

Cuba

Freedom of religion or belief

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free to believe**



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Executive summary

2 The past year has seen continued violations of freedom of religion or belief (FoRB) in Cuba. There have been negative developments in terms of the government’s approach to FoRB, with a new draft constitution significantly weakening protections for FoRB and eliminating altogether the associated right of freedom of conscience. At the same time, religious groups, in particular the largest Protestant Christian religious associations, have become increasingly outspoken in calling for respect for FoRB, even going so far as to launch an unprecedented inter-denominational campaign addressing the draft constitution. In October 2018, the Cuban Catholic Bishops Conference issued a public statement also calling for more comprehensive protections for FoRB in the new constitution.

6 Reports of harassment of religious leaders have increased in parallel with the churches’ outspokenness. Often this takes subtler, hard to document forms, and is focused on attempting to create divisions between and within religious groups. Religious leaders who have taken on a leadership role in the campaign, both at the local and national levels, have reported that pressure on them remains high; over the past year many have chosen to flee the country and to seek refuge abroad. 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 be intended to intimidate the religious leaders and make them aware that they are under close surveillance.

8 Religious leaders continue to complain about the authority granted to the Office of Religious Affairs (ORA), an arm of the Central Committee of the CCP, over all religious groups and associations. They object, virtually unanimously, to the CCP being given direct and arbitrary authority over all religious activities and internal affairs. The relationship between the director of the Office of Religious Affairs, Caridad del Rosario Diego Bello and her deputy, Sonia García García, and the leadership of the various denominations continues to be characterised by religious leaders as hostile and antagonistic.

11 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. A decade later Cuba has yet to make any move to ratify either. The proposed changes to the constitution are a clear indication that the government continues to view religious organisations, and in particular their leaders, as potentially dangerous, to be controlled and contained to the greatest extent possible.

Recommendations

To the government of Cuba

- Include strengthened provisions for freedom of religion or belief (FoRB) and restore guarantees for freedom of conscience in the new constitution in line with international law and norms on FoRB, including Article 18 of the UN's Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the San José Pact.
- Bring civil, administrative and penal law and regulations into line not only with the Cuban constitution but also with international law and norms on FoRB.
- Ratify the ICCPR and the ICESCR and ensure that local authorities, including CCP leaders, are aware of the provisions included in the ICCPR and the ICESCR, and ensure that they are implemented at the local level.
- As a member of the Human Rights Council, uphold the highest standards in the promotion and protection of human rights, including those relating to religious freedom.
- Invite the UN Special Rapporteur on freedom of religion or belief, as well as to other thematic UN rapporteurs, to visit Cuba with unhindered access to all parts of the country.
- Eliminate the requirement for churches to register, or bring registration procedures and requirements into line with international best practice in non-discriminatory registration.
- Eliminate the Office for Religious Affairs of the Central Committee of the CCP as it currently exists, or reform it to operate transparently within defined legal parameters and with recourse to appeal.
- Allow churches, religious denominations and denominational groupings to operate autonomously without pressure or interference from government or CCP officials.
- Guarantee freedom for religious leaders to carry out their work without harassment, threats or government pressure targeting them or their families.
- Safeguard the freedom of all Cubans to assemble and worship according to their professed religion or belief.
- End the targeting of human rights defenders, including FoRB defenders, for harassment, threats and imprisonment.
- Ensure equal, transparent and non-discriminatory access to permits for renovations and building projects, religious visas, vehicle licences; and ensure legacies are handled fairly, protecting the right of individuals to leave their property to the church or denomination of their choice;
- Streamline and reform procedures concerning the registration of churches, and the building and renovation of churches and other buildings for religious use, to ensure that these are applied fairly and transparently.
- Reform procedures for the return of confiscated properties to ensure that these processes are conducted fairly and transparently.
- Allow religious institutions, including seminaries, to operate independently and without government interference, including by protecting their right to seek accreditation

and establish formal relationships with counterparts and accreditation bodies outside of Cuba.

- Guarantee protection from discrimination on the basis of one's religion in the workplace, school and all other social and political spheres.
- Allow all religious groups to engage in social work and to hold peaceful public events free from interference and intimidation.
- End the use of government informants in religious associations and seminaries.
- Bring an end to government support of any religious group over other religious groups, ensuring that all groups are equally able to import or produce religious materials and literature; and ensure equal access for all groups to the media.
- Guarantee all prisoners, whether criminal or political, their basic human rights including FoRB as defined in the UN Standard Minimum Rules for the Treatment of Prisoners.

