

# briefing

## Cuba

### *Religious freedom in Cuba*

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CHRISTIAN  
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## **I. Executive Summary**

Over the past twelve months there have been some subtle shifts in the government's relationship with religious groups. In some ways conditions appear to have improved. A new ongoing dialogue with the hierarchy of the Roman Catholic Church, and the registration and legalisation of some former house churches, give some reason for hope that the government has turned over a new leaf. Church leaders representing all denominations in the country, however, have greeted these new developments with a degree of scepticism and are urging the outside world to be cautious in its interpretation, saying, in the words of one pastor, *"Religious repression has taken a different form. It is more subtle now and more refined and probably more effective."*

The government appears to have moved away from potentially higher profile forms of repression, such as threatening to shut down or destroy churches, and is now focusing on more targeted pressure on church leaders. Church leaders from the Roman Catholic Church and Protestant churches, both those belonging to and outside of the Cuban Council of Churches (CCC), report frequent visits from and meetings with state Security Agents and Cuban Communist Party (CCP) officials. These visits and meetings seem to have the objective of intimidating the church leaders and making them aware that they are under close surveillance. There is wide agreement among church leaders of all denominations that the situation differs significantly for the Apostolic Movement, which has been a target of direct and severe persecution.

Church leaders continue to complain about the authority granted to the Office of Religious Affairs, an arm of the Central Committee of the CCP, over all religious groups and associations. They object, virtually unanimously, to the Communist Party being given direct authority over all religious activities and business, rather than officially bringing these issues under government oversight. The consistently antagonistic relationship between the director of the Office of Religious Affairs, Caridad Diego, and the leadership of the various denominations has left religious communities with the impression that the office exists solely to monitor, hinder and restrict the activities of religious groups. Over the past year, the office has refused authorisation for a number of religious activities and, church leaders suspect, is also behind the authorities' failure over the past year to grant exit visas to a number of church leaders who have never been denied permission to leave the country in the past.

One apparent improvement, announced in September 2009, was the government's authorisation of Protestant and Roman Catholic religious services in Cuban prisons. Feedback on the implementation of this new policy, however, has been mixed, with many church leaders pointing out that it has not been applied uniformly in prisons across Cuba and that not all prisoners are allowed to participate. There is no provision for non-Christian religious groups, including Afro-Cuban groups, to provide or participate in their own services.

Cuba signed both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in early 2008. Two and a half years later Cuba has yet to make any move to ratify either. According to church leaders representing the full spectrum of denominations in Cuba, the reforms that have taken place have been mostly cosmetic, aimed at improving Cuba's image in the outside world. All of this indicates that rather than moving towards a more open society, the government under the leadership of Raul Castro still views religious organisations, and in particular their leaders, as potentially dangerous; and as a result continues to exert as much control as possible over their activities.

## **2. Recommendations**

### **2.1. To the Cuban Government**

- To respect and uphold Article 18 of the Universal Declaration of Human Rights of the UN, and to ratify and implement fully all provisions of the ICCPR and the ICECSR;
- To ensure that local authorities, including CCP 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 uphold the highest standards in the promotion and protection of human rights, including those relating to religious freedom;
- To allow human rights rapporteurs from international and representatives of non-governmental organisations to visit the country in order to examine and report on human rights;
- 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 or CCP officials;
- To remove official responsibility for religious groups and associations from the Religious Affairs and Associations Office of the CCP and instead create an official government body or department, with mechanisms for appeal, to deal with these matters;
- 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, which impose severe restrictions on all house churches; to legalise and provide legal protection for all house churches in Cuba; and to re-open those churches which have been closed under the legislation;
- To guarantee freedom for Cuban pastors to carry out their work without harassment, threats or government pressure;
- 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 an end to government support of any religious group over other religious groups, and to 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 allow all prisoners, regardless of the crime for which they have been imprisoned, the right to participate in religious services;
- To end the use of government informants in churches and seminaries;
- To free immediately Pastor Omar Gude Pérez and to drop criminal proceedings against Reverend Roberto Rodriguez and members of his family.

### **2.2. To the European Union and member states**

- To define 'measurable progress' by establishing specific criteria for the Cuban authorities to meet (e.g. ratification of the ICCPR and ICESCR) and to maintain and renew the Common Position on Cuba until these criteria are met;
- That the European Union (EU) 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 seriously the recommendations listed above;
- 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 thematic special rapporteurs such as those with mandates 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 ratify and fully implement the treaties to which it has signed up, including the ICCPR and ICESCR. In addition, Cuba should be urged to extend invitations to the UN thematic special rapporteurs with mandates on human rights defenders, torture, independence of the judiciary, and arbitrary detention, to visit Cuba.

## **3. The Office of Religious Affairs**

Religious groups and associations in Cuba are not regulated by any government body, but instead come under the authority of the Office of Religious Affairs of the Central Committee of the Communist Party. This puts them in the peculiar position of having to submit all requests for authorisation to a non-government entity, and does not give them any recourse for appeal. Church leaders continue to call for the government to establish an official government body and legal structure to deal with those issues pertaining to religious groups and associations.

The Office of Religious Affairs, directed by Caridad Diego, maintains a consistently antagonistic relationship with religious groups. The office habitually refuses or fails to

respond to the requests of pastors to travel abroad or make repairs to their church buildings, and fails to grant authorisation for large church activities.

