

Freedom of Religion or Belief in the Republic of Cuba

1. CSW (Christian Solidarity Worldwide) is a human rights NGO specialising in the right to freedom of religion or belief (FoRB) for all.

2. This submission seeks to draw the Council's attention to emblematic cases which demonstrate a sustained pattern of systematic abuse of FoRB by the government of the Republic of Cuba.

Background

3. In 2019, CSW received 260 documented violations of FoRB, compared to 151 in 2018.¹ Recorded violations include harassment of religious leaders; arbitrary detention; discrimination; confiscation of religious property; forced closure of churches; restrictions on travel, movement and the distribution of religious materials; and prevention from attending religious services.

4. In June 2019, seven Protestant denominations on the island, including the five largest in terms of membership, launched the Cuban Alliance of Evangelical Churches (CEA)². The government responded by blocking the founding denominations' leaders from travelling outside of Cuba. The leaders and others involved in the formation of the alliance were summoned for repeat interrogations over the latter half of 2019; in early 2020 the Ministry of Justice rejected their application for registration.

5. The main perpetrator of FoRB violations remains the Office of Religious Affairs (ORA), which has the authority to regulate religious affairs on the island. The ORA is a part of the Central Committee of the Communist Party.

Legal Framework

6. A new constitution was adopted following a national referendum on 24 February 2019 and sets out basic guarantees regarding FoRB in Articles 15 and 57 respectively.

7. In contrast to the 1992 constitution, freedom of conscience is covered separately in Article 54, which contains a problematic clause that makes it illegal to invoke conscientious objection with the 'intention of evading compliance with the law', and applies to the principle of conscientious objection to obligatory military service.

8. Freedom of thought, conscience, religion or belief are further limited by provisions in the penal and administrative codes, including Chapter IV, Article 206 of the penal code which limits the rights laid out in the constitution.

Harassment

9. Pressure on religious leaders has increased as the government reacted with hostility to the unprecedented outspokenness of the largest Protestant denominations as well as the Roman Catholic Church, before the constitutional referendum. The subsequent demonstration of unity with the creation of the CEA exacerbated government hostility.

10. Religious leaders who were perceived as unsupportive of the new constitution, continue to face reprisals against their churches and denominations. Reprisals included 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

¹ Fear of reprisals for speaking out and a lack of access to secure means of communication mean that the number of reported and documented FoRB violations is likely to be an under representation of the actual number of FoRB violations in a given year.

² The Cuban Evangelical Alliance is a member of the World Evangelical Alliance, a recognised network of churches in 129 nations which holds ECOSOC consultative status.

summons 17 times in August and September. This culminated in criminal charges of 'disobedience' filed against him.

Arbitrary detention

11. 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 they refused to send their children to government-run schools and instead decided to homeschool them through an accredited international school, in the absence of other alternatives. The couple were concerned about teacher-led bullying of their children due to their religious beliefs, and the aggressively atheist and secularist curriculum in government schools.

12. The family was given 30 minutes notice before the trial of Reverend Rigal and Mrs Expósito began on 18 April; their lawyer was physically prevented from entering the courtroom. Reverend Rigal was transferred to a maximum security prison in Guantánamo Province where he is serving a two-year sentence. The prison does not allow prisoners probation; family visits are restricted to once a month. Mrs Expósito is serving an 18-month sentence for '...acts [impeding] the normal development of minors' and 'illicit association'.

13. Ricardo Fernández Izaguirre, a prominent FoRB defender from Camagüey, was detained on 12 July in Havana as he left the home of Berta Soler Fernández, leader of the Ladies in White, where he had been documenting violations of FoRB experienced by members of the group.

14. Fernández Izaguirre was searched and handcuffed by a state security agent and taken to an unknown location where he was held in a patrol car with closed windows, handcuffed for ten hours and warned to stop visiting the Ladies in White. He was later taken to the VIVAC detention center in Calabazar, where he was detained and held incommunicado for four days. On 19 July, he was transported to Camagüey in a prison vehicle. In Camagüey city, Ricardo was again held incommunicado in a cell at Avellaneda Street police station until he was released without charge on the afternoon of 21 July. On 12 November, Ricardo was again detained without charge and held incommunicado for 29 hours before being released.

15. In 2019, CSW received 133 cases involving members of the Ladies in White, a non-violent independent civil society group, who were regularly prevented from attending religious services; many cases involved multiple women. Arrests are often violent, and the women are frequently threatened, fined and held without charge for over a day.

Discrimination

16. 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 because their religious affiliation is deemed to make them 'untrustworthy'.

17. In 2019, CSW noted discrimination within the education system targeting children belonging to religious groups, who are either singled out because of their own faith or because of the faith of their parents. Acts of discrimination can be severe and adversely affect the children's future possibilities.

18. 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 to transfer her to a school closer to their home. Within the file, Durand Domínguez found a memorandum to the new school stating that the child's parents are counter-revolutionaries and included a recommendation to keep her under surveillance. Durand Domínguez reports that his daughter's teacher had previously said that she would never be accepted to a good university course.

19. 12-year-old Liusdan Martínez Lescaille has been subject to ridicule and regular beatings from fellow students at the Latin America Urban Basic Secondary School in Nuevitas. A government commission found a school guard guilty of failing to protect Liusdan. However, rather than protecting the boy, a kippah ban was imposed by Nuevitas Municipal Director of Education, Osdeini Hernández Navarro. On 17 December both Liusdan and his younger brother Daniel were prevented from entering school because they continue

to wear the kippah. The parents were subsequently threatened by the authorities, who warned that their children would be removed and the couple imprisoned for ‘threatening the children’s normal development.

Recommendations to the International Community

20. Urge Cuba to 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.

21. Urge Cuba to 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.

22. 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 FoRB.

23. Urge Cuba to invite the Special Rapporteurs 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.

24. Call for guaranteed protections from discrimination based on one’s religion or belief in the workplace, school and all other social and political spheres.

25. Call for an end to the Government of Cuba targeting of human rights defenders, including FoRB defenders, and their families by harassment, threats and imprisonment.

26. Call on Cuba to 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.