To the European Union and member states

- Urge Cuba to include strong provisions for human rights including FoRB in the new constitution, and to bring its administrative, civil and penal laws and regulations into line with its own constitution and with international standards on freedom of religion or belief (FoRB).
- Urge Cuba to ratify the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and bring its laws and regulations into line with these covenants.
- The Special Envoy for the promotion of freedom of religion or belief outside the EU should request an invitation to visit Cuba with unhindered access to all parts of the country.
- Raise religious freedom at every opportunity, in public and in private, in its dialogues with Cuba, including the Office of Religious Affairs, and encourage Cuba to enact the recommendations listed above.
- The EU Delegation to Cuba and the embassies of member states should 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.
- Encourage Cuba to invite the UN Special Rapporteur on freedom of religion or belief, as well as other thematic special rapporteurs, to visit Cuba with unhindered access to all parts of the country.
- Continue to seek ways of engaging with members of Cuban independent civil society, offering support when appropriate.
- Continue to establish and maintain contact with the families of political prisoners, and raise its concerns regarding continued violations of prisoners' rights, including denial of religious rights, with Cuba.

To the government of the United States of America

- Urge Cuba to include strong provisions for human rights including freedom of religion or belief (FoRB) in the new constitution, and to bring its administrative, civil and penal laws and regulations into line with its own constitution and with international standards on FoRB.
- Urge Cuba to ratify the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and bring its laws and regulations into line with these covenants.
- The Special Ambassador for International Religious Freedom should request an invitation to visit Cuba with unhindered access to all parts of the country.
- The State Department should continue to closely monitor FoRB in Cuba and consider adding the country to the Special Watch List. The State Department should ensure that all FORB reporting fully reflects the views of marginalized churches and faith leaders, rather than positions of state officials and offices.
- The US Commission for International Religious Freedom (USCIRF) should request an invitation to visit Cuba with unhindered access to all parts of the country. It should also continue to closely monitor FoRB in the country and either keep Cuba as a Tier 2 country or consider elevating it to Tier 1 status in line with FoRB developments there.
- Raise religious freedom at every opportunity, in public and in private, in any dialogue with Cuba, including the Office of Religious Affairs; and encourage Cuba to enact the recommendations listed above.
- The US Embassy in Cuba should 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.
- Encourage Cuba to invite the UN Special Rapporteur on freedom of religion or belief, as well as other thematic Special Rapporteurs, to visit Cuba with unhindered access to all parts of the country.
- Continue to seek ways of engaging with members of Cuban independent civil society, offering support when appropriate.
- Continue to establish and maintain contact with the families of political prisoners, and raise its concerns regarding continued violations of prisoners' rights, including denial of religious rights, with the Cuban authorities.

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 it has signed, including the ICCPR and ICESCR.
- Urge Cuba to invite the thematic Special Rapporteurs with mandates on freedom of religion or belief, human rights defenders, torture, independence of the judiciary, and arbitrary detention, to visit Cuba with unhindered access to all parts of the country.

Legal framework

The constitution of Cuba sets out specific and basic guarantees regarding religious freedom. However, these freedoms are limited by the condition that the preservation of socialism and communism takes precedence over all other rights. Article 8 of the 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 in line with international standards on religious freedom. 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 freedom.

A clause in the 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 for 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 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'.¹

In regard to international law, Cuba is not party to the Inter-American Convention on Human Rights which provides strong protections for freedom of religion and conscience. Cuba has signed but not ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which also contain provisions to protect religious freedom.

Proposed constitutional changes

Cuba is currently undergoing a process to adopt a new constitution.² The draft, which was presented to the public for discussion and which will be put to a vote in a referendum in February 2019, includes significant changes to protections for FoRB. The provisions for FoRB in the draft constitution (Articles 15, 64 and 65) are changed to:

1 Human Rights Watch (1999), *Cuba's Repressive Machinery*, Chapter III, Impediments to Human Rights in Cuban Law www.hrw.org/legacy/reports/1999/cuba/index.htm#TopOfPageall

2 According to the findings of a Cuban legal expert, this is a curious development given that the government has largely ignored the existing constitution, while the average Cuban has little familiarity or respect for the concept of constitutional law.

The State recognises, respects and guarantees religious freedom...In the Republic of Cuba, religious institutions are separate from the State and all have the same rights and responsibilities...The various beliefs and religions enjoy equal treatment.

The 1992 constitution represented a shift in the government's attitude towards FoRB and led to some significant improvements in this area. This created space for religious groups to operate more freely than they had been able to in the past, and led to significant growth across the island for almost all religious groups. In the 2000s, however, the government appeared to change course and FoRB violations steadily increased between 2005 and 2015, spiking in 2015 and 2016 with a number of large churches demolished, over 1,000 churches declared illegal and hundreds of civil society activists, in particular members of the Ladies in White, forcibly prevented, often violently, from attending religious services. Over the past two years the government has seemed to change strategies once again, focusing less on overt and public attacks on religious groups and their buildings, and more on pressuring and harassing targeted religious leaders. The government continues to charge religious leaders, churches and followers through common criminal and civil code infractions to mask religious repression.

