

briefing

Cuba

Religious Liberty in Cuba

FOR PUBLIC USE

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Table of contents:

Religious Liberty in Cuba.....	1
1. Executive Summary.....	3
2. Recommendations.....	3
2.1. To the Cuban Government.....	3
2.2. To the European Union.....	4
2.3. To the United Nations.....	4
3. General Discrimination.....	5
4. Building Restrictions.....	5
5. House Churches.....	6
6. Church Closures.....	6
7. Destruction of Church Properties.....	7
8. Confiscation of Church Properties.....	7
9. Harassment of Church Leaders.....	8
10. New Regulations.....	9
11. Distribution of Religious Materials and Access to the Media.....	10
12. Religious Rights of Political Prisoners.....	10
13. Conclusion.....	11
14. Appendix I.....	12

1. Executive Summary

Despite Cuba's recent accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights the government has yet to make any significant improvements in the area of religious liberty. Instead, over the past two years there has been an increase in reported violations of religious freedom, including harassment of church leaders and the forced closure, confiscation or destruction of church buildings. Church leaders who have openly called on the government to respect religious freedom and those who have refused to work on behalf of the government (as informers or by lending public support to government initiatives) have been targeted for particularly severe harassment.

While there have been some improvements in regard to religious liberty, these appear almost entirely to have been made in response to international pressure and attention. At the same time, the government has put in place new regulations which effectively prevent the transfer of pastors from one locale to another and restrictions on US visitors travelling on US Treasury Department religious visa waivers. Both of these indicate that the government continues to attempt to exert as much control as possible over religious activity.

2. Recommendations

2.1. 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, and to fully implement all provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Cultural and Social Rights (ICECSR), which Cuba signed in early 2008;
- To ensure that local authorities, including Communist Party leaders, are aware of the provisions included in the ICCPR and the ICECSR, and that they are implemented at the local level;
- As a member of the Human Rights Council, to comply fully with international human rights standards including those relating to religious freedom;
- To grant access to human rights rapporteurs from international and non-governmental organisations to visit the country in order to examine and report on human rights within the country;
- To safeguard the freedom of all Cubans to assemble and worship according to their professed religion;
- To allow churches, religious denominations, and denominational groupings to operate autonomously without pressure or interference from government officials;
- To loosen state controls and to streamline procedures concerning the registration of churches, and the building and renovation of church buildings;
- To withdraw Directive 43 and Resolution 46, to legalise and provide legal protection for all house churches in Cuba, re-open those churches which have been closed

under the legislation and to guarantee freedom for Cuban pastors to carry out their work without harassment, threats or government pressure;

- To return all recently confiscated church properties to their denomination for continued use as a place of religious activity and to make reparations for church buildings which have been destroyed;
- To end discrimination based on denomination in reference to government benefits including permission for renovations and building projects, exit and entry visas, vehicle licences, and to legacies and the right of individuals to leave their property to the church or denomination of their choice;
- To guarantee protection from discrimination on the basis of one's religion in the workplace, school and all other social and political spheres;
- To bring to an end government support of one religious group (Afro-Cuban religions) over other religious groups, and ensure equal access for all groups to the media;
- To guarantee all prisoners, whether criminal or political, their basic human rights including religious rights;
- To end the use of government informants in churches and seminaries;

2.2. To the European Union

- That the Common Position on Cuba be maintained and renewed until significant improvements are made;
- That the European Union raise religious freedom as regularly as possible in its dialogues with the Cuban authorities, including the Minister of Religious Affairs, and encourage the Cuban government to take the above recommendations seriously;
- That the EU representations in Havana, including the Commission Delegation and the embassies of member states, maintain an open dialogue with religious leaders from all denominations and religious groups, while taking into consideration the political sensitivities under which many religious leaders must work;
- That the EU encourage the Cuban government to grant invitations to UN special thematic rapporteurs such as those focused on torture and freedom of expression and opinion;
- That the EU continue to seek ways of engaging with members of Cuban civil society, offering support when appropriate;
- That the EU continue to establish and maintain contact with the families of political prisoners and to raise its concerns regarding continued violation of the prisoners' rights, including denial of religious rights, with the Cuban authorities.

