



Maranatha First Baptist Church, Holguin. Photo: Maranatha First Baptist Church

CUBA

FREEDOM OF RELIGION OR BELIEF

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The number of violations of freedom of religion or belief held steady, while the violations themselves grew in severity, in the first half of 2015. For the first time since 2011, to CSW's knowledge, a church leader has been imprisoned; while the government also apparently modified their tactics to target the property of religious organisations as a means to control these groups. Foreign students involved in religious activities linked to unapproved groups were expelled and had their visas revoked. In line with previous years, scores of mostly women and some men were violently arrested and temporarily imprisoned to prevent them from attending Mass. This has occurred each Sunday since the beginning of the year.

CSW is deeply concerned by the continued imprisonment without charge of Reverend Jesús Noel Carballeda, who was arrested in early February. His wife believes that his continued leadership of an unregistered church and persistence in leading religious services, even after a previous imprisonment five years ago, angered the authorities and led to this second detention. On the previous occasion, Reverend Carballeda was imprisoned for four months after militant communist neighbours filed legal complaints about church services he held in his home in Marianao, Havana. Following his imprisonment he was put on probation and required to check in with the authorities on a regular basis. After his release Reverend Carballeda no longer held religious services in his home, as per the conditions of his release. However, he continued to lead his church, holding services in the countryside, in parks, in rented rooms and in other private homes. Inquiries to the Cuban authorities as to the reason for Reverend Carballeda's imprisonment have been met with silence. He is being held in the Valle Grande prison in Antonio de los Baños, Havana Province.

New legislation, Legal Decree 322: the General Law on Housing, was announced on 5 September 2014 and came into force on 5 January 2015.¹ The law is meant to regulate private properties, mostly homes, and enforce zoning laws. However, it has reportedly been used by government officials to claim the right to seize church properties and to force the churches into the role of paying tenant. Cuban lawyers have told CSW that although the law does not specifically mention religious groups, government officials have claimed it gives them the authority to expropriate property when they deem it 'necessary.' One legal expert linked to the Cuban Council of Churches and speaking anonymously told CSW that churches of all denominations and in multiple provinces are affected: "They are applying the law rigorously. In the case of the churches it is worse. They propose to convert the church into a tenant. This has consequences. For example, the 'new owner' is able to decide what the church can or cannot do in this place. That is to say they lose autonomy. They cannot accept this. The situation is complicated."

¹ More information on the law can be found at www.cubadebate.cu/noticias/2014/09/24/cuales-son-las-principales-modificaciones-a-la-ley-general-de-la-vivienda/#.VXCxNM9Viko (Spanish)



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The legal expert added that the most vulnerable churches are those to which the government has refused to issue a licence recognising them as a registered place of worship.² However, at least one historic church property was targeted in the first half of the year. In May 2015 the leadership of the Maranatha First Baptist Church, in the city of Holguín, was informed by provincial Communist Party and Housing Ministry officials that their property is to be confiscated and their status changed from owners to tenants. The church is affiliated with the Eastern Baptist Convention of Cuba, and over 800 people worship there on a weekly basis. It has held title to the property since 1947 and was officially registered in May 1954. Government officials threatened to confiscate the church property once before in 2011, but backed down after a high profile campaign; now, it seems, they may be attempting to apply the new legislation to justify their actions. Leaders of the church have published an open letter calling for support as they resist government attempts to seize their property.

Other churches have also reported threats of confiscation or destruction of property, which appear to be related to the application of Legal Decree 322. In May Reverend Fausto Polemo was informed by local authorities that his church in the city of Santiago de Cuba would be confiscated and demolished, and that he was prohibited from holding any more services. The church belongs to the Assemblies of God denomination, which is registered and recognised in Cuba. Similarly, Pastors Osmel and Madeleine de Calderón were told that their church in Loma Blanca, Upper Mayarí, Santiago Province and affiliated with the Apostolic Movement,³ must stop holding services. Members of their church have also been approached by government officials, warned to stop attending the church, and told to distance themselves from the couple. Reverend Alain Toledano, another Apostolic Movement leader, was told that his property in the city of Santiago would be confiscated. He has continued to make public calls for the government to clarify the status of his property.