Two denominations reported encountering severe difficulties in obtaining permission to organise conferences or retreats over the past year. In one case, permission to organise the annual pastoral assembly of the Church of God denomination was summarily refused when Diego noticed the name of Pastor Carlos Lamelas on the list. Lamelas, the former president of the denomination who spent four months in prison in 2006 on trumped-up charges, has also been prevented by the government from securing legal employment, including as a pastor, since his imprisonment.

At times the behaviour of the Office of Religious Affairs is reduced to mere pettiness. Another denomination reported serious difficulties in attempting to organise a denominational youth conference. While permission for the conference was finally granted at the last minute, t-shirts for all the participants, donated by a church abroad, were confiscated by Customs. When the church leaders organising the conference called the Customs office, they were told that the t-shirts were being held by the Office of Religious Affairs. The Office of Religious Affairs, in turn, claimed that Customs had destroyed all the t-shirts. When confronted by the statement to the contrary by the Customs agents, the Office of Religious Affairs finally released the t-shirts, but waited until almost two months after the conference took place to do so.

While many pastors did report that obtaining permission to carry out repairs and renovations has become more straightforward over the past two years, some continue to report problems. In one case, plans for renovations to a church building were initially approved but months later, authorities arbitrarily decided that some aspects of the renovation were “unnecessary” and retracted permission for those parts of the project. The pastor was told to resubmit applications for the original renovations. The process, which has now dragged on for eight years, is still unresolved.

#### **4. Harassment of church leaders**

Church leaders of all denominations are in agreement that the government appears to be increasingly focused on pressuring and intimidating individual church leaders. This type of repression is, by its nature, very difficult to monitor and report. However, CSW believes that pressure on church leaders from government officials has increased significantly over the past year, based on information gathered from church leaders of all denominations.

Pastors report receiving regular visits from State Security agents with the sole intent of intimidating them and making them aware that the government has all their activities under close surveillance. In some cities, meetings with church leaders of all denominations have been convened repeatedly by high level officials. Once again, the only purpose appears to be to remind them that they are being monitored.

Earlier this year, a pastor in one major city gave a sermon in which he stated, “Don’t be like Che [Guevara], be like Christ,” referring to the propaganda slogan that is ubiquitous across Cuba (*Sea como el Che*). City officials severely reprimanded not only the pastor but also the leaders of his denomination, as well as pastors from other denominations in the same city. Church leaders there say they have been closely monitored since the incident and describe a general feeling of intimidation and fear.

The arrest and imprisonment of two Baptist pastors in Guantanamo in October 2009, has also had a chilling effect. The two men were kept in solitary confinement for two weeks and family members were not told why they had been detained. They continue to show symptoms of trauma resulting from their ordeal. Although officials claimed their arrest had

been a “mistake” and released them after two weeks, denominational leaders are sceptical, pointing to the length of their imprisonment and the fact that they were in solitary confinement throughout that period. It is worth noting that since their release the two men have not resumed the church work they had been engaged in previously.

Severe harassment seems to have been reserved for Protestant church leaders who have been publicly outspoken on issues related to religious freedom. Leaders of fast-growing independent churches and church groups have also been targeted. Two national Protestant leaders were subjected to criminal proceedings in 2008 and 2009. Both of these cases remain unresolved.

Catholic priests and lay leaders have also been the victims of harassment. 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. In addition, foreign-born Catholic priests and nuns who have been active in their communities, supporting families of political prisoners for example, have not had their visas renewed and have had to leave the country.

#### ***4.1. Pastor Omar Gude Pérez and the Apostolic Movement***

In July 2009, Pastor Omar Gude Pérez, a national leader in the Apostolic Movement, was sentenced to six years in prison. He was found guilty of the crimes of “falsification of documents” and “illicit economic activity”. CSW strongly believes that these charges, which were made a year after his original arrest and detention and after the original charges of “human trafficking” were thrown out, are without basis. Pastor Gude Pérez and his family, as well as other leaders affiliated with the Apostolic Movement, believe that he was targeted because of his religious activity and leadership position. The unrelated new charges against Pastor Gude Pérez, as well as the disproportionate sentence handed down for an easily rectified administrative problem, seem to confirm that this is a matter of government persecution.

Following his sentencing, Pastor Gude Pérez was first imprisoned in La Ceramica Prison but was transferred to La Empresita Prison in April of this year. Despite being convicted of criminal charges, his wife says that he is being treated as a political prisoner. He receives frequent visits from State Security officials and is regularly interrogated on the activities of and people affiliated with the Apostolic Movement, in particular Pastors Bernardo de Quesada Salomon and Mario Alvarez. In addition, his family has been threatened on multiple occasions with eviction from their home. Prison officials have told his wife repeatedly that the threats of eviction are punishment for speaking about the case to international human rights organisations.

Church leaders associated with the Apostolic Movement have come under systematic persecution over the past few years. The government’s targeting of the religious group appears to be rooted in a combination of factors. The movement has grown extremely rapidly across the country: church leaders estimate that there are more than 100 churches linked to the Apostolic Movement across the country, and some churches report attendance of 700-1000 on a weekly basis. In addition, many of the key leaders have come out of more established denominations, which were in many cases affiliated with the CCC. Finally, church leaders have also resisted pressure to register their churches – although some say that their rejection of church registration is a result of attempting to register in the past only to be refused. The churches’ exponential growth in a relatively short period, and their leaders’ deliberate independence from official and traditional church bodies, seem to be what is causing such alarm in the government and provoking the crackdown.

