

Cuba

Freedom of religion or belief

January 2020

CSW everyone
free to believe



Executive summary

The Cuban government continues to routinely and systematically violate freedom of religion or belief (FoRB). In 2019 CSW received 260 documented cases of FoRB violations.¹ There were negative developments in terms of the government's overall approach to FoRB, with a new constitution weakening protections for FoRB and the associated right of freedom of conscience. At the same time there were some positive developments within the religious sector itself. Religious groups, especially Protestant Christian groups not affiliated with the Cuban Council of Churches (CCC), and the Roman Catholic Church through the Council of Catholic Bishops, spoke out in an unprecedented way about the new constitution and its potential impact on FoRB. The creation of a new umbrella group for Protestant denominations, as an alternative to the CCC, bringing together the largest Protestant groups on the island, is a show of unity unseen in Cuba since before 1959.

Reports of harassment of religious leaders increased in parallel with the religious groups' increasing outspokenness and moves towards more unity. A number of major religious leaders have been banned from leaving the country. CSW also received reports of threats and cases of arbitrary detention involving religious leaders and FoRB defenders. A few cases involved false charges being brought against the religious leaders or FoRB defenders. At times the harassment takes a subtler, harder to document form, targeting the children of religious leaders at school, for example.

Religious leaders, both at the local and national levels, who took public stances critical of the new constitution reported that pressure on them remains high. Over the past year some chose to flee the country and seek refuge abroad. Leaders from the Roman Catholic Church and Protestant churches, both those in and outside of the CCC, report frequent visits from and meetings with state security agents and Cuban Communist Party (CCP) officials. These visits and meetings are intended to intimidate the religious leaders and remind them that they are under close surveillance, as well as to influence internal decisions and structures within the different religious groups.

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 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.

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. Over 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

- Amend provisions for freedom of religion (FoRB) and freedom of conscience in the new constitution to bring them into 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.
- Invite the UN Special Rapporteur on FoRB, as well as other thematic UN rapporteurs, to visit Cuba with unhindered access to all parts of the country.
- Eliminate the requirement for religious groups to register, or bring registration procedures and requirements into line with international best practice in non-discriminatory registration.
- Eliminate the Office of 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 all churches, religious associations 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,

¹ High levels of fear about speaking out and a lack of access to secure means of communication mean that the number of reported and documented FoRB violations is most likely only a small percentage of the actual FoRB violations in a given year.

including FoRB defenders, for harassment, threats and imprisonment.

- Ensure equal, transparent and non-discriminatory access to permits for renovations and building projects, religious visas, and vehicle licences; and ensure legacies are handled fairly, protecting the right of individuals to leave their property to the religious association 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 favouritism towards one 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 amend and strengthen 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 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 FoRB outside the EU should request an invitation to visit Cuba with

unhindered access to all parts of the country and to all religious groups.

- Raise FoRB 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 FoRB, 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 FoRB rights, with Cuba.

To the government of the United States of America

- Urge Cuba to amend and strengthen 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 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 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 maintain the country on the Special Watch List. The State Department should ensure that all FoRB reporting fully reflects the views of marginalised religious groups 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 consider elevating it to Tier 1 status in light of the systematic, egregious and ongoing FoRB violations there.

- Raise FoRB at every opportunity, in public and in private, in any dialogue with Cuba, including the Office of Religious Affairs; and urge Cuba to enact the recommendations listed above.
- Refuse to issue visas for travel to the US to Cuban government and Cuban Communist Party officials directly responsible for serious FoRB violations.
- 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 FoRB, 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

- 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 FoRB, 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

A new constitution was adopted following a referendum in February 2019. The Constitution of the Republic of Cuba sets out specific and basic guarantees regarding FoRB. However, these freedoms are limited by other provisions in the penal and administrative codes. Article 15 and 57 of the new constitution cover FoRB:

The State recognises, respects and guarantees Religious Freedom. The Cuban State is secular [laico]. In the Republic of Cuba the religious institutions and fraternal associations are separate from the State and all have the same rights and responsibilities. The different beliefs and religions enjoy equal treatment. (Article 15)

Any person has the right to profess or not profess their religious beliefs, to change them, and to practice the religion of their choice with the required respect to other beliefs and in accordance with the law. (Article 57)

Article 42 prohibits discrimination on the basis of religious belief:

All people are equal before the law, receive the same protection and treatment from the authorities, and enjoy the same rights, liberties, and opportunities, without any discrimination for reasons of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, disability, national or territorial origin, or any other personal condition or circumstance that implies a distinction injurious to human dignity. All people have the right to enjoy the same public spaces and service facilities. Likewise, they receive equal salary for equal work, with no discrimination whatsoever. The violation of this principle is proscribed and is sanctioned by law.

In contrast to the 1992 constitution, freedom of conscience is now separated from FoRB and is covered in Article 54. It is worth noting that the clause making it illegal to invoke conscientious objection with the 'intention of evading compliance with the law' is problematic especially as it applies to the principle of conscientious objection to obligatory military service:

The State recognizes, respects, and guarantees people freedom of thought, conscience, and expression. Conscientious objection may not be invoked with the intention of evading compliance with the law or impeding another from the exercise of their rights.

A clause in the penal code (Chapter IV, Article 206) limits the rights laid out in the constitution. The 'Abuse of Freedom of Worship' clause 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 notes 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.'² Other broadly defined crimes listed in the penal code, including those of 'disobedience' (Article 147) and 'disrespect' (Article 144), are also used to violate FoRB and to target religious leaders or FoRB defenders.

In regard to international law, Cuba is not party to the Inter-American Convention on Human Rights which provides

² 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

strong protections for FoRB and freedom of 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 FoRB.

