

# briefing

## Cuba

*Annual Report*

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## **I. Review of 2003**

### ***I.1. Executive Summary***

- There were no major changes in overall Cuban government policy in relation to religious legislation over the past year.
- The legal situation for “*casacultos*,” or house churches, did not change and continues to give cause for concern. While they are tolerated by the government, they are not always given legal recognition, leaving them vulnerable to accusations of illegal association.
- In what many church leaders believe is actually a thinly disguised attempt to curb church growth at a local level, some house churches have been shut down after being told by local authorities that their buildings are “unsuitable”. This occurred after the churches attempted to register with the local governments. Alternative venues were not provided.
- New and highly restrictive housing legislation has put house churches at risk of losing their facilities often at the whim of local government officials. A number of house churches have arbitrarily had their facilities confiscated in the past year as a result of this legislation.
- Legally recognised churches that are not part of the Ecumenical Council of Churches (government sanctioned) continued to report some difficulties in gaining government permission for repairs, renovation and/or new constructions.
- Christians who refuse to join the Cuban Communist Party (PCC) for reasons of conscience continued to face difficulties in the fields of education and employment. There were some reports of government harassment, usually at a local level.
- The Cuban government continues to plant government informants in religious institutions including churches and seminaries.

### ***I.2. Religious Freedom in Cuba***

Officially, for most of the past 40 years, Cuba has been an atheist state. In 1962, the government of Fidel Castro seized and shut down more than 400 Catholic schools, claiming that they spread dangerous beliefs among the people. Many church leaders including pastors and priests were also sent to re-education through labour farms along with other “undesirables”. The government has strongly discouraged its citizens from participating in religious activity and stigmatises those that chose to do so although less so now than in the past.

While both Protestant and Catholic churches have been restricted in their activities, they were never outlawed altogether as under some other communist regimes. They have continued to operate within the limits of those restrictions over the past four decades and their numbers have risen substantially since the revolution.

The situation for churches of all denominations in Cuba underwent a striking change over the course of the 1990’s. This was in part due to the fall of the Soviet Union, and the

subsequent loss of Soviet economic support, which forced Fidel Castro to look to Western governments for aid and trade. This shift in outlook opened it up to some scrutiny on human rights issues by the international community.

This shift in government policy was illustrated by the transformation of Castro's approach to the Church and to religious freedom in general. In 1991 the Cuban government revised a law (at least on paper) that had previously prohibited Christians from belonging to the Communist Party. A year later, Cuba was changed from an atheist state to a secular state. Professions and areas of study that had previously been closed to Christians, including law and psychology, were now open.

In addition, the Cuban government began a practice of "tolerance" with respect to the mushrooming "House Church" movement. Although the laws restricting the right to assemble are still in place, the government has for the most part refrained from cracking down on the thousands of church groups that regularly meet in private homes across the country. This overall loosening of restrictions culminated in the 1998 visit of the Pope to Cuba, and the declaration of Christmas as an official holiday. At the same time, throughout the 1990's churches of all denominations have experienced phenomenal growth. In light of these changes there have been a number of contradictory reports on the state of religious freedom from outside Cuba circulating in the Western Church and the human rights sector.

In the past year, however, there has been a marked shift in government policy. Many analysts believe that the more intransigent communists in the central government are pushing for a return to an orthodox communist system.<sup>1</sup> In addition to a sweeping crackdown on human rights and democracy activists in Spring of 2003, the government has also implemented highly restrictive legislation regarding property rights and is also attempting to reverse economic reforms made in the mid-1990's as the country tried to attract outside investment. Some church leaders, both inside and outside Cuba, have expressed the concern that this overall increasingly intolerant approach may also be extended to an assault on religious freedom.

### *1.2.1. Growth of the Church and limitations on religious practice*

Throughout the 1990's there was a renewed interest across Cuba in all things spiritual. This resulted in growth in both the Roman Catholic and Protestant Churches and in other religious groups, including the Jehovah's Witnesses and the practitioners of Santería and other Afro-Caribbean syncretistic religions. The Protestant Church has experienced prodigious growth. One major denomination counts an estimated 50,000 to 70,000 people attending church services across the country on any given Sunday.

Despite the massive growth in the church, Christians continue to be excluded from certain sectors of Cuban society. The police and members of the military and their families are still not allowed to participate in religious activity and lawyers, government workers and journalists are often effectively barred, usually under threat of losing their job. Despite the legal opening of the Cuban Communist Party (PCC) to Christians in the early 1990's, the Marxist-Leninist and materialist ideology upon which the PCC is founded results in many Christians refusing to join on a moral basis. It is still very difficult to "succeed" in Cuban society without belonging to the PCC, and as a result a high number of Christians continue to be marginalized. In addition some Cubans maintain that those who occupy high-level positions in the PCC are vulnerable to being removed from their jobs after openly converting to Christianity.