Over the past year churches and individuals affiliated with the Apostolic Movement have consistently reported violations of religious liberty and acts of repression. One of the most common threats reported is the eviction from and confiscation of homes belonging to church leaders. Pastor Mario Alvarez, based in San José de las Lajas in Havana province, has been given a number of ultimatums to vacate his home, as has Pastor Tomaza Victoria Ayala Zeller, based in Central Elia, Las Tunas province. Another pastor based in Las Tunas province, Mario Travieso, told independent journalist Juan Carlos Gonzalez Leiva in April that police not only threatened to evict his family and father-in-law from their home, but also to bring charges of “Pre-criminal Social Dangerousness” (*Peligrosidad Social Pre-Delictiva*) against him, a charge which carries a four-year prison sentence.<sup>1</sup>

Both Pastors Alvarez and Ayala Zeller have been targets of government persecution in the past. Pastor Ayala Zeller was evicted from her home, along with her family, in the first part of 2009, but was apparently later allowed to return. Pastor Alvarez’s church was attacked in 2008 by youth apparently acting with the approval of local authorities, and later threatened with closure. Members of his congregation were also arrested and pressured to provide evidence of criminal activity against Pastor Alvarez.<sup>2</sup>

The Church of the Apostles, in the Abel Santamaría neighbourhood of Santiago, was threatened with destruction in March. Pastor Alain Toledano and his family were also told they would be evicted from their home. The church has previously been targeted by the government. On 20 November 2007, the building where around 900 people worship on a weekly basis was razed to the ground in a massive operation involving bulldozers, helicopters and other heavy equipment. At the same time the pastor’s home and belongings were confiscated by officials; but these were later returned, and officials - reportedly under instruction from Havana - apologised.

Finally, on 25 February Pastor Bernado de Quesada Salomon and his wife Damaris Marin, along with a large group of men and women from their church, were picked up by police and State Security agents. The group was on its way to Camaguey to join a joint religious celebration with other churches affiliated with the Apostolic Movement. The government officials forced the group to disembark from the truck on which they were being transported and left them, without transport, in a remote area on the road between Santa Cruz del Sur and the Central Azucarero Macareno in Camaguey Province. The sole purpose of this action by government officials seems to have been to stop the group from attending the celebration. The group managed to make their way to Santa Cruz del Sur where they vigorously protested their treatment at the police station and at the offices of the CCP. The authorities finally provided them with a bus and returned them to their homes late that night. The driver of the original vehicle was reportedly threatened and told not to provide transport to members of the group in the future.<sup>3</sup>

#### **4.2. Reverend Roberto Rodriguez**

The case of Reverend Roberto Rodriguez and his family, covered in CSW’s 2009 report,<sup>4</sup> is still unresolved. Charges of “threatening behaviour” still stand against Reverend Rodriguez, although 21 months later he has yet to be given a trial. He has spent the past year under house arrest, waiting for his legal situation to be resolved.

The entire family has been forced to relocate because of constant abuse and vandalism by their neighbours, acting with the support of local authorities. Not surprisingly, no

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<sup>1</sup> <http://www.cambiodebatecuba.com/?p=1988>

<sup>2</sup> See <http://dynamic.csw.org.uk/article.asp?t=report&id=113> for more information on the cases of Pastors Ayala and Alvarez

<sup>3</sup> Source: Juan Carlos Gonzalez Leiva, independent journalist

<sup>4</sup> <http://dynamic.csw.org.uk/article.asp?t=report&id=113>

compensation has been given to the family for the loss of their home, which has belonged to the family and been a centre of church activity for almost a century.

Reverend Rodriguez, of the Los Pinos Nuevos denomination, was until 2008 the national president of the Interdenominational Fellowship of Evangelical Pastors and Ministers in Cuba (CIMPEC). The criminal charges against Rodriguez followed the public withdrawal of CIMPEC from the CCC, in September 2008, under his leadership. At the time, CIMPEC published an open letter outlining their reasons for withdrawing from the CCC in which they cited consistent and illegal interference in internal CIMPEC affairs by the CCC leadership, with government support, over the past year. The government refused to recognise CIMPEC's withdrawal from the CCC. In October 2008, the Office of Religious Affairs removed Rodriguez from his position as president of CIMPEC in the government Registry of Associations. This was condemned as unconstitutional by the members of CIMPEC as it was done without their involvement or approval.

Reverend Rodriguez has been summoned to appear in court four times since the end of December 2008 for the crime of "threatening behaviour". On the first three occasions the court suspended the proceedings without giving a reason; Rodriguez was too ill to attend the fourth court hearing and has not received any summons in recent months. His son Erik Gabriel Rodriguez del Toro, also a pastor, has completed his one year sentence to house arrest and probation, but has been warned that he faces imprisonment if he 're-offends'.

## **5. Restrictions on movement**

The Cuban government continues to refuse to recognise a change in residence for pastors and other church leaders who have been assigned to a new church or parish and have had to relocate. Under a Ministry of Housing regulation, pastors and their families are prevented from registering their new place of residence, if transferred to a church which has lost its pastor due to death or retirement, for example. There are far more churches than there are pastors or priests in Cuba and the nature of their work means that most pastors and other church leaders in Cuba can expect to work in multiple locations over the course of their ministry.

This inability to reregister has implications for almost every aspect of life, including the receipt of government rations, participation in elections, and applications for travel and exit visas. In order to do any of these things, pastors who have been refused the right to reregister must travel to wherever they are officially registered and submit the paperwork there. This is made particularly challenging as non-tourist transport infrastructure in Cuba continues to be virtually non-existent in many parts of the country, particularly from city to city.