The Office of Religious Affairs

As part of the campaign for FoRB protections in the new constitution, Protestant church leaders unsuccessfully recommended 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.' Currently, religious groups and associations come under the oversight 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. All requests for authorisation, including for something as minor as making repairs to a building to something as major as holding a public event, must be submitted to the ORA, an entity operating outside of any defined legal framework and offering no recourse for appeal.

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 denies or simply fails to respond to the requests of religious leaders to, for example, make essential repairs to their buildings of worship or to hold special events. It awards permits, including the right to invite visitors on a required religious visa, according to the inviting religious 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. Under Article 208 of the penal code, membership or association with an unregistered group is a crime, with penalties ranging from fines to one to three months' imprisonment, while leaders of such groups can be sentenced to three months to one year in prison. Although the government does not apply these penalties in a consistent manner, the leaders and members of 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, the registered status of some groups, like the Jehovah's Witnesses and the Berean Baptists, was arbitrarily rescinded in the 1970s. They have not been permitted to re-register, thus making them illegal. 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, notably churches affiliated with the Apostolic Movement, have been refused the right to register.⁴ In another example, the Old Catholic Church (Iglesia Vétro Católica) based in Santa Clara, Villa Clara has been requesting legal status since July 2007. Over 12 years later, the group is still waiting for a response from the government. 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. The Berean Baptists are still waiting for a response to a 1997 request for the denomination to be re-registered and legalised. The unregistered status of the religious association puts the leader of the denomination, Reverend Daniel Josué Pérez Naranjo, who is based in the province of Las Tunas, his family, and the churches associated with the denomination, in a difficult position. The 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 establish 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 rent to the government in order to live there.⁵ 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 that would legally permit Reverend Pérez Naranjo to make repairs.

In the latter half of 2019, a new grouping of registered religious associations including some of the largest Protestant denominations⁶ on the island, submitted a formal request to register the Cuban Evangelical Alliance (CEA). As of the publication of this report no response to the registration application had been received from the government, despite multiple meetings of CEA leaders with ORA officials.

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

⁴ 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.

⁵ 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.

⁶ The founding denominations included the Methodist Church of Cuba, the Eastern Baptist Convention, the Western Baptist Convention, the Assemblies of God and the Evangelical League.

Harassment of religious leaders

Pressure on religious leaders has increased over the past year as the government reacted with hostility to the unprecedented outspokenness of the largest Protestant denominations on the island, as well as the Roman Catholic Church, in the run up to the constitutional referendum. The subsequent demonstration of unity with the creation of the CEA seemed to exacerbate the government's hostility.

The harassment and intimidation of religious leaders was particularly severe in the weeks leading up to the referendum on 24 February. In mid-February Christian, Yoruba and Masonic leaders were summoned to a meeting with CCP officials in Santiago de Cuba. During this meeting Lázaro Expósito Canto, First Secretary of the CCP in Santiago, and Roberto Noa Frómata, a high ranking ORA official, told the religious leaders '...that the enemy was trying to destroy the Revolution, that a unanimous "yes" vote was needed and urged them to do everything in their power to ensure that things went well.' The CCP officials then asked the leaders directly how they and their members planned to vote. Religious leaders in other cities reported being summoned to similar meetings and asked how they would instruct their membership to vote.

Church and denominational leaders reported receiving phone calls threatening them with arrest and imprisonment if they did not instruct their congregations to vote 'yes' in the referendum. Leaders of two major registered Protestant denominations reported phone calls from ORA officials warning of repercussions if they did not publicly support a 'yes' vote. One leader who received a call from Sonia García García told CSW:

I told her clearly that they could not count on our vote for a constitution that does not represent us. I told her that they did not listen to our demands, they did not give us an opportunity for discussion, they refused us permissions, they accused us of being fundamentalists and backward. The church has had no rest in these days. They are besieging and intimidating us just for defending our rights and our principles. They cannot count on us now. After these words she hung up on me.

Leaders from two other denominations were summoned to meetings with ORA and CCP officials where they were called mercenaries, traitors and counter-revolutionaries because of their lack of support for the new constitution. The home of one of the two leaders was put under 24/7 surveillance by state security. Some religious leaders reported that threats were made against their children. For example, in one case, the disabled son of a pastor was threatened with being forced to complete military service while in another, the government warned a pastor that his children's educational aspirations would be 'limited by his actions.' At least one pastor was prevented from voting

in the referendum.

Religious leaders who voted 'no', or abstained due to harassment from the government, continue to face reprisals against their churches and denominations. From March through the end of the year, CSW received frequent reports from religious leaders facing threats from the Cuban authorities, including arbitrary summons by the police and state security as well as threats of church confiscation and against pastors and their families. Pastor Alain Toledano Valiente, a leader of the Apostolic Movement in Santiago de Cuba, received a police summons 17 times in August and September. This culminated in criminal charges of 'disobedience' being lodged against him.

Pastor Toledano Valiente's son-in-law was also targeted. On 12 April Alejandro Ceiro Bernal received a summons to appear at the Provincial Criminal Investigation Unit in Santiago on 14 April. When he arrived, Ceiro Bernal was taken to a room where the temperature was below 6C. He was held in the cold room by himself for an hour before the interrogation began. He was threatened with 15 years in prison if he continued to serve at his father-in-law's church. First Lieutenant Raúl Alejandro Bennett Cordovés forced Ceiro Bernal to sign a pre-arrest warrant (Act de Advertencia)⁷ under threat of imprisonment unless he did so. He was not provided with a copy of the document.