2.3. To the United Nations

- As Cuba continues to play a role in the UN Human Rights Council, the UN must insist that Cuba fully implement the treaties to which it is party, including the ICCPR. In addition, Cuba should be urged to extend invitations to the UN thematic mandates on human rights defenders, torture, independence of the judiciary, and arbitrary detention to visit Cuba.

3. General Discrimination

Despite a 1991 regulation which allowed Christians to join the Cuban Communist Party (CCP) and outlawed discrimination on the basis of religion, systematic discrimination against Christians persists. This is, in part, because of the refusal of most Christians to join the CCP for reasons of conscience, together with the fact that CCP membership continues to be key to professional and academic advancement in Cuba. Contacts in Cuba report that it is common for Christians to be passed over for promotion, excluded from important meetings and activities, demoted, and/or transferred to undesirable locations because, as non-members of the CCP, they are considered to be “untrustworthy”.¹

Cubans reported that discrimination and harassment was particularly strong when Cubans who had converted to Christianity formally left the CCP. Some church leaders said that new members of their congregations who had chosen to leave the CCP were approached by party officials who threatened them with potential negative repercussions for them and/or for family members. In one recent case in the central part of the country, two women, both of whom had previously been active members of the local CCP, renounced their membership prior to their baptisms. They were approached by the local CCP leadership and were warned of the possible repercussions of their actions. They were threatened with the loss of their jobs as well as possible negative implications for the future studies of their children.

Worryingly, there have also been reports of defamation in state run media of religious groups who have run afoul of the government. In April 2008, CSW received reports that a local publication in Matanzas, sponsored by the state, had published statements alleging that the withdrawal of the Methodists from the Ecumenical Seminary in Matanzas was carried out in collusion with President Bush’s plan to “destabilise Cuba.” This is especially alarming as many of the human rights and democracy activists currently imprisoned also stand accused of acting as mercenaries on behalf of the United States government to destabilise the country. Such accusations against church groups in state media serve both to intimidate and to stigmatise these groups in wider Cuban society.

At the same time, however, there have been some improvements in this area over the past few years. Restrictions on members of the Cuban security agencies including the military and the police have reportedly been somewhat relaxed. In the past, members of the Cuban security agencies were banned from participation in any religious activity and were not allowed to have Bibles in their possession, but according to reports from Cuban Christians, this is no longer the case. There were still some reports, however, of young Christians carrying out their compulsory military service being singled out for intense harassment or forced to undergo particularly gruelling exercises.

4. Building Restrictions

Since the 1959 Revolution, the government has only permitted a handful of new churches to be built. Because of this, many Christian communities, particularly those in rural areas, do not have a place to meet for church services. This, particularly when viewed in light of the rapid church growth that has occurred in Cuba over the past fifteen years, constitutes a serious religious liberty violation in that it prohibits many Cuban Christians from freely exercising their right to meet together for worship.

¹ Cuban authorities often point to the fact that there are three Protestant leaders in the National Assembly as evidence that Christians in Cuba do not face discrimination. It should be noted however that the three deputies in question, Pastor Ofelia Ortega Suárez, Pastor Raul Suarez Ramos, and the Rev. Pablo Oden Marichal, are all high ranking leaders within the Cuban Council of Churches and are vocal supporters of the regime. It should also be noted that there are no Catholic clergy or lay-leaders, nor is there any member of Protestant denominations that are not part of the CCC in the National Assembly.

Most of the churches that were built prior to the Revolution were allowed to continue to function as places of religious activity. Any changes to the structure including expansions and/or repairs and renovations, however, must receive permission from the Office of Religious Affairs, under the direction of Caridad Diego. These authorisations are rarely granted, either because they are formally denied, or because of endless delays and/or lack of a response from government officials. In practice, this means that many church buildings are far too small to accommodate their congregations or they are now structurally unsound, as the government has not allowed necessary repairs to take place.

5. House Churches

During the 1990s, the shortage of space designated for religious activity, coupled together with rapid growth in all denominations, led to the widespread use of “house churches.” The term, “house church,” is fairly broad as, while it can apply to structures that are still primarily used as family homes but are also used on certain days for church services, it also can refer to homes that are no longer lived in and are solely dedicated to religious activities. In addition, in Cuba the term also includes buildings that were constructed, without permission, to be used exclusively for religious activities.

