

briefing

Cuba

New Directive to Curtail Religious Freedom

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I. New Directive to Restrict Operation of House Churches

A government directive issued in April 2005 and due to be implemented this month has the potential to severely curtail religious freedom in Cuba by imposing complicated and repressive restrictions on religious meetings in private homes. Although the document does not specifically say that it refers to Protestant house churches – it speaks of "the holding of religious services in personal property homes" - Protestant leaders fear that the house church movement will bear the brunt of its impact. While the practical implications of the directive will only become clear over time, house church leaders fear that this heralds a new and more antagonistic chapter in their relations with Fidel Castro's government.

Protestant pastors estimate that between 10,000 and 15,000 house churches currently operate across the country. Most are satellite congregations of churches that existed prior to the 1959 Revolution and belong to well-established denominations with a historic presence in Cuba. Most of these house churches have somewhere between 30 and 200 members who regularly attend services. Among other groups meeting in private homes are Jehovah's Witnesses, who may also suffer from the new regulations. "Of course the new regulations are disturbing," one Jehovah's Witness leader in Havana reported in mid-September, "but we have felt no adverse effects so far."

The new legislation, Directive 43 and Resolution 46, which was announced in April in the wake of Pope John Paul II's funeral, requires all currently operating house churches to register with the authorities. This has caused concern among Protestant leaders as house churches that have tried to register with local authorities in recent years have experienced prohibitive complications. Few, if any, have actually been granted authorisation. No reassurance has been given that the new process will actually result in authorisation being granted to the churches.

Many Protestants fear that the process of registration, which now seems to have become even more complicated, will result in most house churches being denied authorisation. Once authorisation is refused, according to the legislation, permission to hold services will not be granted to the same house, although church members can file an application to hold services in a different house within 15 days of the refusal.

Although the Catholic Church has a number of what might be termed "house churches", the directive seems unlikely to impact their activity.

1.1.1. Intrusive reporting requirements

The new directive makes it very clear that two house churches of the same denomination will not be allowed to exist within two kilometres (1.25 miles) of one another. This appears to imply that if house churches of the same denomination already exist within two kilometres of one another, one or more will be shut down. The directive does not appear to make any allowances for the length of time house churches have been established. Nor does it take into account how many people attend services at the house churches in question, which, by their very nature, provide only limited space.

The legislation further stipulates that detailed information - including the number of worshippers, days and times that services are held, and the names and ages of all inhabitants of the house in which services are held - must be provided to the authorities. The individual whose name appears on the property title of the house, along with any co-owners, must also provide their written and signed consent that the religious services will not cause any damage to the "good development" of the family living in the house. In addition, the full name and place of residence of the pastor or other person responsible for holding the religious

service along with details of any religious diplomas or licences must be given to the authorities. If the pastor's training has only been through practical experience this must be clearly stated.

The directive goes on to specify that religious services may not be held in homes that have not received official authorisation. It appears unlikely that all house churches will have received authorisation by the end of September 2005, and it is unclear whether or not those that are still awaiting authorisation will be forced to close. Some church leaders have reported that the government has postponed the September deadline, but a new cut-off date has not been announced.

Once authorisation is granted, the legislation plainly states that the authorities will supervise the operation of meetings. This will come as no surprise to Cuba's religious leaders, who have taken for granted the presence of government informants in their communities over the past decades. However, the legislation adds that if the authorities find in the course of their observation that the requirements for the functioning of a house church are not being met, they can suspend meetings in the house for one year or more.

The new legislation also explicitly prohibits any participation, including simply attending services, of non-Cubans without first seeking official permission. Foreigners are prohibited altogether from involvement with house churches in mountainous regions. This is perhaps, one of the most troublesome clauses for Cuban Protestant leaders, many of whom enjoy strong relations with and receive support, both material and spiritual, from Christian groups outside Cuba and who frequently invite Christian groups from abroad to visit and take part in special services or church projects.

The reasons for this restriction are unclear, but the aim appears to be to isolate these churches as much as possible. Its effect will particularly be felt by those already in the most isolated (and usually the poorest) regions of Cuba - those located in the mountains - making them even more vulnerable to official harassment and abuse as channels of communication to the international community are cut off. Any violation of this clause will result in the house church being closed down, as well as massive fines on both the foreigner in question and the church leader responsible. Fines could be as high as 1,000 US dollars (6,370 Norwegian kroner or 818 Euros), when Cubans earn on average 20 US dollars per month.