Pressure increased on the denominational leaders involved in the establishment of the CEA as the year progressed. They were summoned both individually and as a group, sometimes with additional leaders from their respective denominations, by state security, the Ministry of Justice and the ORA multiple times between June and the end of the year. The interviews with the different government and CCP entities ranged from openly hostile to interrogatory, with officials accusing the leaders of participating in a US-backed plot to destabilise Cuba (the CEA is part of the World Evangelical Alliance and has no other formal link to nor has it received any funding from its US counterpart). One leader reported that members of their family were detained upon arriving back in Cuba from travel abroad, and held and interrogated in what they believe to be an attempt to pressure the leader. By September, the leader of one of the founding CEA denominations, the Western Baptist Convention, withdrew the group from the CEA citing government pressure in a public statement as one of the reasons for this decision.

Religious leaders are also sometimes harassed and penalised for social work they carry out within their communities. In February, the leader of a registered CCC denomination was stopped by police while he was attempting to deliver food collected by his church to an area affected by severe flooding. In April, Abu Duyanah Tamayo, president of the Cuban Association for the

⁷ The police regularly make use of 'Actas de Advertencia', a form of pre-arrest warrant which can be used to justify future arrests and criminal charges, and to restrict travel.

Dissemination of Islam, received an official summons from 'Major Armando' in Camagüey. Since his conversion to Islam in 2010, Mr Tamayo has reported being harassed by government officials. He believes the general harassment and the April summons were due to his work within the Muslim community in Camagüey, which includes supporting families of low economic means, organising pilgrimages to Mecca and locating and constructing places of worship for his congregation.

Religious leaders 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 their activities under close surveillance. One pastor from a registered denomination fled the country after harassment from local CCP and government officials escalated to threats on his life and the future of his family. Church members were also targeted in a government attempt to socially isolate some religious leaders. In October CSW received two reports involving a Catholic church and a Protestant church in central and eastern Cuba respectively, where vulnerable members of the two churches were summoned by state security, held for interrogation and warned to leave their churches because of the 'counter-revolutionary' activities of the church leaders. Both victims were threatened with imprisonment if they continued to attend the churches and to associate with their church leaders.

Local government and CCP officials and police often facilitate an environment of harassment against religious leaders and their congregations. In one case in Santiago de Cuba the chair of the Abel Santamaría People's Council, working with the police, installed three tents selling alcoholic beverages along the only access point to a church that was planning to hold a special Saturday youth event. As the event began many of those attempting to enter the church were verbally attacked and harassed by intoxicated patrons of the alcohol booths. The following morning, during the regular Sunday morning service, the scene was repeated. One of the revellers stood at the entrance of the church and shouted insults at those worshipping inside, in front of police officers who did nothing to stop the harassment. In another case, in October, CCP officials in Las Tunas, accompanied by the provincial delegate and the president of the CDR, interrupted a regular evening prayer service. The officials, who were dressed in casual clothes, one shirtless, pretended to be neighbours complaining about excessive noise. However, none of them live in the neighborhood, and they were recognised by many of those in attendance. The group forced their way to the front of the church where the pastor was leading worship and interrupted and insulted him. Many members of the church used their mobile phones to record the events and the congregation began to chant 'Out, out, out!' until the group of officials left.

Social media

In 2019 CSW noted a new development in terms of the use of social media to harass and defame religious leaders. In some cases posts were made on the Facebook accounts of public figures targeting religious leaders or groups. In February Mariela Castro Espín, the daughter of Raúl Castro Ruz and a member of the National Assembly, in response to a statement by the Cuban Catholic Bishop's Conference statement that was critical of the draft constitution, posted a demand for 'strong state action' against the Roman Catholic Church, referring to it as a 'serpent of history' on social media. In most of the cases, however, the accounts posting attacks targeting religious leaders seemed to be linked to state security, either through the account of an individual believed to be working with state security or through accounts that do not appear to be linked to a real person but are likely run directly by the intelligence agencies.

In the run up to the February referendum Pastor Sandy Cancino, who had been publicly critical of the draft constitution, came under fire on social media. Throughout the month of January 2019 posts describing him as a 'religious fundamentalist paid by the imperialists' were widely shared by Facebook accounts believed to have links to state security. The social media campaign included the creation of offensive and sometimes threatening memes and hashtags including #SandyCalcino (Incinerated Sandy), #SandyCansino (Worn out Sandy) and #SandyCochino (Sandy the Pig).

In the second half of the year, a 'gossip blog' that is believed to be run by state security and which focuses entirely on spreading libellous information about human rights and pro-democracy activists, began to post articles defaming Pastor Alain Toledano Valiente and his adult children. This was the first time the blog had targeted a religious leader. The posts included false accusations of sexual assault, infidelity and theft and were subsequently shared on Facebook by accounts also thought to be linked to state security. In November many of the same Facebook accounts posted a lengthy letter from an anonymous 'Christian parishioner' which attacked the president of and four pastors in the Eastern Baptist Convention and included their photos, with vague accusations of spreading division and leading lifestyles not in keeping with their role as church leaders. The post ended by accusing them of only being interested in money and continuing to 'keep us working for them, sacrificing ourselves and struggling.' The president and the four targeted pastors were involved in the creation of the CEA and have been targeted by state security in the past.

Travel to and from Cuba

The Cuban government continued to block some religious leaders and activists from leaving the island, most notably the leaders of the five founding denominations of the CEA. The leader of the Western Baptist Convention

later had his right to travel restored after withdrawing his denomination from the CEA; but in September the Secretary General of the same denomination, who has been openly critical of the government and the new constitution, was stopped from boarding a flight to the US to attend a spiritual retreat and was informed that he is on the list of regulados or those banned from travelling outside of Cuba. In July Pastor Alain Toledano Valiente learned that he was not allowed to leave Cuba when he attempted to board a flight to Miami to attend the US State Department Ministerial to Advance Religious Freedom. He attempted to travel again a few months later only to be told that he was permanently banned from travelling abroad.