The size of individual house churches varies greatly. Some count around only a handful of regular attendees while others number in the hundreds. It is impossible to know for certain the exact number of house churches on the island, however, church leaders inside Cuba put the number at anywhere between 10,000 and 15,000.

Very few house churches have been granted formal authorisation to carry out religious activity. In Cuba, where freedom of assembly and association are still severely restricted, this carries obvious risks. Although the authorities appeared to tolerate house churches, for the most part, throughout the 1990s, their rapid multiplication appears to have caused some alarm within the government, and legislation issued in 2005 seemed aimed at clamping down on the movement. While these regulations have not been applied across the board, some churches have been destroyed or threatened with closure and there has been an increase in reports of government harassment of church leaders and congregations attached to house churches.

In one example, according to sources inside Cuba, around thirty informal “Houses of Reflection,” were established after the visit of Pope John Paul II in 1998, in one large urban area. However, over the past decade, the owners of the homes were subjected to a campaign of discreet but systematic intimidation, with local representatives from the CCP or the Committees for the Defence of the Revolution (CDR), regularly visiting their homes and urging them to think about the possible repercussions for them and particularly for their children should they continue to allow their homes to be used for religious activity. Although subtle, these tactics were highly effective and in 2007 the last two remaining Houses of Reflection shut their doors, ostensibly, “voluntarily”.

6. Church Closures

Over the past year a number of churches have been threatened with closure. These were, for the most part, churches in areas where few foreign tourists visit and where communication with the outside world is extremely difficult. The majority of the cases involved the only church of a particular denomination in the community, or in some cases, the only church at all. In one example, the pastor overseeing an unregistered church of around twenty members, the only church in the community, was told that the church constituted a “security risk” and would have to close. The community is located relatively near to, but not on, a military base, and the authorities were unable or unwilling to explain to the pastor in what way the church jeopardised the security of the military base.

In another recent case, an Assemblies of God church in a small town, south of Havana was told in late 2007 that it would be forced to shut its doors. The church, which was established prior to the Revolution, was closed in 1959 but later re-opened and resumed its activities. In October 2007, however, the pastor was contacted by government officials who informed him that the authorities were planning to close the church. Officials then visited the pastor on a number of occasions in November and December, warning him that the church was to be closed, that services should be halted, and that the authorities were considering confiscating the building for an alternative use. In February 2008, local authorities attempted to close the church by force during an evening prayer service. The congregation resisted, however, and the Ministry of Justice later issued an apology but stipulated that the church should only hold one service a week and that it should take place on a Sunday. Church leaders in Cuba, however, have pointed out that because of the building and renovation restrictions, the church, like most churches in Cuba, must hold multiple services in order to accommodate its members. The new restrictions on the church will create difficulties for its membership and its pastor, a church leader has said.

7. Destruction of Church Properties

In addition to the forced closure of house churches, since the implementation of the 2005 legislation on house churches, there have also been reports of the threatened and actual destruction of church buildings. In 2007 at least one church was destroyed by the government. On the morning of 20 November, the Church of the Apostles in the Abel Santamaría neighbourhood of Santiago de Cuba was surrounded by Cuban security agents and police. The authorities used heavy equipment, including bulldozers and metal-cutters, to destroy the church, which counts around 700 members. The pastor, Alain Toledano Valiente, reported that his telephone and the telephone lines of all the church leaders were cut during the operation, making communication with the leadership and the members of the church impossible. When he was made aware of the situation by a church member who came to his home, he travelled by foot to the church, only to be removed from the site by the security agents who told him that they did not want him to incite a riot. The church building was completely demolished and government officials confiscated all of the church's belongings, including musical instruments, an audio system, microphones, a refrigerator, roof tiles, and chairs.

While the church was being demolished, Cuban security agents also went to the pastor's home, one kilometre away. They forcibly evicted the family, removing all their belongings and leaving them on the street. The family was told they should move back to the pastor's childhood home, a one-room house with no toilet or bathing facilities, already occupied by the pastor's two aunts and a cousin. Two hours after the eviction, medical staff were brought to the home and the house was inaugurated as a government maternity home.