The pressure on government workers, journalists, and PCC workers appears to be particularly strong in rural areas and in small towns and villages where it is easier for the

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<sup>1</sup> Frank, Marc. "Communist Cuba Reins In Capitalist Enterprise," *Reuters* 13 April 2004.

authorities to keep a watchful eye on church attendance, and additionally, where there are fewer tourists and it is logistically more difficult to communicate such abuses to the outside world.<sup>2</sup> According to firsthand reports if a member of the police force or a journalist chooses to attend a church service they usually receive a warning not to repeat the “infraction”. If one defies the warning, they usually lose their job, and subsequently, any source of income. There still, however, appear to be individual members in the armed forces and in the police force who have Bibles and are Christians but are forced to keep it a secret and are unable to enjoy fellowship with other believers.

### *1.2.2. Restrictions on the building and renovation of churches*

In order to receive official recognition and along with that, special privileges, denominations and/or churches are encouraged to join the government sanctioned Ecumenical Council of Cuba (ECC). The largest Protestant denominations, however, have made a decision not to join the ECC on principle.<sup>3</sup>

One of the major problems for non-ECC churches in Cuba is the issue of building, restoration, and the maintenance of religious premises and places of worship where they can hold services. Current government policy only allows officially recognised church services in buildings that were constructed prior to the Revolution in 1959. The construction of a new church, and adding on to or renovating existing churches requires government authorisation, which is often given arbitrarily if at all.<sup>4</sup> Because of the growth of the Church in the last decade, most existing church buildings are incapable of accommodating all of their members. The alternative for many of these churches has been through the establishment of house churches, but this again leads to additional problems and restrictions outlined later on in the report.

Existing buildings, those built prior to the Revolution, are often over 100 years old and desperately in need of renovation and repair. Again, many churches have encountered difficulties in seeking official permission for such activity. However, many churches have gone ahead without seeking permission, renovating and expanding the Church facilities as much as finances allow until they are explicitly prohibited from doing so by the government. This of course puts them in a precarious legal position and opens them up to the rarely enforced but continuing threat of crippling fines, closure, or even demolition.<sup>5</sup>

The issue of legacies is of additional concern; in this area, the Roman Catholic Church holds a unique position as the only Christian denomination that is legally allowed to receive property willed to it upon the death of its members. All other denominations are legally prevented from inheriting property, even if it is the explicit wish of the property owner.<sup>6</sup> This again, limits the physical expansion of the churches. Some property owners surreptitiously sell or give their home to churches, but legally keep the property under their own name. Problems arise when the government runs a state control exercise, checking the

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<sup>2</sup> Stricter controls and harsher penalties in rural areas are not confined to the area of religious practice. Generally speaking the government operates with a much heavier hand in rural areas for the reasons outlined above. Anyone who does not strictly toe the line, on issues of democracy, human rights, and union activism, is much more likely to be punished or harassed if they live outside of the main urban and tourist areas.

<sup>3</sup> Some individual churches, however, have left those denominations however, in order to join the ECC and gain the privileges that come with membership.

<sup>4</sup> This is one of the benefits of belonging to the ECC – ECC churches are often readily granted permission to renovate and to build.

<sup>5</sup> All churches are vulnerable to arbitrary fines, closure, demolition, and even seizure if the Party decides they want the building for their own use. This also applies to vehicles – some churches have had their cars confiscated. It is important to understand, however, that this is not always targeted religious persecution as this is standard government procedure when it wants or needs to procure material goods and properties.

<sup>6</sup> This is another legal issue rising from the Cuban Communist system. Most Cubans are allowed to “own” the homes they lived in prior to the revolution – that is they are allowed to live in them, as are their families and their descendants. They are unable, however to sell their property to anyone except the government, who can then sell it on (usually at a profit to itself). They cannot leave the property to anyone outside the family.

occupants of the homes against the names on the deeds – if there is a discrepancy, the occupants are evicted and the government repossesses the property.<sup>7</sup> According to Church leaders, the government is becoming increasingly strict as regards all property issues and the number of churches that have lost their facilities in this manner has risen significantly in the last two years.

### *1.2.3. The use of government informants in the Church*

The government also continues to exercise strict control over all facets of Cuban society through the use of government informants. This strategy appears to have been reinforced in recent years and the number of informants increased with some estimates putting the number of informants at one in every four Cubans. Most Cubans assume that the people they interact with, including their own spouse and children could be government informers.