When CEA leaders and Pastor Toledano Valiente lodged separate enquiries into the legal basis for the travel ban, immigration officials cited Article 25 of the Immigration Reform, Sub-section B, which 'prevents the departure of a citizen's country when national defense and security reasons so advise.' None were given an explanation as to what these national defence or security reasons might be.

In November Pastor Yilber Durand Dominguez, who is affiliated with the Apostolic Movement, was blocked from boarding a flight to Moscow and told that he too is on the list of regulados. A number of FoRB activists were also prevented from leaving the country including Adrián del Sol and Ricardo Fernández Izaguirre.

As in previous years, the ORA and immigration officials also targeted foreigners; however, in 2019 entire denominations, most notably the founding members of the CEA, saw their ability to invite foreigners for religious visits curtailed or eliminated altogether. 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. In the case of some denominations, religious visas that had been granted prior to the constitutional referendum in February for activities later in the year were cancelled.

The restriction or withdrawal of the ability of religious associations or individual churches to receive foreign visitors is an effective pressure point for the ORA, as many religious groups rely on visits from foreign counterparts who often contribute physical or material assistance for local projects and church activities. Groups such as the Apostolic Movement cannot request a religious visa because of their unregistered status.

Even when religious visas were granted, foreign visitors were not exempt from government harassment. In April, Nicaraguan-American pastor Edgar Santana was issued an official summons and interrogated by state security during a visit to Santiago de Cuba. They warned him that he could not 'preach, or proselytize' and interrogated him about

the purpose of his visit. In June, in the same city, another visiting pastor had his documents confiscated and was warned by state security officials that he could be banned from entering Cuba in the future if he visited the church of Pastor Alain Toledano Valiente. In August, a foreign pastor had his documents confiscated while visiting the western part of the island. He was warned that he could have his religious visa revoked because of his association with the leader of a 'counter-revolutionary' church. The same month, in Santiago de Cuba, a group of Mexican women were detained by the Office of Immigration. The women, who were planning to attend, as observers, the Deborahs 2019 Christian Women's Conference, hosted by the Paths of Justice Apostolic Movement Church, were interrogated for hours and threatened with imprisonment and deportation if they attended the event.

Some religious groups, mostly members of the CCC, reported few or no problems in terms of inviting foreign visitors or travelling abroad.

Arbitrary detention

In 2019 CSW observed an increase in the arbitrary detention of religious leaders and activists. In April 2019, Reverend Ramon Rigal and his wife Ayda Expósito, of the Church of God in Cuba, were detained in Guantánamo because of their refusal to send their children to government-run schools and their decision to home school them through an accredited international school, in the absence of any other alternative. The couple chose to remove their children from the government-run school system because of their concerns about teacher-led bullying of their children due to their religious beliefs, and the aggressively atheist and secularist curriculum.

The family was given only 30 minutes' notice before the trial of Reverend Rigal and Mrs Expósito began on 18 April, and their lawyer was physically prevented from entering the courtroom.⁸ Reverend Rigal was subsequently transferred to a maximum security prison in Guantánamo Province where he is serving a two-year sentence. The prison does not allow prisoners the possibility of probation and family visits are reduced to once a month. Mrs Expósito was given an 18-month sentence for '...acts [impeding] the normal development of minors' and 'illicit association'. It was hoped that her sentence might be reduced and that she would be released in October; however, she remains in prison at the time of publication of this report.

A number of religious leaders and FoRB defenders were subjected to short term detention. In March, a Yoruba Babalao was detained and taken to a remote location, where he was beaten by a group of plainclothes paramilitaries, led by a lieutenant-colonel from State Security Section 21 in Havana. They threatened to imprison his wife and take away their children. In April, a

⁸ Reverend Rigal and his wife were arrested once before in February 2017 because of their attempt to home school their children for religious reasons. Their sentences were later reduced to house arrest.

Guantánamo area pastor was detained and interrogated for hours in an apparent attempt by the government to stop a two-day religious event that was to bring pastors from other parts of the country.

Later in the year, on 18 October, Dagoberto Valdés Hernández, a Catholic lay leader who runs Convivencia, an independent civil society organisation with a Christian ethos, was stopped from travelling from his home in Pinar del Río to Havana, where he planned to visit a priest for religious reasons. His taxi was stopped in what appeared to be a routine police check. After police officers checked Valdés Hernández's documents he was asked to get out of the vehicle and the driver was instructed to return to Pinar del Río. A state security agent, 'Major Joaquín', came to the checkpoint and took Valdés Hernández to the Emigration Office in Pinar del Río, where Valdés Hernández was interrogated for about an hour and a half. He was threatened with prison if he continued to work with Convivencia.

The same month, on 31 October Pastor Velmis Adriana Medina Mariño was detained and interrogated for two hours in Las Tunas before being released. A large group of members of her church gathered outside the police station where she was being held. It is believed this played a part in her release.

On the morning of 16 October Juan Bautista Cárdenas González, a Baptist leader, was arrested and detained after an altercation with police officers who verbally abused him while he was carrying out his daily practice of public preaching. When he responded by quoting Bible verses the police reacted with physical violence. Passers-by intervened to stop them beating Cárdenas González. The police withdrew and Cárdenas González returned home later that day.

That night he received a summons to present himself the following day at the police station. When he arrived at the station he learned that the police officers had filed a complaint against him for 'public scandal and sabotage'. He was immediately imprisoned pending trial, and was held incommunicado for three days. During this time the authorities refused to allow his family members to bring him personal grooming and basic supplies. Cárdenas González began a religious fast during his imprisonment but the authorities interpreted this as a hunger strike in protest of his treatment, and this led to further abuse.

The trial took place a few days after his detention. Cárdenas González was not allowed to contact a lawyer, was denied any legal advice, and was not permitted to bring in any witnesses in his defence. He defended himself, and stated that at no time had he created a public scandal and had never shouted any obscene words at the police officers.