Even once a house church receives authorisation it will still be subject to a number of restrictions, including the prohibition of any flags or signs on the exterior of the building that would identify it as a house church. As with many areas in Cuba, some discrepancies appear to exist between regulations for house churches in the capital Havana and for house churches in the provinces. Havana house churches report that they will be allowed to meet three times weekly from 5:00 pm to 10:00 pm on working days and from 9:00 am to 10:00 pm on non-working days, while some provincial house churches report that they have been told they will only be allowed to meet twice weekly from 5:00 pm to 9:00 pm. One provincial house church pastor complains that this will effectively prohibit them from holding Sunday School classes.

Additionally, Havana churches have been told they will have to seek neighbours' permission if they wish to use electronic sound equipment including microphones and cassette or CD players, which is problematic enough (most churches count among their neighbours "Committees for the Defence of the Revolution" - a sort of neighbourhood watch programme that employs government informers across the country). By contrast, provincial pastors have been told that such sound systems will be banned altogether, regardless of how many members attend the services. "Imagine the difficulty," observes another provincial pastor, "of preaching to a group of 50 or 100 without a microphone."

Lastly, even if a house church receives authorisation to operate it must stay within the limits imposed by the authorities. Rooms within the house that have not been approved may not be used by the house church, nor may the church members meet on the roof, a common practice in Cuba both because of the heat and because of the frequent shortage of space. Authorities may also dictate how many people may meet in any given house church - which will effectively put a stop to any church growth.

1.1.2. Background

For most of the past 40 years, Cuba has officially been an atheist state. In 1962, Castro's government 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.

Although Article 55 of the Cuban Constitution "guarantees the freedom of conscience and religion", it pointedly guarantees the freedom to worship "within the confines of the law".

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 restrictions over the past four decades and their numbers have risen substantially since the Revolution.

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). However, the largest Protestant denominations - the Baptists (both the East and West Conferences, which remain separate) and the Assemblies of God - have decided not to join the ECC on principle. (Some individual congregations, however, have left those denominations to join the ECC and gain the privileges that come with membership.)

One of the major problems for non-ECC churches is the difficulty of building, restoring and maintaining religious premises and places of worship where they can hold services. Current government policy allows only officially recognised church services in buildings that were constructed prior to the 1959 Revolution. The construction of a new church, as well as enlarging or renovating existing churches, requires government authorisation, which is often given only arbitrarily - if at all. (This is one of the benefits of belonging to the ECC - its congregations are often readily granted permission to renovate and build.)

Because many churches have grown in the last decade, most existing church buildings are too small to accommodate all their members. The logical alternative for many of these churches has been the establishment of house churches which explains, in part, the expansion of the house church movement across Cuba.

Existing buildings, those built prior to the Revolution, are often over 100 years old and desperately in need of renovation and repair, but official permission is hard to get. Yet 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. Yet this puts them in a precarious legal position, opening them up to the rarely enforced but continuing threat of crippling fines, closure or even demolition.

Life for churches of all denominations - including both those which belong to the ECC and those which do not - underwent a striking change during the government-declared "Special Period" in the 1990s. 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 and to open the Cuban economy to tourism and to some foreign investment.

This shift in government policy led to the transformation of Castro's approach to religious communities and to some progress towards religious freedom. 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, during the Special Period the government began to tolerate the mushrooming house church movement. Although laws restricting the right to assemble were never repealed, the government generally refrained from cracking down on the thousands of church groups that regularly met in family homes across the country. Jehovah's Witnesses – who had been banned completely until 1994 – received verbal approval to meet in homes in the late 1990s. This overall loosening of restrictions culminated in the 1998 visit of Pope John Paul and the declaration of Christmas as an official holiday. Throughout the 1990s, churches of all denominations experienced enormous growth.

Despite such massive growth, Christians continue to be excluded from certain sectors of society. The police and members of the military and their families are still not allowed to participate in religious activity, while 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 1990s, the Marxist-Leninist and materialist ideology upon which the PCC is founded leads many Christians to refuse to join on moral grounds.

It is still very difficult to "succeed" in Cuban society without belonging to the PCC, and as a result a significant number of Christians continue to be marginalised. In addition some Cubans maintain that those who occupy high-level positions in the PCC risk being removed from their jobs if they openly convert to Christianity.

Over the past two years, however, government policy has shown a profound shift once more – this time to the worse. Many analysts believe that the more intransigent communists in the central government are pushing for a return to an orthodox communist system. In addition to a sweeping crackdown on human rights and democracy activists in spring 2003, which has continued on a lower level since then, the government has also implemented highly restrictive laws regarding property rights and is also attempting to reverse economic reforms made in the mid-1990s as the country tried to attract outside investment.

Some church leaders, both inside and outside Cuba, have repeatedly expressed concern that this increasingly intolerant approach might be extended to an assault on religious freedom. The new directive seems to demonstrate the validity of their fears.