	0	0	0	0
Other forms of attack (physical or mental abuse)	99	7	43	3
Attacked houses/property of faith adherents	1	3	14	1
Attacked shops, businesses or institutions of faith adherents	0	1	1	0
Forced to leave Home	233	0	72	0
Forced to leave Country	0	0	0	0

Appendix 1. Violent incidents against religious groups in Colombia, Cuba, Mexico and Nicaragua during the COVID-19 pandemic from April 2020 to July 2021. Source: Violent Incidents Database, Observatory of Religious Freedom in Latin America.

Notes:

This table counts all reported incidents against religious groups during the COVID-19 pandemic from April 2020 to July 2021. These incidents may or may not be related to the sanitary measures taken to combat COVID-19.

OLIRE validates the reported incidents to the extent possible. If, after an incident has been entered, users or collaborators detect that the information provided is not entirely correct or incomplete, it may be eliminated and/or modified.

The updating of this database is continuous. The total number of incidents may vary as new cases are registered or identified. To view the updated data, enter the appropriate search criteria here: <http://violentincidents.plataformac.org/web/search/search>.

Regulation of and Restrictions on the Majority Religion or All Religions	
Restrictions on religious political parties.	
Restrictions on trade associations or other civil associations being affiliated with religion.*	
Restrictions on clergy holding political office.	
Restrictions or monitoring of sermons by clergy*	
Restrictions on clergy/religious organizations engaging in public political speech (other than sermons) or propaganda or on political activity in or by religious institutions.	
Restrictions/harassment of members and organizations of the majority religion who operate outside of the state sponsored or recognized ecclesiastical framework.	
Restrictions on formal religious organizations other than political parties	
Restrictions on access to places of worship.*	
Foreign religious organizations are required to have a local sponsor or affiliation	
Heads of religious organizations (eg. Bishops) must be citizens of the state.	
All practicing clergy must be citizens of the state.	
The government appoints or must approve clerical appointments or somehow takes part in the appointment process.	
Other than appointments, the government legislates or otherwise officially influences the internal workings or organization of religious institutions and organizations.*	
Laws governing the state rel. are passed by the government or require the government's approval.	
Restrictions on the public observance of rel. practices, including rel. holidays and the Sabbath.	
Restrictions on religious activities outside of recognized religious facilities.*	
Restrictions on the publication or dissemination of written religious material.	
People are arrested for religious activities.*	
Restrictions on religious public gatherings that are not placed on other types of public gathering.*	
Restrictions on the public display by private persons or orgs. of rel. symbols, including (but not limited to) rel. dress, the presence or absence of facial hair, nativity scenes/icons.	
Conscientious objectors to military service are not allowed alternative service and are prosecuted.	
Arrest/detention/harassment of religious figures, officials, and/or members of religious parties.*	
Restrictions on public religious speech.	
Restrictions on religious-based hate speech.	
Government controls/influences the instructors or content of rel. education in public schools.	
Government controls/influences the instructors or content of rel. education outside public schools.	
Government controls/influences the instructors or content of rel. education at the university level.	
State ownership of some religious property or buildings.	
Other religious restrictions. Specify: Various other religious restrictions related to COVID19 measures	
Religious Regulation Index	

Appendix 2. Additional religious regulations and restrictions related to the COVID-19 measures.

Source: RAS dataset (2014); COVID19 scores are ours.

THE IMPACT OF COVID-19 ON RELIGIOUS REGULATION IN COLOMBIA, CUBA, MEXICO, AND NICARAGUA

	Colombia		Cuba		Mexico		Nicaragua	
	2014	COVID19	2014	COVID19	2014	COVID19	2014	COVID19
	0	-	3	-	3	-	0	-
	0	-	0	-	0	-	2	+1
	0	-	2	-	3	-	2	-
	0	-	1	+1	3	-	0	+1
	0	-	3	-	3	-	0	-
	0	-	0	-	1	-	0	-
	0	-	2	-	0	-	0	-
	0	+1	0	+1	0	+1	0	-
	0	-	0	-	0	-	0	-
	0	-	0	-	0	-	0	-
	0	-	0	-	0	-	0	-
	0	-	0	-	0	-	0	-
	0	+1	0	+1	0	+1	0	+1
	0	-	0	-	0	-	0	-
	0	-	0	-	0	-	2	-
	0	+1	2	+1	1	+1	0	+1
	0	-	2	-	0	-	0	-
	0	+1	0	+2	0	-	0	-
	0	+1	2	+1	1	+1	0	+1
	0	-	1	-	0	-	0	-
	0	-	1	-	0	-	0	-
	0	-	2	+1	0	-	2	-
	0	-	2	-	0	-	0	-
	2	-	0	-	0	-	0	-
	0	-	0	-	0	-	0	-
	0	-	2	-	0	-	0	-
	0	-	0	-	0	-	0	-
	0	-	0	-	2	-	0	-
	0	+1	2	+1	3	+1	0	+1
	2	+6	27	+9	20	+5	8	+6

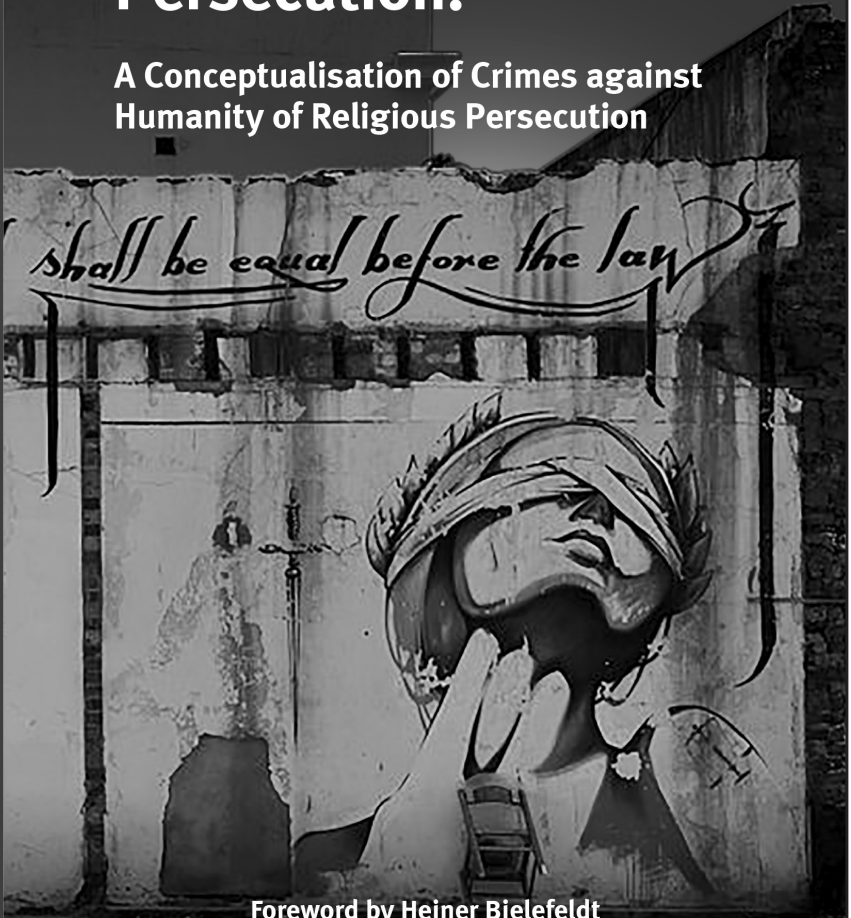
* Affected variables.

Werner Nicolaas Nel

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