8. Confiscation of Church Properties

Since 2005, CSW has received a number of reports regarding the arbitrary confiscation of church property. In the province of Las Tunas, in 2006, a relatively spacious, well-maintained building which served both as a church and pastoral house in the centre of town was forcibly confiscated by the government to be used as a television station. The pastor and his family, who had lived in the confiscated property for twelve years, were re-housed in an underdeveloped area of town in a cramped house in poor condition. No compensation has been made for the loss of the church itself; in fact, the family has been told that as the new house belongs to the Ministry of Housing, it cannot be used for any religious activities. Despite numerous complaints and appeals to local and municipal CCP and government officials, the family and church have not received any redress.

A Baptist church in Eastern Cuba is currently in a similar situation. In this case, the church, which had been renovated and maintained by church members, was seized by local

authorities in 2006 who declared it would be used as a school. No compensation was made and the doors to the building were all sealed. The church, at the time, was overseen by a seminary student who reportedly had a nervous breakdown as a result of the experience. Interestingly, the church remains empty as local teachers have apparently refused to work in a building confiscated from a Christian group. Church members are forced to meet in the home of a family, who have generously dedicated one room of their house to be used as a place of worship.

In a positive move, however, one church property confiscated by the authorities was returned to the church group after the case received international attention. The church had been seized in 2005 and, as in the case of the Baptist church mentioned above, local authorities indicated it would be used as a school. According to church leaders, however, they were told by the authorities that international intervention was responsible for its return. They are now able to meet freely and use the property for religious activity.

9. Harassment of Church Leaders

Over the past two years, there has been a worrying increase in reports of harassment of religious leaders. Severe harassment seems to have been reserved for church leaders who have been publicly outspoken on issues related to religious freedom and human rights. At least two church leaders who had made public statements about the lack of religious freedom in Cuba were granted asylum abroad in 2006 and 2007 owing to intense harassment, including death threats, on the part of government officials. In addition, at least two church leaders were arrested and imprisoned in 2006. The first was detained in Eastern Cuba for a number of days before being released, the second, Pastor Carlos Lamelas, whose case received international attention, was released after four months but was later put on trial, in December 2006, only to see the most serious charges dropped.

Grassroots church leaders across the island also consistently report that local authorities and/or CCP officials regularly approach them to seek their public support for government and CCP initiatives. Church leaders who have refused on the grounds that the church should not be used for political purposes have found themselves the target of campaigns of harassment. One pastor with young children in Central Cuba reported that at a school meeting for parents the local authorities singled him out publicly to ask if he would enrol his children in the Pioneers, a Communist youth organisation. When he indicated that he would not, he was approached privately by local CCP officials who pushed him to enrol his children, in the hopes that other parents from the church would follow suit. After refusing a second time, the pastor and his family found their house (which also serves as the local church) repeatedly vandalised, they received anonymous threats over the telephone and most seriously were the targets of an "Act of Repudiation" which occurred when visitors from a church in Havana were in their home for a celebration marking the 50th anniversary of the church. Party militants surrounded the home for hours, shouting slogans and obscenities and throwing stones; their front gate was broken down.

Another church leader from Central Cuba reported a similar experience after being approached on numerous occasions as local officials sought his public support (including photos with him and local authorities together to be published in the State newspaper) for various CCP projects. When he refused, again on the grounds that the church should not be used to advance political agendas, he also became the target of harassment by local authorities and CCP militants. At one point, he reported, he was approached by a local CCP leader and was told the harassment would stop if he would consent to act as a government informer and would report on the activities of the members of his church. When he again refused the harassment grew more intense. He reported that he received veiled death threats and at one point the family received a meal, supposedly donated by a member of the church, which was laced with ground glass. At another point he found that the church

vehicle had been tampered with in a way that could have caused a serious accident had it gone unnoticed.