Most denominations continue the practice of assigning and transferring pastors to new locations, in some cases as often as every few years, because of frequent vacancies as older pastors retire, leave the country or pass away. A daily struggle with the bureaucracy, paperwork, and difficulties in travel is now considered to be part of the job description of a pastor because of their inability to reregister their place of residence.

According to Ministry of Housing officials, the law was originally put in place to prohibit the movement of Cubans from rural areas to the cities, where there are often more opportunities in terms of housing and employment. The regulation bars most state institutions from permanently transferring staff from city to city. Its application to civil society, in this case religious groups who have valid reasons for relocating pastors and priests, appears to be part of the general pattern of government attempts to control the activities and growth of religious groups as much as possible.

## **6. Penalties for “non-cooperation”**

Pastors of all Protestant denominations and Catholic priests continue to report heavy pressure from government officials to expel members of their congregations who are engaged in what is deemed to be political activity. This includes those involved in independent journalism, running an independent library, and human rights activism – all considered by the government to be counter-revolutionary activities. These pressure tactics are also extended to members of the families of political activists and/or prisoners.

A number of the wives of men imprisoned in the 2003 crackdown have told CSW that they were asked to decrease their participation or leave their churches altogether after church leaders came under pressure from the authorities. Pastors have also confirmed to CSW that they have been threatened with the closure of their churches if they do not comply with these demands. Those churches which have defied government threats and allow political activists, including families of political prisoners and released political prisoners, to participate in church activities, report that they are under constant and intrusive government surveillance.

Grassroots church leaders across the island also report that local authorities and/or CCP officials continue to 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. In one example, a pastor in southern Cuba reported being repeatedly summoned to the local office of the CCP and pressured to tout the local officials' accomplishments and initiatives in his sermons. He stated that when he refused to agree to their demands, the officials became aggressive and threatening.

## **7. Refusal of exit visas and government permits**

Church leaders from all denominations report an increase in government refusals to issue exit visas for travel abroad. In most cases permission was not denied outright, but the Office of Religious Affairs failed to respond before the date of planned travel. In some cases the government imposed onerous requirements, including requiring excessive fees as guarantees that the person would return, which were impossible for the applicant to meet. The vast majority of church leaders who reported being refused exit visas had travelled outside of the country in the past. Exit visas are often denied because of concerns the traveller will not return, but the pastors in question had always returned to Cuba within the authorised timeframe.

Church leaders also continue to complain that that the issuing of permits, for example to own and operate vehicles, is always linked to cooperation with government officials in other areas. Churches and church leaders perceived as uncooperative or resistant to government interference say they are punished by the denial of these permits. They also say that the arbitrary denial of these permissions is extremely difficult, if not, at times, impossible to appeal.

## **8. Pressure to silence critical voices**

Church leaders continue to complain of severe pressure on denominational leaders to silence critical voices within their religious groups. When they do not comply, the government is quick to take direct action. The government seems, in these cases, most concerned with church leaders in denominations belonging to the CCC, which has historically played an important role in promoting an image abroad that the government respects religious freedom. However, non-CCC denominations have also reported coming under pressure to silence or expel leaders who are vocal critics of the government and government policies.

The case of Pastor Lamelas, who was imprisoned for four months in 2006 and who was absolved of the charges against him at the end of that year, continues to be emblematic. Four years later, Pastor Lamelas, who was the national leader of the Church of God denomination and made public calls for increased respect for religious freedom prior to his arrest, is still barred from holding any legal employment, including working as a pastor. He and his wife have not been allowed to return to their house and their personal goods have never been returned. Instead, they and their two daughters are forced to share a cramped apartment in Old Havana with his parents, and are barely making ends meet. This, together with cases like those of Reverend Rodriguez and Pastor Gude Pérez, as well as others who have fled the country, sends a strong message to denominational leadership regarding the consequences of not keeping their church leaders under tight rein.

## **9. Restrictive legislation relating to house churches**

Church leaders reported some improvement in this area. A number of house churches have been registered as official church buildings and approved for religious use. CSW has received far fewer reports over the past year of churches threatened with closure or demolition.

At the same time, however, church leaders are concerned by demands from the government to register all house churches this year. Church leaders report that they have been told that if house churches are not registered by the end of the year, the churches will be considered illegal and shut down or destroyed. Based on past experience with the government, church leaders are understandably apprehensive of demands by the officials for exhaustive details on the house churches and their membership.

Many point out that *Directive 43* and *Resolution 46*, which were issued in April 2005 and imposed complicated and repressive restrictions on house churches, are still in force. There are valid concerns that the government will enforce this legislation on any church that attempts to register. This, they believe, could have the effect of closing down a large percentage of those churches.

The directive states that two house churches of the same denomination will not be allowed to exist within two kilometres of one another. It further stipulates that detailed information – including the number of worshippers, dates and times of services, and the names and ages of all inhabitants of the house in which services are held – must be provided to the authorities.

Once authorisation is granted, the legislation plainly states that the authorities will supervise the operation of meetings. The directive then goes on to explain that if the authorities, in the course of their observation, find 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. If a complaint is registered against a church, it can be shut down permanently and attendees may be subject to imprisonment.

The new legislation also explicitly prohibits non-Cubans from participating, which includes simply being present, in a religious service without first seeking official permission. Foreigners are prohibited altogether from involvement with house churches in mountainous regions. Any violation of this clause will result in fines of 1000 CUC (the equivalent of US\$1000), a huge sum for Cubans, who earn on average less than US\$20 per month. The fine will be applied both to the foreigner in question and to the church leader responsible, and the house church will be shut down.