The case received significant attention in the international media and this may have led to the decision of the court to release Cárdenas González with a fine of 600 pesos, the equivalent of his pension for 3 months. A few days after his release, the pastor of Cárdenas González's church was suddenly arrested and put under house arrest for 'illegal

purchase' of flagstones. His trial took place within a few days of his arrest but the court found that the prosecutors had presented contradictory evidence, and released him.

Religious leaders who travel outside the country were frequently detained by customs and security agents upon arrival in Cuba. On 23 February, the day before the constitutional referendum, two high profile pastors affiliated with the Apostolic Movement, Bernardo de Quesada Salomón and Alain Toledano Valiente, were held for seven hours by customs agents in Havana airport upon their return from Argentina. Religious materials they had brought back with them were confiscated because 'their content was against the government,' according to customs officers.

Every week for the past decade, large numbers of women affiliated with the Ladies in White movement have been arbitrarily detained to prevent them from attending Sunday Mass. In 2019 CSW received 133 cases involving members of the Ladies in White being prevented from attending religious services; many of these cases involved multiple women. Arrests are often violent, and the women are frequently threatened, fined and held without charge for over a day.

CSW received 35 cases involving Berta de los Ángeles Soler Fernández, the leader of the Ladies in White. She was regularly detained to stop her from attending Sunday morning Mass and detained without charge for between 24 and 36 hours. In one such case, on 28 August Mayelín Peña, another member of the Ladies in White, and Soler Fernández attempted to attend Mass together. Upon leaving Soler Fernández's home, the two women were physically attacked by police and state security agents, thrown to the ground and dragged along the pavement to separate patrol cars. Peña was taken to a police station that she was not able to identify and held in a cell for 72 hours. During this time she was repeatedly subjected to interrogations and threats. Soler Fernández was taken to the Cotorro Police Station in Havana where she was held in a cell for 28 hours.

Government agents' attempts to prevent members of the Ladies in White from participating in religious services were not limited to Sunday morning Mass. In one example, on 7 September, María Josefa Acón Sardiña left her home in Havana to attend a Saturday Mass which she had hoped to attend as the authorities have prevented her from attending services on Sunday. Upon leaving her apartment, Acón Sardiña was violently detained in the hallway of her building and dragged down the stairs before being forced into a patrol car. She was taken to a secluded location and held in the car with the windows tightly closed, handcuffed and with no access to water or to a bathroom for 24 hours before she was finally freed and made to find her own way home.

In some cases members of the Ladies in White were told explicitly that they were being detained because they are prohibited from attending any religious services. On 19 January Maria Cristina Labrada Varona was arbitrarily

detained in Havana for 24 hours for ‘violation of police restrictions’, after she attended church in defiance of a police order prohibiting her from participating in religious services. On the evening of Sunday 5 May, Lourdes Esquivel Vieyto left her Havana home to attend Mass. She was intercepted by seven state security agents and police who forced her into a patrol car. Esquivel Vieyto was held in the car for two hours until the state security agents verified by radio that the Mass had ended. When she was released the state security agents ordered her to stop trying to go to church, stating that ‘Counterrevolutionaries do not have rights in Cuba...and we will use violence if necessary to prevent you from attending.’

In one of the most concerning cases of 2019 Ricardo Fernández Izaguirre, a resident of Camagüey and a prominent FoRB defender, was detained on 12 July in Havana. He was intercepted by three patrol cars as he left the home of Berta de los Ángeles Soler Fernández, where he had been documenting violations of FoRB experienced by members of the Ladies in White. A state security agent searched and handcuffed Fernández Izaguirre while his belongings were locked in the trunk of one of the cars. He was taken to an unknown location, where his belongings were searched. He was held in the patrol car, with the windows shut, handcuffed for ten hours and warned to stop visiting the Ladies in White.

That afternoon Fernández Izaguirre was handed a 150 peso fine and charged with the crime of ‘illegally staying in Havana’, even though he had proof that he was transiting through the city on his way to Pinar del Rio. He was told he would be deported to Camagüey but instead he was taken to the VIVAC detention center in Calabazar. Fernández Izaguirre was held there incommunicado for four days, after which he was allowed a short call to his wife, who up to that point had no idea what had happened to him. On 19 July he was handcuffed and transported to Camagüey in a prison vehicle. When he arrived in the city of Camagüey, Ricardo was taken to the police station on Avellaneda Street, where he was held in a cell, again incommunicado, until he was finally released without charge on the afternoon of 21 July.

On 12 November Fernández Izaguirre was detained once again, after he presented himself at the Camagüey police station in response to a verbal police summons he had received the previous day from a government agent who refused to identify himself. Fernández Izaguirre was not seen or heard from until his release 29 hours later at 6pm the following day. While he was detained, an officer told Fernández Izaguirre’s wife and colleagues that he was under investigation for the crime of ‘falsely claiming to be a journalist’ and would be held incommunicado for four days.

During his detention Fernández Izaguirre was held with another prisoner in a windowless cell, which he described to CSW as:

...too small and uncomfortable for someone of my size...I didn't know if [it] was day or night because I could not see outside; there was just a very bright light which was left on all the time. While I was there they took away my glasses which gave me a severe headache because I need to use them all the time and cannot see without them.

Fernández Izaguirre told CSW that he was repeatedly taken back and forth between his intensely hot cell and an extremely cold air-conditioned interrogation room. During the interrogations he was repeatedly threatened by various officials, including a lieutenant-colonel and a major. His unexpected release is believed to be due to a combination of international attention on his case, and the refusal to cooperate of the government’s key witness against Fernández Izaguirre despite also being detained himself. It is important to note, however, that the criminal charges have not been dropped.