Catholic priests and lay leaders have also been the victims of harassment. One of the most serious examples is that of Father José Conrado, based at the Santa Teresita del Niño church in Santiago, who has been targeted by local authorities for a number of years. Both his church and his home have been the subject of repeated robberies and he has been prevented on at least one occasion over the past year from meeting with foreign visitors. Other Catholic lay leaders who have spoken out publicly on issues related to religious freedom and human rights have also reported harassment of various levels, including loud music being played day and night and vandalism of their homes.

Church leaders from all denominations also report that they continued to encounter difficulties in applying for exit visas or permits for church vehicles. Many complain that the denial of these permissions is usually linked to a perception that the church leader in question is “uncooperative” in some way. They also say that the arbitrary denial of these permissions is difficult, if not, at times, impossible to appeal.

Over the past two years, it also appears that the government has put increased pressure on denominational bodies to silence critical voices within their midst. This was highlighted in the case of Pastor Carlos Lamelas who was removed from his position as leader of the Church of God denomination in 2006, despite almost unanimous support, and the subsequent schism within the denomination, the following year, when the majority of churches within the denomination threw their support behind Pastor Lamelas, and effectively created a new Church of God group, outside of the Cuban Council of Churches (CCC). Many observers have also speculated that the closure of the Centre for Religious and Civic Formation in Pinar del Rio and the shutting down of the publications, *Vitral* (Pinar del Rio) and *Bifronte* (Holguin) was the result of intense pressure from the government on the church hierarchy.

The use of government informants in churches and seminaries continues to be a serious problem. Church leaders from all denominations assume that there are government planted informants in their congregations. As a result, many church leaders practice a form of self-censorship, being careful not to say anything that might possibly be construed as anti-Castro or counter-revolutionary in their sermons and teaching. It has been pointed out repeatedly that religious leaders, as the only non-Communist Party members officially permitted to speak more or less publicly to groups of people in Cuba, are automatically viewed as a potential danger. However, a few pastors seem to believe that in some parts of the country this practice has been scaled down in recent years because of the high incidence of government planted informants genuinely converting to the Christian faith.

10. New Regulations

Pastors in Cuba also report that a Ministry of Housing regulation which bars institutions from permanently transferring staff from city to city² is now apparently being applied to churches. This effectively means that a pastor and their family are prevented from registering their new place of residence, if transferred, for example, to a church which has lost its pastor due to death or retirement. This is the case even when the new place of residence is the pastoral house and is on church property. In Cuba, this, of course, has implications for almost every aspect of life, including the receipt of government rations, participation in elections, and applications for travel and exit visas. While most denominations continue the practice of assigning and transferring pastors to new locations, many of these pastors and their families struggle with the bureaucracy, paperwork, and travel that the inability to re-

² Ministry of Housing officials confirmed the existence of this regulation and said that it was put in place in order to control the movement of Cubans from rural areas to the cities where there are more opportunities in terms of housing and employment.

register their place of residence creates. One pastor, for example, now ministering in Central Cuba and who had previously overseen a church in the Guantanamo region, is still registered in his first place of ministry, where he worked over a decade ago in a particularly remote area of the country. His applications for exit visas over the past eighteen months (when invited to special events abroad) have not been denied outright but rather, have been made impossible to obtain because of the logistical difficulties he faces in having to apply through his first place of ministry rather than the region of the country where he now lives.

Another regulation which came into effect on 22 February 2008 is specifically targeted at residents of the United States.³ The regulation specifies that any citizen or resident of the US who visits Cuba with a religious waiver from the US Treasury Department must also apply for a Cuban religious visa and may not travel to Cuba on a tourist visa. Many denominations in Cuba have strong links to their US-based counterparts and while it is too early to measure the impact of this new regulation, they are concerned that the scope of the new regulation gives it the potential to severely limit their interaction with US associates.

In addition, the new regulation further stipulates that anyone travelling on a tourist visa must engage in tourist activities and should not participate in any religious activities. The regulations do not make clear in which religious activities it would be unacceptable for a visitor on a tourist visa to participate, leading to concern among Cuban church leaders that it could be applied to even attending a church service. Many church leaders across the island, from both house and registered churches, report that it has already been made clear to them by local authorities that they should strongly discourage, if not prohibit altogether, the attendance of foreigners at religious services. They are deeply concerned that this new regulation may formalise this practice.