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 a general lack of space. The law gives the authorities the right to dictate how many people may meet in any given house church, which effectively puts a stop to any church growth. Finally, if the house is legally

registered to someone who is not an active member of the church, even if they have given their permission and are happy for the church to meet there, it will be shut down.

### **10. General discrimination on the basis of religion**

Christians in Cuba continue to report varying levels of discrimination in educational institutions and in their places of employment. Levels of discrimination, however, tend to vary from region to region and seem to be strongly linked to the attitude of local and regional authorities. Most church leaders do not believe that there is any kind of central government policy to discriminate specifically against Christians. At the same time, they point out that employers and officials who do commit acts of discrimination are unlikely to face any consequences for their actions.

Church leaders of all denominations tend to agree that Seventh Day Adventists and Jehovah's Witnesses face particular problems, as both refuse to take part in patriotic activities on the Sabbath. Students from these two religious groups are often singled out for ridicule and harassment by teachers and other students, for their refusal to take part in compulsory patriotic activities. Many have reportedly been denied entrance to university, and some who were admitted reported being suspended from the institutions later on. Adventists also face particular difficulties in academic institutions and at work because of their refusal to work on a Saturday, which they consider to be a holy day.

Much discrimination is rooted in the failure of many Christians to belong to the CCP. Despite a 1991 regulation which allowed Christians to join the CCP and outlawed discrimination on the basis of religion, systematic discrimination against Christians persists. This is partly because of the refusal of most Christians to join the CCP for reasons of conscience, coupled with the fact that CCP membership continues to be key to professional and academic advancement in Cuba. It should also be noted that some churches will not allow members of the CCP to become full church members.

Church leaders 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 Christians and as non-members of the CCP, they are considered 'untrustworthy'.<sup>5</sup>

Cubans who formally leave the CCP after converting to Christianity face particular discrimination. Christians who have chosen to leave the CCP have reported being visited at home by party officials who threatened them with potential repercussions for them and/or for family members. The most commonly reported threat is that their children will not be accepted into university.

Restrictions on members of the Cuban security agencies including the military and the police have reportedly been somewhat relaxed in some parts of the country. 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. However, some churches report that they now have members of the police force in their congregations, something which would have been unheard of just a few years ago. While church leaders also report that retired members of the military are joining their churches, apparently without problem, they did not

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<sup>5</sup> 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 Reverend Pablo Oden Marichal, are all high ranking leaders within the Cuban Council of Churches (CCC) and are often vocal supporters of the government's policies. It should also be noted that there are no Catholic clergy or lay-leaders, nor are there any members of Protestant denominations that are not part of the CCC, in the National Assembly.

believe that active personnel would be permitted to do so. CSW continues to receive reports of young Christians carrying out their compulsory military service being singled out for intense harassment, or forced to undergo particularly gruelling exercises.

### **11. Building restrictions**

With a few exceptions, the government continues to impose harsh restrictions on the construction of new church buildings. The government has only permitted the construction of a handful of new churches across the country since 1959. This, together with the fact that it is technically illegal to organise religious activities in buildings not officially registered for religious use, means that many Christian communities do not have a place to meet for church services. This particularly affects those in more remote rural areas. In light of the rapid increase in the number of practising Christians in Cuba over the past twenty years, this constitutes a serious religious liberty violation in that it prohibits many Cuban Christians from freely exercising their right to come together for worship.

Most of the churches that were built prior to the Revolution have been allowed to continue to function as places of religious activity. Any changes to the structure including expansions and/or repairs and renovations, however, may be carried out only with the permission of the Office of Religious Affairs. Church leaders reported that authorisation is being granted more frequently; however, repairs and renovations are difficult to carry out because of a lack of affordable building materials. In some cases, the government has refused to allow Cuban churches to receive donations in the form of materials from abroad and in other cases has confiscated such materials upon arrival. In practice, this means that many church buildings are far too small to accommodate their congregations or are now structurally unsound.

### **12. House churches**

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

The size of individual house churches varies greatly. Some have only a handful of regular attendees while others have congregations which 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.

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. Meetings of more than fifteen people at a time are technically illegal. Some churches have attempted to get around this by establishing multiple house churches and limiting the maximum number of attendees at each to fourteen. Others keep no written records of addresses and names of house church hosts, and change their locations frequently.

Church leaders report an increase in government harassment of leaders of house churches, and owners of homes where house churches meet. Many report frequent visits from State Security agents or CCP officials. Some have reported warnings from the agents and officials that the education of their children, or their own employment, could be threatened if the house church leaders continue with their activities. In some cases, mostly involving churches affiliated with the Apostolic Movement, pastors report that their members have also been

approached repeatedly by unidentified individuals warning them to leave the church because it has fallen foul of the government.

### **13. Church closures**

There was a drop in the number of reported church closures over the past year. It should be noted that this does not mean that no churches were forcibly closed down. Forced church closures tend to take place in areas where few foreign tourists visit and where communication with the outside world can be extremely difficult. The exception to this apparent reduction was the Apostolic Movement which continued to report numerous threats of church closures.

### **14. Destruction of church properties**

There has also been a decrease in the number of reported cases of churches being destroyed or threatened with destruction. Again, the exceptions to this are churches affiliated with the Apostolic Movement. A number of church leaders from this network of churches have repeatedly received warnings from government officials that their places of worship are to be destroyed. Thus far, CSW has not received any information to indicate that these threats have been carried out. The failure of the authorities to follow through on their threats is possibly a result of the church leaders making their situations known internationally.