Restrictions on movement and residency

Religious leaders tell CSW that in recent years the government has relaxed its enforcement of laws regulating change of residence. According to Ministry of Housing officials, the laws were 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. In the past there have been cases of religious leaders and their families prevented from registering their new place of residence when transferred to a new church. 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, religious leaders 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.

Many Protestant denominations continue the practice of assigning and transferring pastors to new locations, in some cases as often as every few years. 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. As the laws remain on the books, religious leaders tell CSW that 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. They can also see restrictions on their right to movement within the country applied. In one example, officials justified the ten-day detention of FoRB defender Ricardo Fernández Izaguirre in July with the charge that he was ‘staying illegally in Havana’, despite the fact that he had proof that he was transiting through the city on his way to visit a family member in

Western Cuba. In another example, Pastor Alain Toledano Valiente was stopped from entering Guantánamo for a religious event in April, told he was 'circulating illegally' and ordered to return to his home in Santiago.

Penalties for 'non-cooperation'

Grassroots religious leaders across the island have told CSW that local government officials and CCP officials continue to approach them to seek their public support for government and CCP initiatives. Religious leaders who refuse, because of their belief that their religious group should not be co-opted for political purposes, have found themselves the target of campaigns of harassment. The pressure tactics applied to religious leaders in the run up to the constitutional referendum are a particularly striking example, but this continues on a day to day basis in regard to local initiatives as well.

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. Religious groups and 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 the government considers to be 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 religious leaders being blocked by government agents from visiting activists to offer spiritual support. It should be noted, however, that religious groups are increasingly resisting government

attempts to dictate who may or may not attend religious services. As more and more religious leaders make it clear that they reserve the right to decide who may attend their religious institution, it makes government attempts to intimidate the religious leaders less effective.

The growing defiance on the part of religious leaders on this issue may help to explain why the government seems to be focusing its efforts on openly and violently targeting individual human rights defenders and activists, to try to prevent them from participating in religious services. The majority of those affected continue to be members of the Ladies in White, who attend Mass before carrying out their regular silent protest across the island; but there are consistent reports of other human rights defenders and activists, not affiliated with the Ladies in White, who are also regularly physically prevented from attending religious services.

Property rights

Building restrictions

With a few exceptions, the government severely restricts the construction of buildings for religious use including churches. Only a handful of new places of worship have been allowed to be built since 1959. As it is illegal to hold religious activities in buildings not officially registered for religious use, the right of many religious communities to congregate is not protected. This problem is more acute in remote rural areas where historic church buildings are not as common as compared to towns and city centres. In light of the exponential growth in the number of communities of faith, but especially in regard to practising Christians, over the past 30 years, in practice this means that many Cubans are not able to freely exercise their right to assemble for worship.

Most, though not all, of the places of worship that were built prior to 1959 have been allowed to continue to function as sites dedicated to religious activity. However, any changes to the structure, including expansions and/or repairs and renovations, may be carried out only with the permission of the ORA, and are then conditional on the granting of permits issued by other government agencies. Permission is often granted or withheld depending on perceived level of support for the government and its policies. In some cases the government has refused to allow religious groups 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 religious buildings are far too small to accommodate their congregations or are structurally unsound.

The Maranatha Baptist Church in the city of Holguín is a historic, registered church which has repeatedly been threatened with confiscation by the Cuban government over the past decade. In April the authorities arbitrarily rescinded a building permit originally issued in 2017 and told denominational leaders that the matter had

been referred to the highest level of government. The case exemplifies how the government uses complicated bureaucracy and the approval or non-approval of legal permits to restrict FoRB and to pressure church leaders to comply with government demands.

In December 2015 the government rescinded an order to arbitrarily expropriate the Maranatha Baptist Church property after the case received international attention. Verbal promises were made at the time to allow the church to begin the process of applying to build a new structure on the property, which would provide a safe place for worshippers to meet. In February 2017 the church finally received a construction permit for the new building from the Provincial Directorate of Justice. Almost two years later, in December 2018, the church managed to obtain costly additional permits from the Ministry of Science, Technology and the Environment (MSTE) and the Department of Physical Planning (DPP). In April 2019, as the church was about to begin work on the new building, the leadership of the Eastern Baptist Convention to which the Maranatha Baptist Church belongs was informed by the ORA that the February 2017 construction permit had been rescinded. No explanation was given. They were told that the original request would be put to the Cuban Council of Ministers, the highest ranking administrative and executive governing body in the country, at an unspecified date in the future. Church leaders expressed consternation at this communication, and concern that the permits issued by the MSTE and the DPP would expire in 2020. In October, however, and after the case again received international attention, the Cuban Council of Ministers reissued the original building permit without explanation.

House churches

Since the 1990s, the extremely limited physical space officially permitted for religious activity, coupled with the rapid growth experienced by many religious groups, has led to the spread of 'house churches'.⁹ Directive 43 and Resolution 46, which imposed complicated and repressive restrictions on house churches, have been in force since 2005. These laws are applied arbitrarily and can be used to target specific churches or religious groups. The directive states, for example, 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, including 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 can 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 can be applied both to the foreigner in question and to the church leader responsible, and the house church can be shut down.

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.

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.

In 2019 CSW received mixed reports in regard to the situation of house churches. Some registered religious groups reported that they were successful in registering some affiliated house churches as approved for religious use, while others had their requests for registration denied or ignored. Unregistered religious groups are unable to apply to legalise the buildings they use for religious services.

As freedom of assembly and association are severely restricted, congregating in buildings not authorised for religious use carries 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

⁹ The term 'house church' is fairly broad. 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 for religious activities, or rudimentary structures, sometimes open air, built on private property where religious services are held.

their locations frequently. After he was forced to close two churches due to government pressure one religious leader told CSW,

This time we worked in virtual secrecy, in small cell groups and in different places across the city. We had over 30 members when we went public. The authorities have not been able to stop us, even though they continue to harass us and to threaten us with demolition. The harassment has been constant, and it does not appear that it will end any time soon.

