

Christian Solidarity Worldwide – Individual UPR submission – Cuba – February 2009

1. Over the past year, reports of violations of religious liberty in Cuba have increased dramatically. Because of this increase, it is important that this subject be examined by the United Nations Human Rights Council during the universal periodic review. It is particularly relevant in light of Cuba's signing of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in March of this year. While this was a significant move by the Cuban government, the provisions of the two covenants have, unfortunately, not been reflected in legislation or the behaviour of the authorities. Instead, as shown below, violations of religious freedom, in addition to other rights enshrined in these covenants and the Universal Declaration of Human Rights, have actually increased.
2. The violations of religious liberty which have taken place over the past year range in severity, from threats and the intimidating presence of state security agents at religious gatherings to confiscation of church buildings and/or homes, the eviction of pastors and their families, and in a few cases the physical destruction of the church building. The victims of these violations have included both unregistered "house churches"¹ and registered churches and both members of the Cuban Council of Churches (CCC) as well as those outside of the CCC church grouping, which has traditionally benefited from some preferential treatment on the part of the government. This points to a general policy of clamping down on religious freedom rather than a specific targeting of unregistered house churches and/or non-CCC churches which has been the case in the past. In addition, it is possible to assume that the reported violations of religious liberty are suggestive of a much wider problem as the majority of the violations occur in rural areas or in more remote urban areas where communication within Cuba and with the outside world is usually extremely difficult and at times impossible.
3. Church leaders also continue to report the widespread use of government informants in churches, study and prayer groups and seminaries. There have been numerous reports by church leaders of severe harassment. This has included imprisonment and death threats made against religious leaders who have publicly called for increased religious liberty and against those who have refused to work on behalf of the authorities as informers or lend public support to government initiatives. In one case, the seriously ill children of a pastor were refused medical treatment following their eviction from their home and church by Communist Party officials. Church leaders from all denominations also report that they continued to encounter difficulties in applying for exit visas or permits for church vehicles. Many complain that the denial

¹ In Cuba, the term "house church" can refer to any unregistered building used for religious purposes. This includes former homes which are now solely used for church services and buildings constructed without permission only for religious use.

of these permissions is usually linked to a perception that the church leader in question is “uncooperative” in some way. They also say that the arbitrary denial of these permissions is difficult, if not, at times, impossible to appeal. Converts to Christianity, particularly adult members of the Communist Party, have reported discrimination at work, including threats of loss of job, and by local authorities as well as moderate to severe harassment.

4. Severe government restrictions on the importation of Bibles and other religious materials cause severe shortages in Cuba. The restrictions, for example, stipulate that 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 the importation of Bibles and at one point, were also apparently obliged to work with the CCC to bring Bibles into the country, despite the fact that the Roman Catholic Church does not belong to the CCC.
5. While local and regional government and Communist Party officials have for the most part been responsible for their implementation, violations of religious liberty have been reported from a wide variety of locations across the country. This suggests that they are a result of policy emanating from the central government rather than isolated cases of local government officials overstepping their authority. In addition, in many cases, victims and witnesses have reported that state security agents and participants in “actos de repudiación” (supposedly spontaneous mobs made up of average Cubans) have been bussed in from outside the communities where the violations have occurred, again, indicating that these are being orchestrated at higher levels.
6. In a separate but related issue, the families of political prisoners report that prison officials continue to arbitrarily deny political prisoners the exercise of basic religious rights protected under the UN Standard Minimum Rules for the Treatment of Prisoners. Prisoners report that Bibles and other religious books are arbitrarily confiscated and sometimes returned only to be confiscated again in an effort to exert pressure over the prisoners. They also report that many are regularly denied access to a member of the clergy of their faith while others are granted this right only on a sporadic and inconsistent basis. Reports indicate that no political prisoners are allowed to meet with other prisoners for the purposes of fellowship, worship, or prayer and that attempts to do so have been met with violence and other forms of punishment including isolation.
7. Despite hopes of positive movement from the authorities following Cuba’s signing of the ICCPR and the ICESCR, respect for religious freedom has worsened over the past year. That this comes during a year of political transition, albeit minimal and highly controlled, is no coincidence. It is essential to recognise that churches and other religious gatherings comprise one of the very few independent civil society groups allowed to exercise freedom of assembly in Cuba and it is vital that this small space for independent civil society to exist and operate be protected and upheld. It is also

important to point out that religious leaders, who with some exceptions are generally not members of the Communist Party, are virtually the only non Communist Party members allowed to exercise freedom of speech in speaking publicly to groups of people. Again, this small space where freedom of speech is at least tolerated with certain limitations must be protected, not subject to increased restrictions.

8. Recommendations to the Cuban Government:

- 8.1. To respect and uphold Article 18 of the Universal Declaration of Human Rights of the UN, and to fully implement all provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Cultural and Social Rights (ICECSR), which Cuba signed in early 2008;
- 8.2. To ensure that local and regional authorities, including Communist Party leaders, are aware of the provisions included in the ICCPR and the ICECSR, and that they are fully implemented at all levels;
- 8.3. As a member of the Human Rights Council, to comply fully with international human rights standards including those relating to religious freedom;
- 8.4. To grant access to human rights rapporteurs from international and non-governmental organisations to visit the country in order to examine and report on human rights within the country;
- 8.5. To safeguard the freedom of all Cubans to assemble and worship according to their professed religion;
- 8.6. To allow churches, religious denominations, and denominational groupings to operate autonomously without pressure or interference from government officials;
- 8.7. To loosen state controls and to streamline procedures concerning the registration of churches, and the building and renovation of church buildings;
- 8.8. To withdraw Directive 43 and Resolution 46, to legalise and provide legal protection for all house churches in Cuba, re-open those churches which have been closed under the legislation and to guarantee freedom for Cuban religious leaders to carry out their work without harassment, threats or government pressure;
- 8.9. To return all recently confiscated church properties to their denomination for continued use as a place of religious activity and to make reparations for church buildings which have been destroyed;

- 8.10. To end discrimination based on denomination in reference to government benefits including permission for renovations and building projects, exit and entry visas, vehicle licences, and to legacies and the right of individuals to leave their property to the church or denomination of their choice;
- 8.11. To guarantee protection from discrimination on the basis of one's religion in the workplace, school and all other social and political spheres;
- 8.12. To remove restrictions on the import of Bibles and other religious materials and books;
- 8.13. To fully implement the UN Standard Minimum Rules for the Treatment of Prisoners and to guarantee all prisoners, whether criminal or political, their basic human rights including religious rights;
- 8.14. To end the use of government informants in churches and seminaries;