In May, a Request for Precautionary Measures was filed with the Inter-American Human Rights Commission on behalf of Reverend Yiorvis Bravo, another Apostolic

2 Because the government has allowed only a handful of new church buildings to be built since the 1959 Revolution, despite massive growth in the churches through the 1990s and 2000s, a huge proportion of Protestants and some Catholics meet in what are usually referred to as house churches. This name is applied to any building where religious services are held and which is not legally registered as a place of worship. While the government mostly tolerated these house churches for many years, it made it difficult and often impossible to register the buildings as places of worship. This meant that they were technically illegal and always vulnerable to harassment, fines and forced closure.

3 The government has refused to register the Apostolic Movement and considers it to be illegal.

Movement leader. In 2013 a Camaguey court sanctioned a government move to expropriate his home, which is also the meeting place of his church. While the case predates the enactment of Legal Decree 322, the tactics appear identical. Reverend Bravo was approached by Ministry of Housing officials in 2013 who offered to allow him and his family to remain in the property as tenants, if they agreed to submit all church activities for approval in advance. Reverend Bravo refused to comply and remains in the home, but while government officials have not yet made any move to evict the family, they have continued to maintain that the property is now theirs and they reserve the right to evict or relocate the family at any time.

Government agents continued to employ brutal and public tactics in attempting to control who may or may not attend religious activities. Week after week, scores of women affiliated with the Ladies in White dissident group were violently dragged away by state security agents from Sunday morning services. Many were beaten in the process and most were arbitrarily detained until after the conclusion of religious services. Roman Catholic priests and bishops at the local and provincial levels are often forced to confront state security agents and police directly in order to preserve what they view as the sanctity of their place of worship, and to ensure that all those who desire to attend religious services can do so without interference.

Non-Cuban nationals have also been victimised in the government's targeting of certain religious groups. In April CSW learned that seven university students from Angola had been warned that they would be deported because of their attendance of a church in Santiago affiliated to the Apostolic Movement. Iveth Pedrina Luísa Paixão, Tito Capungo and seven other Angolan students were summoned by Cuban immigration authorities, and informed that they were expelled from the Frank País García University for Pedagogical Sciences and would be deported.

The rise in severity of violations of freedom of religion or belief since the beginning of the year is troubling. The negative trend seems to be part of a general attempt by the government to tighten its control over the activities and membership of religious groups and thus eliminate the potential for any social unrest. At the same time, more and more religious leaders are openly demanding increased religious freedom or are openly defying harsh laws, for example by holding unauthorised religious services. This has provoked a harsh response from government officials at every level, although the approach appears to vary somewhat in different parts of the country. The moves to seize church properties and force the churches into the position of tenants at the mercy of the government appears to be occurring throughout the country, and is of even more cause for concern now that there appears to be legal authority to do so via Legal Decree 322.

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. Seven years later Cuba has yet to make any move to ratify either. According to leaders representing the full spectrum of Christian denominations and other religious groups in Cuba, the reforms that have taken place have been mostly cosmetic: in reality privileges granted to a

few religious groups with the aim of 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 entities to be controlled as tightly as possible.

Many observers have wrongly interpreted concessions given to a few religious groups, in particular the Roman Catholic Church and the upcoming papal visit, as indicative of a new and growing respect for religious freedom. However, the growing severity of violations of freedom of religion or belief reported by a wide range of denominations and religious groups, and new legislation used to justify the arbitrary expropriation of religious properties in order to exert more control over

the relevant religious group, is evidence of the opposite. Real religious freedom can only exist if it is enjoyed by all religious groups without discrimination. It is vital that the European Union, United States and other governments around the world do not allow the Cuban government to pretend that granting limited privileges to one or two religious groups over others constitutes an improvement in religious freedom. This is especially the case when these privileges have no basis in any legal reforms but are only one-off handouts given by a government which retains the right to rescind them at any time. Progress in religious freedom must be measured in terms of how all religious groups benefit, and should also be grounded in legal systems and protections that will uphold these rights for all without discrimination or favouritism.

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