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 threats 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 Ministry of Physical Planning inspector told Rudisvel Ribera Robert, owner of the land in Santiago where the unregistered Paths of Justice Church meets, that he was required to remove the perimeter fence from his yard because the property measurements were irregular. He was not provided with any proof of this irregularity, but was threatened with the expropriation of the property and fined. In October, two inspectors from the Ministry of Physical Planning again visited the same property. Ribera Robert was not home and the inspectors told his wife, Jeidi Sarmiento, that they would be fined again if they continued to allow religious activity to take place on the property. As the criminal code does not allow the same person to be fined twice for the same reason in less than 30 days, the fine was applied to Sarmiento. Both fines add up to a total of 1,000 pesos, the equivalent of their joint income over three months.

Confiscation of property

CSW received some reports of attempted confiscation of religious property over the past 12 months. It does not appear that any of the threats were carried through. In many of these cases, the religious leaders involved publicly denounced the attempted expropriations via social media. Some cases were picked up by the international press and this may have affected the government's failure to follow through with the threatened expropriations.

In March, government officials threatened to confiscate a church belonging to a registered denomination in the province of Artemisa. The same month, in Pinar del Rio, an officer who identified himself as Lieutenant Relova informed Yoel Ruiz Solís that he was harbouring an illegal church in his home. Lieutenant Relova threatened to confiscate Ruiz Solís's house and open criminal proceedings against him. The officer told him, however, that if Ruiz Solís stopped allowing the Apostolic Movement church to meet in his home, all of his 'crimes' would be forgotten. Lieutenant Relova also asked Ruiz Solís to

agree to work for them serving as an informant within the church for state security. Ruiz Solís categorically refused and since then has been threatened with the loss of his job. In a statement to a CSW partner, Ruiz Solís said, 'The church does not leave my house until we have a place to meet.'

In April, written orders for the expropriation of a church property linked to the Nazarene denomination, a registered religious group, were presented to the pastor of the church. The pastor was told that the property was to be confiscated 'because the social work that the church is doing in the community, distorts the work of socialism.' After the pastor called on social media for the order to be rescinded, the leadership of the denomination entered into talks with ORA officials. The order for expropriation was eventually rescinded. The same month, the authorities also attempted to forcibly close and confiscate an Assemblies of God church in La Palma, Havana but backed down after the denomination protested publicly and the story was covered in the media.

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 a 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 certain pastors designated by the ORA. Despite international pressure the property has not been returned, and in 2014, new government constructions on the land were finished and handed over to two state companies, Unión Eléctrica and Seprot.

According to Reverend Yuri Castellanos, who continues to lead the church, the government ignored multiple legal obstacles to the expropriation of the property. The Ministry of Housing refused to provide the church with a copy of the deed that established 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 have been 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 of Housing 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. Lawyers for the Methodist Church have submitted all the required 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. This 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.

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, or demoted and/or transferred to undesirable locations because their religious affiliation makes them ‘untrustworthy’.¹⁰ 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 commit acts of discrimination are unlikely to face 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. In May, a Yoruba Babalao preparing to travel to Mexico was stopped by an emigration officer at the airport after checking in for his flight. He was taken to a room where individuals dressed in civilian clothes identified themselves as members of Cuban Intelligence.

They pushed me [a] few times and they kept threatening me, if you come back to Cuba do not cry for your little girls, cowardly wizard, Babalao you are nothing. You wizards, the only thing you do is to steal money from ignorant people, grope women and create problems for the Revolution, but soon the party will end.

Some discrimination is coordinated directly by the government. In one example in the second half of the year, an employee at an industrial complex was called to the director’s office where they found two Military Counterintelligence officers waiting for them. The officers did not identify themselves. They informed the employee

that they had been under surveillance and had confirmed that they attend a church that is not supportive of the regime. The employee was threatened with expulsion from their workplace if they persisted attending the church. They officers also told the employee that a file was being prepared to prosecute them for the crimes of espionage and treason in a military court.

In some cases, individuals who are not part of a religious group but provide services to them were targeted by the government. Early in the year some drivers for a state transport agency were fired from their jobs after they drove members of a registered religious group to and from a public event in Havana. CSW has also received reports of other service providers, for example printers, being threatened or targeted for harassment because they accepted the business of a religious group.

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 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. In one example, early in the year a pastor’s daughter was denied a spot at a school of higher education despite exemplary results on her exams. When asked, the school officials informed the pastor’s wife that the decision was based on ‘other factors’, not the exam results. Another parent told them it was because they are ‘pastors, not “well-integrated” and are not members of the Communist Party.’

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. This discrimination can also have an adverse effect on the children’s future possibilities.

On 9 September, Pastor Yilber Durand Domínguez went to the Amalia Simoni School, which his daughter attended from first to third grade, to request her school file in order to transfer her to attend a school closer to their home. When the teacher gave him the documents, Pastor

¹⁰ Cuban authorities often point to the fact that there have been 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.

Durand Domínguez noticed that among the academic notes in the file was a memo to the new school that her parents are counter-revolutionaries. The memo included a recommendation to keep her under surveillance. Pastor Durand Domínguez told CSW that in the past his daughter's had teacher told him that his daughter would never be accepted to a good university course if he maintained his opposition to the regime. His children have been singled out for ridicule and bullying by teachers and administrators:

Over all these years we have experienced all kinds of violence, but the thing that has hurt my family the most, especially my children, is the discrimination and hatred we receive from people with whom we have to interact. The teachers at my children's school constantly mistreat them, hitting them and giving them bad reports from teacher to teacher, one grade to the next. They have even managed to turn their classmates against them. This has caused my children a lot of frustration; many times I have seen them crying because they are trying so hard to be the best students and yet they never receive any recognition from their teachers.