In one particularly interesting case, which illustrates the government's change in strategy, church members were pressured by the government to destroy their own church. Reverend Ernesto Oliva Maree is pastor of the Independent Pentecostal Church in Managua, Havana, which has had repeated problems with the authorities over the past few years. He told independent reporter Amarilis C. Rey that the congregation was being pushed to dismantle the church, and to meet in smaller groups in different houses instead. CCP officials, who have threatened the church with demolition in the past, also put direct pressure on the pastor, promising to return legal documents they had confiscated from him some years ago if he vacated the church. The pastor and congregation initially complied with the CCP demands but when officials did not return the documents, they moved back into the church. On 25 March, officials told Reverend Oliva that the church would be demolished within fifteen days.<sup>6</sup> The threats were not carried out, but in May Reverend Oliva was summoned to the local police station for an appointment with Housing Ministry Officials and reported being given another six day deadline.<sup>7</sup> CSW has been unable to ascertain whether or not the threats were carried out.

### **15. Confiscation of church properties**

Over the past few years, CSW has received a number of reports regarding arbitrary confiscation, or threats of confiscation, of church property. A number of these have yet to be resolved. The situation for Pastor Yogli Gonzalez Perez, who was forcibly evicted from his home along with his wife and young children in June 2008, remains unchanged. He has been unable to return to his work pastoring the Pentecostal Congregational Church. The case of a Church of God church which was confiscated by government officials in the province of Las Tunas, despite significant local opposition, also remains unresolved.<sup>8</sup>

Over the past year, the majority of threats of confiscation of church properties have been reported by leaders affiliated with the Apostolic Movement. Church leaders in Santiago de Cuba, Las Tunas, Camaguey and Havana have all been threatened with eviction and the confiscation of their homes and property over the past twelve months. Alain Toledano

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<sup>6</sup> <http://www.primaveradigital.org/websitepublisher/articles/603/1/CONTINUA--PERSECUCION-A-CRISTIANOS/Page1.html>

<sup>7</sup> <http://www.primaveradigital.org/websitepublisher/articles/767/1/ENCUENTROS-PARADQJICOS/Page1.html>

<sup>8</sup> <http://dynamic.csw.org.uk/article.asp?t=report&id=113>

Valiente, the pastor in Santiago de Cuba mentioned in section 4.1, sent out an urgent appeal for international support in March of this year:

*...Today, very early in the morning, government agents, including the Chief of the Sector (Chief of Police) for the area, better known as Sorsano, members of the Communist Party and others surrounded the house where we live and where church meetings are held...they said they were going to tell the police to evict us from the house and to confiscate, once again, all of the goods belonging to the church, and that they were going to deprive us of a place to meet in peace and to worship God..."*

## **16. Public and social ministry**

Virtually all church groups consider public and social ministry to be fundamental to their identity. This is perhaps where government control is most rigid. In the words of one church leader:

*Is there religious freedom in Cuba? There is freedom of worship in Cuba. They want us to keep things within the four walls of the church. But when you talk about the work of the church outside of the physical building, you can see there is freedom of worship but there is no freedom of religion.*

Church leaders have long complained that requests to carry out public events, for example religious processions and evangelistic work, are almost never granted. There have been some recent exceptions, the majority of which involve the Roman Catholic Church. However, other church groups and associations report that the government is as restrictive as ever and in some cases more so when it comes to granting authorisation for public events. The Masons, who come under the authority of the Office of Religious Affairs, reported that they have been repeatedly denied permission to hold public parades.

In many cases, however, religious groups and associations are increasingly taking their chances and going ahead with public events without permission. In some places this has been tolerated to an extent, but those involved report that they are closely monitored. In one major city this year, churches of all denominations came together to organise a mass Easter procession without seeking permission from the government. They estimate that around 3,000 people participated in the unauthorised march, something virtually unheard of in Cuba. The authorities, caught by surprise, were extremely unhappy with church leaders. Since then, denominational leaders say, all church activities and church leaders have been heavily monitored.

In many cases, however, unauthorised public activity was not tolerated. A pastor who has worked for years with young people on a section of the Malecón in Havana known as a congregation point for drug addicts, was recently forbidden from continuing with his ministry, and all his equipment and materials were confiscated by government officials. In February, a number of pastors associated with the Apostolic Movement were arrested and fined while working in the Fe del Valle and El Curita public parks in Havana.

Social work has also been hampered by government restrictions. Most religious groups have some kind of social ministry. This may include the distribution of food, medicine and clothing to those in need, and homes for the elderly. Church leaders report that the government officials often perceive this as competition for their own services. This is aggravated when, as is often the case, the local government agencies do not have the materials necessary to provide the services and the churches do.

This is illustrated in the response to the devastation caused by the hurricanes in 2008 on La Isla de la Juventud. A church received a massive donation of material and financial

humanitarian aid from their counterparts abroad. The government, however, insisted that the aid be distributed by its own agencies. The donating organisation refused and the aid sat in customs for a number of months. The situation on the island was severe and there were reports of communities greeting government officials with verbal and physical abuse because of their failure to respond adequately.<sup>9</sup> Finally, the government backed down and allowed the church to take responsibility for the reception and distribution of aid.