The proposed changes to the constitution seem to indicate that the government has no intention of making real reforms to protect FoRB, but will continue to attempt to control religious groups and religious expression as much as possible. The removal of references to freedom of conscience is particularly notable and is cause for concern. There is no sign that the government has any intention of eliminating the ORA, as requested by the religious groups that have joined the campaign to call for constitutional protections for FoRB; rather, the ORA appears to be as strong and influential as ever and continues to be responsible for the majority of FoRB violations.

The Office of Religious Affairs

Currently, religious groups and associations come under the authority of the Office of Religious Affairs (ORA), which operates out of the Ministry of Justice but is a part of the Central Committee of the CCP. This puts these groups in the peculiar position of having to submit all requests for authorisation, for something as minor as making repairs to a building to something as major as holding a public event, to an entity operating outside of any defined legal framework and offering no recourse for appeal. As part of the campaign for FoRB protections in the new constitution, Protestant church leaders have asked that the following clause be included: 'The Cuban government, its bodies and authorities will abstain from interfering with the internal life of religious associations, and creating organizations to control them.'

The ORA, directed by Caridad del Rosario Diego Bello³ and her deputy Sonia García García, maintains a consistently antagonistic relationship with religious groups. The Office habitually refuses or fails to respond to the requests of pastors to travel abroad⁴ or make repairs to their church buildings, and fails to grant authorisation for large church activities. It awards permits, including the right to invite visitors on the required

religious visa, according to the inviting association's perceived level of support for or cooperation with the government.

Legal recognition

All religious groups must be registered with the Ministry of Justice in order to operate legally: the ORA receives the request for the registration and the government then makes the decision. While there are some criteria for registration, for example that the association must have more than 30 members, decisions are made on an arbitrary basis in line with political considerations. Membership or association with an unregistered group is a crime, with penalties ranging from fines to one month to a year imprisonment.⁵ Although the government does not apply these penalties in a consistent manner, unregistered groups are always at risk of being targeted.

Most religious groups that existed prior to the 1959 Revolution maintained their official registration and as such have legal recognition. However, some groups such as the Jehovah's Witnesses and the Berean Baptists had their registration arbitrarily rescinded in the 1970s and have not been permitted to re-register, thus making them illegal.⁶ Others, such as the Afro-Cuban Free Yoruba Association, are not registered because they wish to remain independent of government influence or control.

Most groups that were not present prior to 1959 but have a growing presence on the island, most notably the Apostolic Movement, have been refused the right to register.⁷ While all religious groups experience FoRB violations, unregistered groups are most vulnerable and suffer some of the most egregious violations, as their unregistered status means that their very existence, as well as anything they attempt to do as a religious group, is illegal.

Lack of registration has a broad impact on FoRB. Berean Baptist pastor Reverend Daniel Josué Pérez Naranjo, who is based in the province of Las Tunas, has been waiting for his denomination to be re-registered and legalised since a request was submitted in 1997. Their unregistered status has put the pastor and his family, and churches associated with the denomination, in a vulnerable position. Their historic church buildings are in a state of disrepair because as an unregistered religious group they cannot request permits to make repairs.

In 2000 Reverend Pérez Naranjo requested the right to start new churches in the province despite the lack of response to their request to register. In apparent retaliation, his house was confiscated by the state and he has since been forced to pay

⁵ Article 208 of the penal code.

⁶ Article 10 of the Law of Associations expressly forbids the re-registration of any group that has lost its registration: 'Once the registration of an association has been cancelled, it cannot be constituted with the same denomination or with the same objectives and activities.' This prohibits members of a company that has been closed or withdrawn from registration from reactivating it or disguising it in another application for registration.

⁷ It should be noted that while their attempts to register in the past were rejected, some Apostolic Movement leaders now hold a position similar to that of the Free Yorubas and reject the concept of registration altogether.

³ Ms Diego Bello is also a delegate to the National Assembly representing Sandino Municipality, Pinar del Rio.

⁴ Ironically, ORA officials regularly travel abroad, frequently misrepresenting themselves as representatives of the faith community in Cuba and painting a false picture of official religious tolerance on the island.

rent to the government in order to live there.⁸ The building is in poor condition and is a hazard to those who live there, but despite promises from government officials, no action has been taken to allow Reverend Pérez Naranjo to make repairs.

In another example, the Old Catholic Church (Iglesia Vétero Católica) based in Santa Clara, Villa Clara has been requesting legal status since July 2007. Over a decade later, the religious group is still waiting for a response from the government.

Harassment of religious leaders

Religious leaders of all denominations agree that the government has maintained its strategy of pressuring and intimidating individual religious leaders on both the local and national level. This type of repression is, by its nature, very difficult to monitor and report. Over the past two years CSW has observed an increase in the number of pastors, mostly long term leaders from registered and unregistered denominations, seeking asylum abroad. Based on information gathered from religious leaders from different groups, CSW believes that pressure on religious leaders from government officials has increased significantly over the past year and especially since the launch of the constitutional campaign.

Pastors across the country 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. This also sends a message to church members and neighbours that the pastor may be dangerous to associate with. In some cities and at the national level, meetings with church leaders of all denominations have been convened repeatedly by high level CCP and government officials. Once again, the only purpose appears to be to remind them that they are being monitored.