11. Distribution of Religious Materials and Access to the Media

Christian leaders of all denominations continue to complain of a scarcity of Bibles and of other religious literature. The lack of Bibles is most acute in rural areas but also appears to be a significant problem in the cities. In addition it is reportedly a major problem for all denominations, including Catholics and Protestants in and outside of the CCC.

The shortage is apparently a result of severe government restrictions on the import of Bibles and other religious materials. The restrictions, for example, stipulate that within Protestant denominations all religious literature, including Bibles, must be imported into the country under the auspices of the CCC, despite the fact that it represents only a minority of Protestant Christians. Catholics also report difficulties in the import of Bibles and at one point, were also apparently obliged to work with the CCC to bring Bibles into the country.

Church leaders of all denominations also continue to express their unhappiness at the continued lack of access to the media by religious groups. This is exacerbated by a widely held perception that the state media gives ready access to Afro-Cuban religions under the pretext that their activities are cultural rather than religious. There were some notable exceptions to the general lack of access to the media over the past year, but church groups were still not afforded the right to set up radio or television programmes.

12. Religious Rights of Political Prisoners

The religious rights of political prisoners continue to be systematically violated. Prisoners reported being denied the right to pastoral visits and the right to meet together with other prisoners for worship, prayer and study. Many also reported the repeated confiscation of their Bibles and other religious literature, sometimes as punishment and at other times for

³ See Appendix I

no apparent reason at all. This situation is detailed in another CSW report, *Religious Freedom Violations in Cuban Prisons*, published on 18 March 2008.

13. Conclusion

There is no question that there is a degree of respect for religious freedom in Cuba and most churches and denominations enjoy freedom to worship and meet together with others of the same faith. However, while the Cuban government should be encouraged to continue to allow these freedoms, serious violations happening simultaneously across the country, cannot be disregarded.

While there have been some improvements since CSW's last report on religious freedom was released in May 2006, these have usually taken place in response to international pressure on particular cases. Generally, religious freedom in Cuba has continued to deteriorate over the past two years, and this has been most evident in a sharp increase in reports of government interference, at times overt, in internal church and/or denominational issues. Legislation passed in 2005 aimed at clamping down on house churches remains in place, and while not applied uniformly, CSW has received an increased number of reports over the past two years of the demolition and/or confiscation of church property and the arrests and harassment of church leaders. Some of the most serious and consistent violations of religious freedom occur in Cuban prisons, where Christian political prisoners are repeatedly denied fundamental religious rights, set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Church leaders inside Cuba agree that an antagonistic approach towards the Cuban government by international groups on this issue will most likely be counterproductive. Any advocacy action taken should be extremely careful to avoid exaggerating or over-dramatising the situation. At the same time, positive results in certain cases over the past two years indicate that the Cuban government does sometimes respond positively when firmly confronted on specific abuses. It is crucial that the international community continues to consistently raise religious freedom, both in general terms and on specific cases, with the Cuban government.

14. Appendix I

MINISTRY FOR FOREIGN RELATIONS CIRCULAR DACCRE NO. 2/2008

TITLE: REGARDING NORTH AMERICAN CITIZENS [sic] AND FOREIGN, NON-CUBAN, CITIZENS RESIDENT IN THE UNITED STATES, WHO APPLY TO TRAVEL TO CUBA FOR RELIGIOUS PURPOSES

We inform you that the following decisions have been adopted in relation to North-American citizens and foreign, non-Cuban, citizens who are resident in the United States who apply to travel to Cuba for religious purposes.

1. North-American citizens and foreign, non-Cuban, citizens who are traveling with a religious license granted by the United States government will not be permitted to enter Cuba with a Tourist Card [visa].
2. North-American citizens and foreign, non-Cuban, citizens who are traveling with a religious license granted by the United States government should obtain the corresponding religious visa.
3. The religious institution which will be hosting the visitor to Cuba should apply to the corresponding Cuba authorities for the religious visa.
4. The Tourist Card is only and exclusively for tourism, the required visa should be applied for to engage in any other activities.

This circular will go into force on 22 February 2008.

Given in the City of Havana, on the 23rd of January of 2008, "Year 50 of the Revolution."

Carlos R. Zamora
Director
DACCRE