

### Introduction

The Cuban government continues to routinely and systematically violate freedom of religion or belief (FoRB). 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.

### Legal framework

In recent years, changes made to Cuba's constitution were adopted following a referendum in February 2019. While the constitution sets out specific and basic guarantees regarding FoRB, these freedoms are limited by other provisions in the penal and administrative codes. The constitution also separates freedom of conscience from FoRB and makes it illegal to invoke conscientious objection with the 'intention of evading compliance with the law.'

In early 2008 the country signed both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), both of which afford protections to FoRB. Over a decade later however, Cuba has yet to make any move to ratify either.

### The Office of Religious Affairs

The majority of violations are perpetrated by the Office of Religious Affairs (ORA), which operates out of the Ministry of Justice but is a part of the Central Committee of the Cuban Communist Party (CCP). The ORA oversees the activities of all religious groups and associations on the island and maintains a consistently antagonistic relationship with these groups.

The ORA 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.

The ORA also routinely and arbitrarily denies religious groups' applications for registration, which are required for them to operate legally. 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.

### Harassment of religious leaders

Violations of FoRB in Cuba most often take the form of threats and harassment against religious leaders, as well as their congregations and families. Leaders are often visited by State Security agents with the sole intent of intimidating them and making them aware that the government has their activities under close surveillance.

Some church leaders are also regularly and arbitrarily summoned to local police stations, where they are interrogated and often threatened with imprisonment. From August to September 2019, Pastor Alain Toledano Valiente, a leader of the unregistered Apostolic Movement in Santiago de Cuba, received 17 separate police summons.

A number of religious leaders have also been declared 'regulado' (i.e. regulated), effectively subjecting them to an indefinite international travel ban, at various points over the past two years. Many human rights defenders and independent journalists reporting on FoRB issues have also been barred from leaving the island. In March 2020, the Cuban religious freedom organisation Instituto Patmos reported that 247 people currently held such status on the island.<sup>1</sup>

### The Ladies in White

The Ladies in White are a peaceful protest movement comprising the wives and other female relatives of jailed dissidents in Cuba. With the exception of a seven month pause in 2020 owing to the COVID-19 pandemic, every Sunday since 2010 members of the movement have dressed in white and attempted to attend Sunday Mass and then march peacefully in protest of the continued unjust incarceration of their loved ones.

Each week, members of the movement are arbitrarily detained to prevent them from attending Mass. These detentions are often violent, and the women are frequently threatened, fined and held without charge in poor or dangerous conditions sometimes for over a day.

Despite suspending their activities and participation in Sunday services in line with COVID-19 restrictions, members of the Ladies in White continued to face harsh treatment at the hands of State Security. Several were threatened and informed they were not allowed to leave their homes because there was no "truce" between the Ladies in White and the authorities. One woman was placed in a cell for four and a half hours before she was released and had to make her own way home.

<sup>1</sup> Instituto Patmos, '#Cuba Todos los cubanos "#Regulados": entre las pandemias del #totalitarismo y la del #Covid19', 31 March 2020

<https://institutopatmosonline.org/2020/03/31/cuba-todos-los-cubanos-regulados-entre-las-pandemias-del-totalitarismo-y-la-del-covid19/>

### Recent developments

In 2020, CSW received 203 documented violations of FoRB. While this number is lower than the 260 cases documented in 2019, this is not because of any government change in policy but rather the decision of the Ladies in White to halt their weekly attendance at Catholic Mass and protest march on Sundays for around seven months because of the pandemic.

Documented violations in 2020 included arbitrary detention, threats, harassment and surveillance of religious leaders and FoRB defenders; efforts by the government to block overseas humanitarian aid and the distribution of food by religious groups; defamation of religious leaders online; and the targeting of church properties with demolition, vandalism, and forced closure.

#### **COVID-19 and FoRB**

Prior to the outbreak of the COVID-19 pandemic in Cuba, the island was already experiencing chronic shortages of food, medicine, and hygiene supplies, as well as a weak medical infrastructure and rundown, overcrowded housing. The pandemic has made these problems more acute and churches have sought to be of assistance to struggling families and individuals. However, churches that have attempted to distribute food and other basic necessities to the population have experienced opposition from the government, ranging from the confiscation of food and other goods, to threats of accusations of the crime of ‘spreading disease.’

The authorities have also used COVID-19 restrictions as a pretext for targeting religious leaders. During the summer, an unregistered church which has long been targeted by the government held a church service in compliance with government rules for religious gatherings. On the same day, the church’s leader was detained and falsely accused of exceeding the number of individuals allowed in a religious service. He was taken to a maximum-security prison where he was held for five days and formally charged with ‘spreading the epidemic.’ During his detention, State Security officers threatened him with an eight-year prison sentence for having organised an ‘illegal’ church. The church leader refused to plead guilty and was put on trial on the fifth day of his detention. The judge ordered his release based on the evidence presented by the defence but issued an arbitrary fine of 2,000 Cuban pesos (approximately 75 USD).