Leaders of an unregistered church in central Cuba told CSW that in February 2018 two Ministry of Justice officials appeared at a special prayer meeting for the sick, in an apparent attempt to intimidate those in attendance, approximately 50 people. At the same time the political police stationed three cars outside the property, a private home. The majority of those in attendance were teenagers and children. When their attempts at intimidation were unsuccessful, the government officials orchestrated rumours in the community disparaging those who had been at the prayer meeting. The same week state security agents visited the property, demanding documents from the owners and pressuring them to stop hosting prayer meetings in their home.

In another case, a pastor from a registered denomination told CSW that he had attended a mandatory meeting of Protestant church leaders at the ORA with Ms Diego Bello in mid-2018. Ms Diego Bello entered the room shouting out his name and asking where he was; when he identified himself she began to berate him in an attempt to humiliate him in front of the other leaders. Other religious leaders reported similar experiences

with Ms Diego Bello and Ms García García, stating that they frequently use derogatory and disrespectful language even when addressing senior and elderly religious leaders.

The ORA also operates at a provincial and local level. Over the past year CSW continued to receive reports from Santiago de Cuba of incidents in which Robert Noa Frómeta, the ORA official for the CCP at the provincial level, was the main perpetrator. These incidents included but were not limited to harassment, threats, false accusations and the prevention and prohibition of religious services. On 3 November 2017 CSW was informed that Mr Noa Frómeta had made false accusations against a pastor to leaders of the pastor's registered denomination – part of a pattern of harassment targeting the same pastor over the past year. Leaders of the Apostolic Movement and registered denominations shared similar experiences of harassment and threats involving Mr Noa Frómeta.

On the local level, religious leaders, especially those who are involved in the current campaign to include protections for FoRB in the new constitution, have reported other types of harassment. State security agents threatened one pastor in central Cuba with eviction and prison in late July because he had been distributing pamphlets related to the constitutional campaign. He later received similar threats from the municipal Popular Power agent. Another pastor in the eastern part of the island, who has led efforts to bring diverse religious groups together to support the campaign, reported that government officials have made threats regarding the future careers of his children.

Local government and CCP officials and police frequently encouraged an environment of harassment against pastors and their churches. In one case in Sancti Spiritus, they allow loud parties to take place outside the church and pastoral home and refuse to stop participants from harassing churchgoers and interrupting services. 'They will not leave us in peace,' reported the pastor. Similarly in Camagüey, leaders of an unregistered church report that the noise pollution from their neighbours has been consistent over the past year and is part of a pattern of harassment and threats from state security and their neighbours, who act as the local Committee for the Defence of the Revolution (CDR).⁹ In addition to the harassment, the police have served two pre-arrest warrants (Cartas de Advertencia) on the pastor.¹⁰

Restrictions on movement and residency

The government continues to use laws regulating change of residence to target some religious leaders. 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, as well as to target individuals or groups.

Pastors and their families are sometimes prevented from registering their new place of residence if transferred to a

⁸ In recent years CSW has documented a number of cases involving the seizure of property and the subsequent forcing of the occupant to pay rent to the government, under Legal Decree 322, as a tactic to target 'uncooperative' religious leaders in both registered and unregistered denominations.

⁹ CDRs act as a kind of government neighbourhood watch programme, observing and reporting on their neighbours. There is at least one on almost every block.

¹⁰ Cartas de Advertencia are used to justify arrests for future crimes.

church that has lost its pastor due to death or retirement, for example. There are far more churches than there are pastors or priests, and the nature of their work means that most pastors and other religious leaders 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 re-register must travel to wherever they are officially registered and submit the paperwork there. This is made particularly challenging as non-tourist transport infrastructure continues to be lacking 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. Most Protestant groups also incorporate the concept of missions into their training of new church leaders, sending seminarians for example to 'plant' new churches in different parts of the country. If government officials are hostile towards a specific religious group or individual church leader, the laws on change of residence can be applied to make their life very difficult.

The law has also been used to target individuals who have changed their place of residence without permission, in order to threaten them or attempt to stop them from engaging in religious activity. One Afro-Cuban religious leader told a Cuban legal specialist:

The police say that if I do not stop my witchcraft, they would label me as 'dangerous' and I would be deported to [location redacted] since I am illegal in [location redacted]. I don't know why they are against me. My neighbour has not complained about the drums and no one has lost any animals. I live on a very secluded ranch, in my mother-in-law's house, and if it is legal I do not want to return to [location redacted].

Penalties for 'non-cooperation'

Grassroots religious leaders across the island that local authorities as well as CCP officials continue to approach them to seek their public support for government and CCP initiatives. Religious 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. The constitutional campaign has put many religious leaders in a new position: rather than simply not supporting a government policy, those participating in the campaign are actively opposing key elements of the draft constitution. As mentioned above, many of these pastors have reported harassment and threats made against them and their families.