Interestingly, this has had the long term effect of working in local church groups' favour. Churches ensured that those most in need, regardless of religious affiliation, were prioritised in the distribution of aid. The churches made concerted efforts to work alongside officials. This was well received by local government which has since been less antagonistic in its relationship with local churches.<sup>10</sup>

### **17. Government informants**

The use of government informants in churches and seminaries continues to be a problem. Church leaders from all denominations assume that there are government planted informants in their congregations. As a result, many church leaders practise 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. The case in section 4, of the pastor who in the context of a sermon said "Don't be like Che, be like Christ" and the government's reaction, is illustrative of the importance of and attention paid by state officials to the content of church leaders' sermons and presentations.

### **18. Government interference in and denial of right to worship**

CSW continued to receive regular reports of the government preventing Cubans from exercising their right to worship. In the vast majority of these cases the victims were Cuban men and women who are perceived by the government to be political activists. In one case which took place in May, two human rights activists were arrested while attending mass in a church in Central Havana. Orlando Corzo and Miguel Lopez Santos were pulled out of the church by police during the service. They were subsequently forced into an unmarked car (with a licence plate indicating that it was a private, not official, car) and dumped outside the city. They say they were given no explanation by the officials.<sup>11</sup>

### **19. Distribution of religious materials**

Christian leaders continue to complain of a scarcity of Bibles and other religious literature. The lack of Bibles is most acute in rural areas but also appears to be a significant problem in the cities. Based on reports received by CSW, it appears to be a major problem for all denominations, including Catholics and Protestants both within and outside the CCC.

The shortage is apparently a result of severe government restrictions on the import of Bibles and other religious materials. For example, the restrictions 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 importing Bibles and, at one point, were apparently obliged to work with the CCC to bring Bibles into the country.

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<sup>9</sup> It should be noted that locals said that the government failure to respond to the crisis was not due to lack of materials. They report that a large influx of EU aid, including roofing materials, clothing and food items, was diverted and was seen being sold in state stores.

<sup>10</sup> Church leaders stated that they made a point of being extremely careful and meticulous in their bookkeeping in order to guard against any accusations of corruption.

<sup>11</sup> <http://www.miscelaneasdecuba.net/web/article.asp?artID=27505>

## 20. Access to the media

Unless they receive specific authorisation, Cuban and joint enterprises may not sell computers, facsimile machines, photocopiers, or other equipment to any church except at official, artificially high, retail prices. In addition, many religious organisations are denied internet access. This establishes a virtual state monopoly on printed media – those church organisations and other independent organisations which do have access to a printing press are heavily monitored.

Many observers speculate 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) were the result of intense pressure from the government on the church hierarchy. There continues to be heavy government pressure on the editing of Catholic publications. At the same time, however, it is worth noting that Catholic publications still in circulation, *Palabra Nueva* in Havana for example, have run articles and commentary critical of government policy over the past year. They are considered one of the only examples of independent press and are read by Catholic and non-Catholic readers alike.

Church leaders of all denominations also continue to express their discontent 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, including the granting of periodic broadcasts to the CCC. In addition, a number of high level CCC leaders held a televised church service in June 2010. The service, however, which was focused on the freeing of the ‘Cuban Five’ and commemorating the return of Elian Gonzalez, was perceived by many within and outside the CCC as a political gimmick. Church groups are still not afforded the right to set up radio or television programmes.

## 21. Religious rights of political prisoners

In September 2009, the government announced that it would allow Protestant and Catholic religious services to be held in Cuban prisons. Church leaders in Cuba greeted the news with caution and it appears that many of their concerns have been borne out. Implementation has not been uniform across the country. In some cases the right to hold religious services has been denied outright. In other cases services were allowed, only to be interrupted and cancelled midway.

Protestant leaders have been critical of the fact that the responsibility for Protestant services was given to a pastor from the CCC, an entity which represents a small minority of Protestant Christians on the island. No provision has been made for prisoners who belong to a denomination outside the CCC, or indeed for those who practise a religion other than Christianity.

Importantly, political prisoners have for the most part been prevented from taking part in these services. In some cases authorities claimed that only prisoners who had exhibited “good behaviour” could attend, and arbitrarily claimed that political prisoners did not qualify. In other cases, political prisoners were told that participation in religious services was contingent on wearing the prison uniform. Most political prisoners refuse to wear the prison uniform for reasons of conscience. In many cases, however, no reason was given.

Prisoners still report being denied the right to pastoral visits and the right to meet with other prisoners for worship, prayer and study. Many also report the repeated confiscation of their Bibles and other religious literature, sometimes as punishment and at other times for no apparent reason at all. This is a particular problem for political prisoners.

## **22. Restrictive legislation regarding North Americans**

Cuban church leaders have also reported an increase in government refusals to grant religious visas to US visitors over the past two years. This follows the announcement of a regulation which came into effect on 22 February 2008 specifically targeted at residents of the United States.<sup>12</sup>

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. Any refusal of the Cuban government to grant religious visas thus makes it nearly impossible for US citizens intending to participate in religious activities to travel to the country legally.

This puts US church visitors and their Cuban hosts, wanting to organise joint activities, in a difficult position, legally speaking. Many denominations in Cuba have strong links to their US-based counterparts and Cuban church leaders have confirmed that the implementation of the regulation over the past two years has had the effect of limiting their interaction with US associates. This limitation is linked to the fact that the regulation stipulates that anyone travelling on a tourist visa must engage in tourist activities only and should not participate in any religious activities. The regulations do not make it clear which religious activities would be unacceptable.

In one case, a CCC church which has hosted regular delegations of young people from the US for many years, was surprised to be informed that the authorities would no longer grant them religious visas. This, the church leaders said, means in practical terms that the visiting youth cannot stay in church members' homes, cannot visit churches in the countryside, and cannot actively participate in any of the church activities. The regulation, coupled with the authorities' refusal to grant religious visas, has resulted in an unwelcome and fundamental change to the whole nature and purpose of these visits.