Government planted informants within church bodies are taken for granted by church members. This appears to be a result of the government's desire for control over all aspects of society but there is rarely any follow up action taken. However, it is clear that pastors must strike a delicate balance in their sermons and teaching – being careful not to say anything that might possibly be construed as anti-Castro or counter-revolutionary. There were reports that some of the more charismatic churches have run into difficulties through their “prophetic” ministries, which by nature are often impromptu and extemporaneous, as some of the prophecies were construed by the government to be political in nature. There were reports that church leaders were detained and questioned because of prophecies given in their church or even by religious leaders outside of Cuba.

The government maintains a constant watch on every street block in Cuba through the use of the Committee for the Defence of the Revolution (CDR), a sort of neighbourhood watch program. “Volunteers,” loyal PCC members, who reside in the neighbourhood, are designated as CDR and are expected to watch and report all of the goings on in the neighbourhood to the government. These volunteers are not paid, but are given rewards like increased rations, special holidays or television sets. In addition, there is a policeman keeping watch on almost every urban street corner and apartment block, especially in Havana and its environs.

### *1.2.4. House churches and problems faced by individual Christians*

As previously stated, much of the Church's growth, in all denominations, over the past decade has been concentrated in the House Church movement. These house churches, or *casacultos*, occupy a unique place in legal limbo in Cuba. While not technically recognised as official churches, they have been tolerated by the government for the past ten years during which time their numbers have grown phenomenally.

House churches, however, are subject to certain legal restrictions, which appear to vary and be enforced to varying degrees around the country. Some pastors, both in rural and urban areas have reportedly been told by the authorities that there is a maximum limit of 20 people for a house church and that they are only allowed to have one meeting per week. When asked what the penalty would be should the government decide to enforce these laws strictly, most agree that the likely repercussions would be a crippling fine or the confiscation or actual demolition of the building.

Perhaps the most pressing concern is that most of the house churches are big enough to be considered churches in their own right, yet the government refuses to recognise them as such. The danger in this is that in remaining house churches, they remain vulnerable to a

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<sup>7</sup> This also causes difficulties for churches involved in mission work or “church planting” as finding legal housing for a missionary and his or her family is virtually impossible.

charge of “illegal assembly or association” and observers fear that without changes to the law the government could decide to crack down at any point.

In addition, it appears that in recent years the government has been subtly attempting to tighten control over the house churches.<sup>8</sup> According to pastors from across Cuba some house churches that have attempted to register with the local authorities as a “church” have been told their buildings were unsuitable and as a result have been forced to shut down as no alternative venues were provided. Others report that local authorities have used the right of eminent domain to confiscate house church facilities as a thinly veiled attempt to shut down the church. Increasingly strict property laws have also led to the closure of a number of house churches. Some observers of Cuban government policy believe that the period of government tolerance is coming to a close and that the government has begun to tighten restrictions on religious expression and assembly once again.

### *1.2.5. Religious Discrimination*

Persecution of individual Christians has taken on a subtler form over the past decade. While many careers that were previously closed to Christians are now open, and with the exception of a few notable professions, people are free to convert to Christianity, it is not true that there are no repercussions for becoming a Christian. Success in Cuba depends principally on being a loyal PCC member; obviously, however many Christians see an inherent contradiction in being true to their faith while belonging to a Marxist-Leninist and materialist political party.

The result is a more indirect form of religious discrimination. Cubans holding privileged and high-level positions often knowingly give up all hope of being promoted or receiving an increase in wages or housing allotments when they openly become Christians. Many are excluded from work functions and meetings on the basis that they are no longer considered “trustworthy”.

According to Church leaders the government now allows openly Christian children to join the Pioneers, a Communist youth organisation. Some parents however refuse to enrol them because of the aforementioned conflict between Marxist-Leninist atheism and Christianity and this sometimes results in the children suffering some discrimination. The government has reinforced the pressure on Cuban youth in recent years by stepping up its “Struggle of Ideas”. As far as the youth are concerned this often consists of a succession of government-sponsored activities, including sports competitions, music events, weekends away, etc., often scheduled on Sundays and during church meetings – with what some see as the clear intent of luring the youth away from Christian activity.

### *1.2.6. Summary of religious freedom issues*

While a casual European tourist in Cuba might notice that on Sunday the churches are full and seem to operate in total freedom, there exists a host of problems for pastors and laypersons in relation to the authorities. It is true that while there is a certain degree of government tolerance of religious activity, the legal situation for many churches, particularly those outside of the ECC, has not changed in any significant way since the early 1990’s. If anything, there has been a subtle deterioration in religious freedom in recent years, reflecting an increasingly hard-line government attitude across the board.