Registered religious groups must seek permits for virtually any activity ranging from making simple repairs or renovations to their church buildings, to owning and operating a vehicle, to holding public events. Religious leaders complain that the authorisation of permits is always linked to cooperation with government officials in other areas. Churches and religious leaders perceived as uncooperative or resistant to government interference say they are punished by the denial of these permits. There is no official channel to appeal the denial of a permit.

Independent civil society activists and religious groups

Pastors from 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 political activity. This includes those involved in independent journalism and human rights and democracy activism – all considered by the government to be counter-revolutionary activities – but also some artists whose work has been critical, or has been interpreted as being critical, of the government. These pressure tactics are also extended to members of the families of political activists, some artists and political prisoners.

Pastors across the country have confirmed to CSW that they have been threatened with the closure of their churches if they do not comply with these demands. Those churches that have defied government threats and allowed political activists or members of their families, including families of political prisoners and released political prisoners, to participate in church activities, report that they are under constant and intrusive government surveillance. In some cases activists have chosen to withdraw from their church because of the negative impact their attendance has on the group. There have also been reports of pastors and priests being blocked by government agents from visiting activists to offer spiritual support. In February 2018, activist Ariana Roque Lopez, wife of political prisoner Mitzael Díaz Paseiro, was prevented from receiving visits from Pastor Bárbaro Guevara while she was on hunger strike.

While CSW did not receive any reports of Roman Catholic churches being threatened with closure because of the presence or participation of activists, as in previous years hundreds of activists were forcibly prevented from attending Sunday Mass as well as other religious services on a weekly basis. The majority of those affected were members of the Ladies in White, who attend Mass before carrying out their regular silent protest across the island; but also increasingly included other human rights and pro-democracy activists, some of whom were attempting to show solidarity with the Ladies in White.

The government not only attempts to separate members of independent civil society from religious groups but also sometimes targets their right to practise their religion as an individual. On 22 October 2017 the government confiscated two Bibles, a number of crucifixes and five rosaries during a raid on the home of activist Mitzael Díaz Paseiro. On 4 November 2017 Mr Díaz Paseiro was beaten by political police who tore his rosaries from around his neck and said to him, 'Mitzael, in addition to being a counter-revolutionary, you are also a Christian. You should look at us, we are revolutionaries and we don't believe in your god. Our god is Fidel Castro.'

Travel to and from Cuba

According to a Cuban legal expert, immigration officers utilise a flagging system that targets religious travelers and their goods, and informs airport-based intelligence services of incoming and outgoing travel. The government continued to block some religious leaders and activists from travelling. The tactic was applied arbitrarily: some activists and religious leaders were notified in advance that they were not allowed to travel while others, like pastors Dayexy Avila Herrera and Cristina María Rodríguez, were stopped in the process of boarding a flight to Colombia in December 2017. An Apostolic

Movement leader was blocked from leaving the country to attend the Summit of the Americas in Peru in February 2018. In March and September, leaders from the Free Yoruba religious group were barred from traveling outside the country to attend a FoRB event. In some cases individuals who had been barred from travelling were later informed that the restriction had been lifted, but were not given the reason for the change.

As in previous years, the ORA and immigration officials also targeted foreigners. Religious visas for foreign visitors, which must be obtained by the inviting religious organisation, were withheld or denied depending on the relationship of the inviting organisation with the government. Groups such as the Apostolic Movement cannot request a religious visa because of their unregistered status.

In October 2018, a US-based evangelist had his religious visa withdrawn by the ORA before a planned visit to Cuba. Months before the planned visit, the Assemblies of God denomination had formally invited Pastor Dante Gebel to come to Cuba to hold an evangelistic campaign, and had obtained religious visas. In early October, after flights had been purchased and the logistics of his visit arranged, the ORA revoked the visas for Pastor Gebel and his team. ORA leaders told the Assemblies of God leadership that the reason the visa was revoked was because Pastor Gebel 'has access to the media, can gather multitudes of people and could influence public opinion.' When asked again, they replied that they had investigated and 'Dante mobilises too many people.'

In a statement on his Facebook page, Pastor Gebel said,

It is a pity that they do not understand that that this mobilisation is only about [bringing people to have] an encounter with Christ, and that it has no political affiliation nor is it necessarily in opposition to the regime. Can I really be a threat to the Cuban Government?...We are left with a bitter taste in our mouth seeing how the government continues to repress freedom of worship and freedom of expression...

Even when religious visas were granted, foreign visitors were not exempt from government harassment. Immigration official Alexander Leyva Tamayo harassed and cited at least two separate groups of foreign visitors for visiting 'illegal churches' – individual churches that are part of a recognised denomination but which the government has refused to register. He also falsely accused one group of 'illegally distributing food and medicine.' CSW received reports from a number of denominations that there appeared to be increased government scrutiny of foreign visits, both during the process of requesting visas and during the visits themselves. Some religious groups, mostly members of the CCC, reported few or no problems in terms of inviting foreign visitors or travelling abroad.