In addition, many church leaders across the island, from both registered and unregistered churches, report that it has been made clear to them by local authorities that they should strongly discourage, if not prohibit altogether, the attendance of foreigners at religious services. Some reported visits from State Security agents demanding extensive information on foreign, particularly US, visitors. This has left church leaders feeling very uneasy, and they are now hesitant to issue invitations to or even interact at all with US citizens.

## **23. Background on religious freedom and Cuban law**

The Cuban Constitution sets out specific and basic guarantees regarding religious liberty. However, these freedoms are qualified and limited by the insistence that the maintenance of socialism and communism takes precedence over all other rights. This is reflected in the government's fixation on controlling every aspect of Cuban society through a myriad of laws and regulations covering everything from housing, movement within the country, building and renovation permits, registration requirements and exit permits, to permissible activities for foreign visitors.

The government requires that churches and other religious groups register at their provincial office of the Registry of Associations, which is part of the Ministry of Justice. However, church groups and other societies, like the Masons, also fall under the authority of the Office of Religious Affairs, directed by Caridad Diego; which, as explained previously, is part of the Central Committee of the CCP, not a government institution.

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<sup>12</sup> Although the regulation refers to "North Americans" it only applies to those visiting with a US Treasury Department issued religious waiver, which would not be relevant to anyone other than US residents. See *Religious Liberty in Cuba 2009* for the full text of the regulation: <http://dynamic.csw.org.uk/article.asp?t=report&id=113>

In theory, registration allows churches and religious leaders to receive foreign visitors, buy religious materials and meet in approved houses of worship. However, churches report that the registration process is often made extremely difficult, and is at times impossible. Problems are usually encountered when permissions are sought from the Office of Religious Affairs. Even when registered, churches still report encountering legal difficulties. There are approximately 54 state-registered denominations or church groups. More than half of these are members of the Cuban Council of Churches (CCC), which has historically received some privileges in return for its support of the government.

Article 8 of the Cuban Constitution states that, “*The State recognises, respects, and guarantees religious liberty,*” and Article 55 goes even further, saying:

*The State, which recognises, respects, and guarantees freedom of conscience and religion, also recognises, respects, and guarantees the freedom of every citizen to change religious beliefs or not to have any, and to profess, within the confines of the law, the religious worship of his/her preference. The law regulates the relationship of the State with religious institutions.*

This is very much in line with international standards on religious liberty. However, the rights guaranteed in Articles 8 and 55 are later qualified in Article 62, which states that “*no recognised liberty may be exercised against the existence and aims of the socialist State and the nation’s determination to build socialism and communism...*” This places the protection of the existence and aims, as well as the construction, of a socialist and communist state above fundamental human rights, including those related to religious liberty.

A clause in the Cuban Penal Code (Chapter IV, Article 206) further limits the rights laid out in Article 55 of the Constitution. The clause, called *Abuse of Liberty of Worship*, allows for the imprisonment of anywhere from three months to one year of anyone who “*having abused the freedom of creed guaranteed to all by the Constitution, places religious beliefs in conflict with the aims of education, the duties of labour, defending the nation in arms, the reverence of its symbols or any other stipulations whatsoever contained in the Constitution...*” Human Rights Watch has noted that “[t]his provision, which is defined as a crime against public order, allows the state to penalize a broad range of religious activities that would not endanger public order.”<sup>13</sup>

## **24. Conclusion**

It is clear that the religious freedom situation, as well as the overall human rights situation, has improved in some key areas. However, as is always the case with Cuba, while some things have improved, there are still reasons for concern. In some areas, religious freedom has actually deteriorated.

Church leaders of all denominations have called attention to subtler forms of repression, in particular discreet but heavy pressure on individual church leaders. The imprisonment of Pastor Gude Pérez is a particularly egregious example. Church leaders of all denominations report working in a pervading atmosphere of fear and say that current levels of intimidation are the highest they have been since the fall of the Soviet Union. This appears to be part of a general attempt by the government to control independent civil society as much as possible as the country moves towards an inevitable transition.

Church leaders inside Cuba agree that an antagonistic approach towards the Cuban Government by international groups on this issue would most likely be counterproductive. Any advocacy action taken should be extremely careful to avoid exaggerating or overdramatising the situation. At the same time, some developments, like the newly instated religious services in prisons, indicate that the Cuban Government does sometimes respond positively when firmly confronted on specific abuses. It is crucial that the international

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<sup>13</sup> Human Rights Watch. *Cuba’s Repressive Machinery – Chapter III, Impediments to Human Rights in Cuban Law*. 1999. <http://www.hrw.org/legacy/reports/1999/cuba/index.htm#TopOfPage>

community continues to raise religious freedom consistently with the Cuban Government, both in general terms and on specific cases.

## **APPENDIX – Index of acronyms and translations**

- CCC – Cuban Council of Churches (*Consejo de Iglesias de Cuba*)
- CCP – Cuban Communist Party (*Partido Comunista de Cuba*)
- CDR – Committees for Defence of the Revolution (*Comités para la Defensa de la Revolución*)
- CIMPEC – Interdenominational Fellowship of Ministers and Pastors in Cuba (*Confraternidad Interdenominacional de Ministros y Pastores en Cuba*)
- CUC – Convertible Cuban Pesos
- ICCPR – International Covenant on Civil and Political Rights
- ICECSR – International Covenant on Economic, Cultural and Social Rights