In another case of discrimination involving children, a 12-year-old boy and his younger brother were forbidden in December by Cuban educational authorities from entering their schools while wearing the Jewish kippah. The kippah ban was imposed by Nuevitas Municipal Director of Education, Osdeini Hernández Navarro. It was issued after a government commission found a school guard guilty of failing to protect the boy, Liusdan Martínez Lescaille, who suffered beatings at the hands of fellow students on a regular basis since the family moved to Nuevitas in 2016. According to his parents, Olainis Tejada Beltrán and Yeliney Lescaille Prebal, members of the Sephardic Bnei Anusim community, their son was singled out for ridicule soon after he started classes in September 2019 at the Latin America Urban Basic Secondary School in Nuevitas. Since then he was subjected to four severe beatings instigated by a classmate, the son of a military captain, along with other students. Despite multiple complaints by the parents to Martínez Lescaille's teacher, who is head of the grade and the school director, no action was taken to protect the child. After Tejada Beltrán publicly denounced the treatment of his son in the independent media, the Cuban educational authorities created a commission to review his son's situation. However, during this period, he was pressured by school administrators on multiple occasions to retract his complaints. At one point there was an attempt by the school director to expel his son for supposed acts of violence; however, five teachers stepped in to defend Martínez Lescaille and the expulsion did not take place. On 11 December the commission announced its findings, holding a school guard responsible for failing to stop the attacks on Martínez Lescaille. However, rather than sanctioning the guard, a kippah ban was put in place instead. Tejada Beltrán called for the ban to be revoked, pointing out that it effectively prohibits his son from

entering the school grounds and that there are no other educational alternatives. On 17 December both Liusdan and his younger brother, Daniel Moises, were prevented from entering school by Hernández Navarro because they continue to wear the kippah. On the afternoon of 18 December municipal prosecutor Ismaray Vidal Marques issued a summons to Tejada Beltrán and Lescaille Prebal to appear at the prosecutor's office at 10am the following day. After complying with the summons the couple were threatened by the authorities, who warned that their children would be taken away and the couple imprisoned for 'threatening the children's normal development.'

Restrictions on members of the security agencies including the military and the police 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 and regional level, especially when it exposes 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 religious groups do. This seems to have been a primary motivating factor for the targeting of churches mentioned earlier in the report, including the cases of the Maranatha Baptist Church and the Nazarene Church which was threatened with expropriation in March. In the latter case, some years ago, the church installed a water purification system which now provides one of the only sources of treated drinking water to the wider community in an area prone to cholera outbreaks. The church also maintains a garden which delivers food to a local nursing home and children's groups. Documents provided by government officials along with the order of expropriation, which was later rescinded, indicated that the authorities intended to take over these facilities themselves.

Public events, especially those that bring together multiple denominations or religious groups, continue to be a major flashpoint. Requests to hold such events, for example religious processions and evangelistic work, are routinely refused with some exceptions. In May a Roman Catholic youth event in central Cuba was cancelled after the leaders received threatening messages from government officials. In August, countrywide Roman Catholic youth celebrations were cancelled or moved to non-public venues after the ORA informed leaders that all public activities associated with National Youth Day, celebrated on 4 August, would no longer be allowed, with one exception in the city of Santiago.

In many cases religious groups and associations simply take their chances by going ahead with public events without permission. In some places this is tolerated, to an extent, but those involved report that they are closely monitored. In April, a Methodist pastor in western Cuba received a summons to appear at the police station for questioning following his church's Good Friday dramatisation of the crucifixion, an event they have held every year for a decade.

Government informants

The government, through the Ministry of the Interior, continues to systematically plant informants in all religious organisations. In some cases state security approaches members and leaders of religious organisations to attempt to persuade or intimidate them into acting as informants, as can be seen in the case of Yoel Ruiz Solís. The objective is to monitor and intimidate religious leaders, report on the content of sermons and other religious events, and observe and report on who attends the religious services. In some cases religious leaders have told CSW that government agents also attempt to foment division within the religious group and undermine leadership. 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.

In February four Apostolic Movement leaders from different parts of the country were stopped by customs at the Jose Martí International Airport upon their return from a religious event in Argentina. The pastors' passports were taken away and they were forbidden to use their mobile phones. The members of the group were strip searched and interrogated by military and state security officers in civilian clothes, and their luggage was inspected by x-ray and by dogs. The group was held for seven hours, not allowed to sit down, and denied water. They were finally released but religious books and other literature they had brought back with them was confiscated. The government officials told the group that the confiscated materials contained anti-government material, but when asked they could not explain what the anti-government material was. The same month, 300 Bibles were confiscated from five foreign visitors upon arrival in Cuba. A government official told the group, 'No Christian materials leave here'.

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 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

Freedom of religion or belief

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 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, who are frequently blocked from receiving visits from a religious leader and have Bibles or other religious materials 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 new constitution indicates that the government has no plans to improve FoRB or freedom of conscience, 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 and the subsequent creation of the CEA give cause for hope. Religious groups have not come together to this extent since 1959 and their united voice will be difficult for the government to ignore. The crackdown on the leaders of these denominations comes as no surprise.

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 promotion of FoRB and efforts at building cross-denominational alliances.

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)

CEA: Cuban Evangelical Alliance

CUC: Convertible Cuban Pesos

ICCPR: International Covenant on Civil and Political Rights

ICECSR: International Covenant on Economic, Cultural and Social Rights

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T +44 (0)20 8329 0010

🐦 @CSW_UK

f /CSWUK

csw.org.uk

PO Box 99

New Malden

Surrey, KT3 3YF

United Kingdom

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