Property rights

Building restrictions

With a few exceptions, the government continues to impose harsh restrictions on the construction of new church buildings, and has permitted the construction of only 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 over the past 20 years, this constitutes a serious religious freedom violation in that it prohibits many 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 ORA. Religious leaders reported that authorisation is being granted more frequently, but repairs and renovations are still difficult to carry out because of a lack of affordable building materials. In some cases the government has refused to allow 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 structurally unsound.

House churches

During the 1990s the extremely limited 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. The term also includes buildings that were constructed without specific permission to use as 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; some estimates are as high as 34,000, each with anywhere from 20 to 200 members.

Few house churches have been granted formal authorisation to carry out religious activity. Since freedom of assembly and association are severely restricted, this carries obvious risks. Meetings of more than 15 people at a time are technically illegal. Some churches have attempted to get round this by establishing multiple house churches and limiting the maximum number of attendees at each to 14. Others keep no written records of addresses or names of house church hosts, and change their locations frequently.

Religious leaders report continued 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 August a government official paid a number of visits to house churches linked to one pastor in central Cuba. The officials threatened the owners of the homes and pressured them to stop allowing their homes to be used for religious activity. The official threatened one owner, an elderly woman, with criminal charges if more than ten people met in her home at any one time.

Over the past 12 months CSW received mixed reports in regard to the situation of house churches. Some denominations reported that they were successful in registering some affiliated house churches as official church buildings and approved for religious use, while others had their requests for registration denied or ignored. CSW received no reports over the past year of churches threatened with closure or demolition.

Some churches have been waiting for decades for a response to their attempt to register. In one example, a registered Protestant denomination in Santiago has been waiting over 25 years for a response to their request to legalise a church building. Despite the fact that the church has followed all the correct legal procedures, the state has ignored numerous requests for a definitive response.

Directive 43 and Resolution 46, both issued in April 2005 and which imposed complicated and repressive restrictions on house churches, are still in force. These laws are applied arbitrarily and can be used to target specific churches or religious groups. The directive states that two house churches of the same denomination will not be allowed to exist within 2km 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 states that the authorities will supervise the operation of meetings. It 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 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 CUC 1,000 (approximately USD 1,000), a huge sum for Cubans, who earn on average less than USD 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 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. 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.

Failure to protect property

In some cases the government has failed to take any action to protect the property of religious associations. This failure indicates the government's tacit endorsement of illegal actions either before or after the fact. One particularly egregious example involves the Western Baptist Convention (WBC), a registered religious organisation that has maintained an office for their World Missions Council (WMC) in Havana for

decades. In the 1980s a group of people 'invaded' and illegally occupied some of this property. Despite the protests of the WBC, the government never took action to ensure the return of the property to its rightful owners. The denomination still maintained control of a small portion of the property where they located the WMC office. On 6 July 2017 the same individuals who had previously seized the other parts of the property broke through a wall and seized the WMC office. They took possession of all the contents including computers, hard drives, telephones, fax machines and the safe in which significant cash funds were held. Despite complaints to the police, the ORA and housing officials, no action has been taken by the government to remove the illegal squatters from the property. Because of this, and because of the lack of response to the previous illegal seizure in the 1980s, the WBC leadership believes that the seizure of the property has the support and backing of the government, which they say has been unhappy with the WBC's domestic and international mission activity.

Confiscation of property

CSW did not receive any new reports of confiscation of religious property over the past 12 months; however, a number of cases of arbitrary confiscation remain unresolved. This includes church properties confiscated by the government in recent years, such as the First Baptist Church of Yaguajay. The land adjacent to the church is the legal property of the Western Baptist Convention (WBC) and was the Baptist high school prior to the Revolution. It was illegally confiscated by the government in 2012, an act that many believed was punishment for the refusal of the Convention to agree to various demands by the ORA to restructure their internal governance and to expel a number of pastors designated by the ORA. Despite international pressure the property was not returned, and in 2014 new government constructions on the land were finished and handed over to two government companies, Unión Eléctrica and Seprot.

According to Reverend Yuri Castellanos, who led the church through this experience, the government ignored all the legal rights regarding the property. The Ministry of Housing refused to provide the church with a copy of the deed that establishes the limits of the property, despite the then president of the WBC personally submitting numerous official requests. Under Cuban law the ministry must provide these documents to the owners of property when requested. Reverend Castellanos continues to be under constant surveillance and frequently receives threats from government officials.