#### **Decree Law 370**

CSW has noted an increase in cases involving the application of Decree Law 370, a law which effectively curtails freedom of expression on the internet in Cuba to guard against “*disseminating information contrary to the*

*common good, morals, decency, and integrity through public data transmission networks.*”

On 22 April 2020 Cuban independent journalist Yoel Suárez was visited in his home by two State Security agents who questioned and threatened him with fines and the seizure of his work under Decree Law 370. Mr Suárez, 29, has worked with non-state media outlets in Cuba since 2014 and regularly covers human rights and FoRB issues in his work.

Mr Suárez’s family has also been threatened. During an interrogation in April 2020, a state security agent, ‘Captain Jorge’, informed Mr Suárez that he could lose custody of his infant son due to his political beliefs – for which he remains under an indefinite travel ban. In addition, Mr Suárez’s mother was summoned three times in 2020 and has been interrogated by state security agents on two occasions.

Throughout 2020, Mr Suárez received six police summons, including four issued during a national lockdown due to the COVID-19 pandemic. On one occasion, he was blindfolded and taken to an unknown location where he was detained and interrogated by two officers for an hour.

#### **Demolition of the Assemblies of God church in Santiago de Cuba**

On 30 October authorities in the city of Santiago de Cuba demolished an Assemblies of God church, led by Pastor Faustino (Fausto) Palomo Cabrera, in the city’s Abel Santamaria neighbourhood. The church had been under threat since 2015, and the demolition took place at approximately 7.30am.

During the demolition, prominent pastor Alain Toledano Valiente was tackled and detained by the police while filming the attack. He was held incommunicado for nine hours, alongside two other members of his church. The authorities also subsequently applied pressure on Pastor Palomo Cabrera to sign a document claiming the demolition was legal.

### Recommendations

#### **To the government of Cuba:**

- Amend provisions for freedom of religion or belief and freedom of conscience in the new constitution, and bring civil, administrative and penal law and regulations into line with both international law and the San José Pact.
- Ratify the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and ensure that local authorities, including Cuban Communist Party leaders, are aware of – and implement – the provisions at a local level.

- Eliminate the Office of Religious Affairs as it currently exists, or reform it to operate transparently within defined legal parameters and with recourse to appeal and eliminate registration requirement for religious groups, or put in place clear and transparent procedures for registration that are in line with international laws protecting FoRB.
- Invite the UN Special Rapporteurs on FoRB, human rights defenders, torture, independence of the judiciary, freedom of expression, freedom of assembly and association and the working group on arbitrary detention, to visit Cuba with unhindered access to all parts of the country.
- Guarantee protections from discrimination based on one's religion or belief in the workplace, school and all other social and political spheres.
- End the targeting of human rights defenders, including FoRB defenders, and their families by harassment, threats and imprisonment.
- Guarantee freedom for religious leaders to carry out their work without harassment, threats or government pressure targeting them or their families and allow all religious groups to engage in social work and to hold peaceful public events free from interference and intimidation.

#### ***To the European Union and member states:***

- Urge Cuba to amend and strengthen provisions for human rights including FoRB in the constitution, and to bring its administrative, civil and penal laws and regulations into line with its own constitution and with international standards on FoRB.
- Upon the appointment of the new Special Envoy for the promotion of FoRB outside of the EU, request an invitation to visit Cuba with calls for unhindered access to all parts of the country and to all religious groups.
- The EEAS should continue to hold a pre-dialogue consultation with European organisations with expertise on human rights in Cuba and should also incorporate formal consultations with Cuban independent civil society organisations ahead of the EU-Cuba Human Rights dialogues, similarly to the preparations for and structure of various other EU human rights dialogues. In the longer term, the EU should push for a Human Rights Civil Society Forum to be held alongside the official human rights dialogue.
- 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.

#### ***To the United Nations Human Rights Council and Member States:***

- Urge Cuba to ratify the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and ensure that local authorities, including Cuban Communist Party leaders, are aware of – and implement – the provisions at a local level.
- Urge Cuba to invite the thematic special procedures with mandates on freedom of religion or belief, freedom of expression, freedom of assembly and association, human rights defenders, torture, independence of the judiciary, and arbitrary detention, to visit Cuba with unhindered access to all parts of the country.
- Urge Cuba to amend provisions for freedom of religion or belief and freedom of conscience in the constitution in line with international standards, and bring civil, administrative, and penal law and regulations into line with both international law and the San José Pact.
- Call on Cuba to eliminate the Office of Religious Affairs as it currently exists, or reform it to operate transparently within defined legal parameters and with recourse to appeal and eliminate registration requirement for religious groups or put in place clear and transparent procedures for registration that are in line with international laws protecting freedom of religion or belief.
- 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.
- Continue to seek ways of engaging with members of Cuban independent civil society, offering support when appropriate.

#### ***To the government of the United Kingdom:***

- The UK Embassy in Cuba should maintain an open dialogue with religious leaders from all denominations and religious groups, including those which are not registered, 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 Procedures, to visit Cuba with unhindered access to all parts of the country.