The status of the house churches in a sort of legal no man’s land, however, gives the most cause for worry. The bulk of growth within the Cuban church has occurred within the

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<sup>8</sup> In 1997, the government asked all the churches to provide a list of the house churches with which they were affiliated. The government explanation for this was that this was a part of an official effort to “legalise” the house churches. According to reports, some of the pastors who did attempt to register their house churches subsequently received official notice that they were actually illegal and had to be disbanded immediately.

House Church movement. It is clear that this has not escaped Castro's notice. Should he decide to crack down, there currently exists no legal protection for the thousands of house churches planted across the country. Sporadic church closures in mostly rural areas have given some experts cause to believe that a more general onslaught is in the works. Ideally the Cuban government would formally legalise all house churches operating across Cuba and lift the current building and renovation restrictions. However, it is not likely to occur under the current government without considerable international pressure.

It appears that while the Cuban government is keen to present an image to the outside world of religious liberty and harmony between Church and State, in reality it continues to seek ways to control and, at times, cripple the work of churches across the country. The restrictions on renovating existing churches and the establishment and building of new churches has had a noticeable effect on the scope of the work of non ECC churches. The continued and even augmented planting of government informants within church bodies contributes to an insidious atmosphere of distrust within the Church. With a government obsessed with the idea of conformity and control, the authorities continue to fear the influence of the Church – as pastors and priests are the only non-government agents allowed to speak publicly and to attract large numbers of people. Therefore pastors are forced to walk a political tightrope in their day to day work, careful to do nothing and say nothing that might jeopardise the mantle of “tolerance” under which they presently work.

## **2. Conclusions**

In terms of religious freedom in Cuba little has changed over the past year. The situation for the Church in Cuba, particularly the house churches, continues to give cause for concern. Most experts inside and outside of Cuba, however, agree that an antagonistic approach towards the Cuban government by international groups on this issue would not be helpful. Most are fearful that an aggressive attack on Castro's government would be counterproductive and might actually undo many of the Church's accomplishments in the last decade. They emphasise that any advocacy action taken should be extremely careful to avoid exaggerating or over-dramatising the situation.

## **3. Recommendations**

### **3.1. To the Cuban Government**

CSW calls upon the Cuban Government:

- To respect and uphold Article 18 of the Universal Declaration of Human Rights of the UN, of which it is a member;
- To uphold all tenets of religious freedom in its role as a member of the United Nations Commission on Human Rights<sup>9</sup>;
- To accede to and ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Cultural and Social Rights;
- To safeguard the freedom of all people resident in Cuba to assemble and worship according to their professed religion, and particularly the right of Cuban journalists, security agents and Cubans in the military to assemble and follow their faith of choice,
- To release immediately and without condition, all political prisoners and to allow them to return to their families and their occupations in Cuba,
- To grant access to human rights reporters from international and non-governmental organisations, in particular to extend an invitation to the UN Special Rapporteur to visit the country in order to examine and report on human rights within the country;

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<sup>9</sup> Cuba became a member of the UN Commission on Human Rights in May 2000



- To loosen state controls over the registration of churches, and the building and renovation of churches,
- To end discrimination based on denomination in reference to legacies and the right of individuals to leave their property to the church or denomination of their choice,
- To legalise and provide legal protection for all house churches in Cuba and freedom for Cuban pastors to carry out their work without government harassment,
- To end the use of government informers in churches and seminaries,
- To bring to an end government support of one religious group (Santería) over other religious groups and ensure equal access for all groups to the media,
- To guarantee protection from discrimination on the basis of one's religion in the workplace, school and all other social and political spheres.

### **3.2. To the United States Government**

- CSW recommends that the US government increase travel opportunities for American citizens, including religious groups, to Cuba as CSW believes that this will have a positive effect both on human rights and understanding both in Cuba and abroad.

### **3.3. To the European Union**

- CSW calls upon the European Union to use its relations with Cuba, particularly in the framework of the ACP-EU Joint Parliamentary Assembly to encourage the establishment of democracy and respect for human rights as outlined above.
- CSW recommends that the Common Position on Cuba be maintained and renewed until significant improvements are made.

### **3.4. To the British Government**

- CSW calls upon the UK government to use its influence to push for democratic and human rights reform in Cuba both through their membership of the European Union and in their bilateral relations.

### **3.5. To the United Nations**

- CSW calls upon the United Nations Commission on Human Rights to renew the mandate of a special rapporteur on the situation of human rights in Cuba.
- CSW also calls on the UN Commission on Human Rights to continue encouraging the Cuban government to grant invitations to special thematic rapporteurs such as those focused on torture and freedom of expression and opinion.

CSW would like to thank Cuba For Christ, The Lawton Foundation, Directorio Democrático Cubano, other Cuban human rights organisations, and countless individuals in Cuba and elsewhere for the provision of accurate and timely information and for their tireless commitment to the suffering Church and others.