In regard to historic property confiscations, some religious groups were encouraged to apply for the return of properties confiscated in the early years of the Revolution; however, those involved with the process said numerous obstacles put in place by the government have made this virtually impossible for many groups. One denomination reported that the Ministry of Housing would not produce the deeds to their buildings, which are required to proceed with the process of reclaiming property; the Ministry claimed that the deeds had all been lost. The Methodist Church of Cuba has struggled for years to recuperate properties confiscated by the government, including a theatre adjacent to the Methodist church in Marianao, Havana. The Methodist Church has submitted all the paperwork to recuperate the building and government

officials have told them verbally that their case is valid, but have taken no action to return the building. Instead they have allowed other religious groups to use the space, which has disrupted services in the Marianao Methodist Church, and allowed the building to deteriorate to such an extent that it is in danger of collapsing.

Seminaries

There are some legally recognised and accredited seminaries, including the long established Ecumenical Seminary in Matanzas known as SET, an Episcopalian-Presbyterian joint seminary with close ties to the CCC, and the Roman Catholic San Carlos and San Ambrosio Seminary, inaugurated in late 2010. In addition to these, most denominations run their own seminaries in a legal grey area. They have no formal accreditation in Cuba and the degrees obtained by their students are not recognised by the government, but most have been allowed to operate, under some restrictions. The Methodist Seminary established in Havana after the Methodists were pushed out of SET in 2006, following their protests at the 'over-politicisation' of the seminary, is one example.¹¹ It is not possible to study theology in any state-run university.

Some non-accredited seminaries report ongoing violations of religious freedom. The seminaries with the highest number of reported problems are affiliated with registered non-CCC denominations including the Pinos Nuevos denomination, the Eastern and Western Baptist Conventions and unregistered denominations such as the Apostolic Movement. Adding to the complexity, a Santa Clara-based seminary affiliated with the Eastern Baptist Convention but operating in an area historically dominated by the Western Baptist Convention (both legally recognised denominations), is treated by government officials as if it were affiliated with an unregistered denomination. These seminaries all report regular threats of eviction made by Housing Ministry officials and other government inspectors, frequently followed up with citations and burdensome fines. They also complain that state security agents regularly pose as students in an attempt to infiltrate the seminaries.

General discrimination on the basis of religion

Members of religious groups routinely experience discrimination in educational institutions and in their places of employment. They can be passed over for promotion, excluded from important meetings and activities, demoted and/or transferred to undesirable locations because as

religious people they are considered 'untrustworthy'.¹² Levels of discrimination vary from region to region and often appear to be linked to the attitude of local and regional authorities. Employers and officials who do commit acts of discrimination are unlikely to face any consequences for their actions. A Cuban legal expert reported that labelling defendants as 'religious' in court processes is a tactic used by some lawyers to create bias against the defendant.

Individuals associated with Afro-Cuban religious groups have reported that they are frequently the target of ridicule in their place of employment or educational institution, with their superiors or instructors publicly labelling them as primitive and ignorant because of their religious beliefs. Some members of registered and unregistered Christian groups have reported similar treatment, often involving their children at school. Children are particularly vulnerable to this type of discrimination. In some cases they are targeted because of their own faith and other times because of the faith of their parents. Acts of discrimination can be severe, including teachers or school administrators encouraging or even organising verbal and sometimes physical attacks on religious students.

Some discrimination is orchestrated by the government. One man associated with an Apostolic Movement church in central Cuba told CSW that he had lost his job and was evicted from his home, a rental property, because of his religious beliefs. The landlord had been visited by the same state security agents who had harassed and threatened the victim, and said that she was afraid she might lose her property if he did not leave. Friends who have offered him a place to stay have also reported being harassed by government officials.

Seventh Day Adventists and Jehovah's Witnesses face particular problems, as both decline to participate 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.

Some discrimination is rooted in the refusal of many Christians to join the CCP. A 1991 regulation allowed Christians to join the CCP and outlawed discrimination on the basis of religion, but 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. It should also be noted that some churches will not allow members of the CCP to become full church members. Christians who have chosen to leave the CCP have reported being visited at home by party officials who

11 It is also worth noting that the property on which the Ecumenical Seminary is located was the legal property of the Methodist Church of Cuba prior to the Revolution. Despite this, the government has not allowed the Methodist Church to recuperate its property or seek indemnification for the loss. The Methodist Church has not only lost the land on which the seminary sits, but property in the seminary including an extensive library that included books on the history of the Methodists.

12 Cuban authorities often point to the fact that there are three Protestant leaders in the National Assembly as evidence that Christians do not face discrimination. It should be noted, however, that the three deputies in question, Pastor Ofelia Ortega Suárez, Pastor Raul Suarez Ramos and Reverend Pablo Oden Marichal, are all high ranking leaders within the Cuban Council of Churches (CCC) and are 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.

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 security agencies including the military and the police appear to have been somewhat relaxed in some parts of the country. In the past, members of the 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 that would have been unheard of just a few years ago. While religious leaders also report that retired members of the military are joining their churches, apparently without problem, they did not 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 being forced to undergo particularly gruelling exercises.

Public and social ministry

Virtually all religious groups consider public and social ministry to be fundamental to their identity. Successful social work, however, has led to conflict with government officials on the local or regional level, especially when it highlights the failure of the government to meet basic needs. Food and medicine distribution, outreach to drug addicts and homes for the elderly or the disabled are some programmes that have attracted negative attention from the government. Religious leaders report that officials often perceive this as competition for their own services. This is aggravated when, as is often the case, local government agencies do not have the necessary resources to provide the services but the churches do. One church leader told CSW:

They are angry because our accomplishments hit at the heart of the Communist Party's *raison d'être*. They are unable to meet the standards they set for themselves but they do not want anyone else to meet these needs because it exposes their failure.

It is worth noting that the October 2018 statement from the Cuban Catholic Bishops Conference specifically addressed this issue:

...the Cuban bishops reaffirm that the freedom to practice one's religion is not just the simple freedom to hold religious beliefs, but rather the freedom of each person to live according to the values of the faith they profess, to express them publicly, limited by respect for others. In our concrete case, this freedom also implies the legal recognition of the Church and of its identity and missions, which includes the possibility to share the moral teachings in accordance with the Gospel, to have regular access to the media, the freedom to teach and evangelise, to construct buildings, to acquire and possess the amount of goods necessary for our activities, as well as freedom of association for reasons that are not only strictly religious but also educational, cultural, to do with health and charity.¹³

Public events, especially those that bring together multiple denominations or religious groups, continue to be a major flashpoint. Religious leaders have long complained that requests to carry out public events, for example religious processions and evangelistic work, are routinely refused. There have been some recent exceptions, the majority of

which involve the Roman Catholic Church. 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. In many cases religious groups and associations simply take their chances by 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 February 2018 a church leader in central Cuba was threatened after he put up posters in front of his church sharing information about a Christian concert he was organising. The Ministry of Justice then took action to prevent the concert from taking place. In another case around the same time a church leader who had organised a successful cross-denominational evangelistic event was forced to flee the country after state security officials threatened to charge him with 'acting against the independence or territorial integrity of the State', a crime which carries a sentence of 10 to 20 years in prison.¹⁴

Government informants

The government, through the Ministry of the Interior, continues to systematically plant informants in all religious organisations. The informants' main objective seems to be to report on the content of sermons and other religious events as well as to observe and report on who attends the religious services. In some cases, however, religious leaders have told CSW that government agents also attempt to foment division within the religious group and undermine the leaders. As a result many 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-CCP members officially permitted to speak more or less publicly to large groups of people, are automatically viewed as a potential danger.

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 a result of increased demand coupled with severe government restrictions on the import of Bibles and other religious materials. In general, 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. There have been a few notable exceptions in recent years, with some religious groups granted permission to import Bibles directly without the involvement of the CCC. Even in some of these cases, however, religious leaders told CSW that the materials were sometimes held up by the government or blocked altogether despite the leaders having received permission for the import.

¹⁴ Article 91 of the penal code.

¹³ The full text of the Cuban Catholic Bishops Conference statement on the constitutional process is available at <https://iglesiacubana.org/cocc/pages/articles/843>

Access to the media

Unless they receive specific authorisation, Cuban and foreign joint enterprises may not sell computers, facsimile machines, photocopiers or other equipment to any church except at official, artificially high retail prices. According to a Cuban legal expert, some small independent business owners who allowed religious groups to use a printing press, for example, have been threatened or had their equipment confiscated. This establishes a virtual state monopoly on printed media – those church organisations and other independent organisations that do have access to a printing press are heavily monitored.

Religious leaders of all denominations continue to express their discontent at the continued lack of access to the media for religious groups. This is exacerbated by a widely held perception that the state media gives ready access to some groups that are supportive of the government like the Yoruba Cultural Association and the CCC. Religious groups are still not afforded the right to start their own radio or television programmes.

Religious rights of political prisoners

In September 2009 the government announced that it would allow Protestant and Catholic religious services to be held in prisons. Religious leaders 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, while 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 – something that many political prisoners refuse to do 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 such as Eduardo Cardet, who was blocked from receiving visits from a religious leader and had his Bible confiscated as punishment at different points throughout the year.

Conclusion

The government continues to commit systematic and serious FoRB violations on a regular basis. All religious groups are targeted to varying degrees, usually tied to levels of perceived lack of support of or cooperation with the government. Unregistered groups are particularly vulnerable. The wording of the proposed draft constitution indicates that the government has no plans to improve FoRB, but rather is looking to tighten its grip on religious groups and religious expression.

At the same time, the unprecedented moves by a large number of Protestant denominations to carry out a unified campaign in favour of more protections for FoRB in the new constitution give cause for some hope. Religious groups have not come together to this extent since 1959 and their united voice will be difficult for the government to ignore. It is critical to the future of FoRB in Cuba that the international community supports these efforts, both by promoting respect for FoRB in all bilateral and multilateral discussions with the government and by responding strongly to all cases of FoRB violations including the targeting of religious leaders involved in the campaign.

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

As Christians, we stand with everyone facing injustice because of their religion or belief.