

**Universal Periodic Review
Cuba
30th Session
Christian Solidarity Worldwide**

Introduction

1. Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in freedom of religion or belief. CSW monitors freedom of religion or belief in Cuba, raises awareness of human rights concerns and advocates for the full protection of human rights. This submission seeks to draw attention to particular concerns over the right to freedom of religion or belief (FoRB).

International legal framework and UPR commitments

2. Cuba has ratified a number of international human rights treaties including the Convention on the Rights of the Child (CRC), Convention on the Elimination of all forms of Racial Discrimination (CERD), Convention Against Torture (CAT), and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). 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).
3. During the last two UPR reviews, in February 2009 and April 2013, Cuba accepted seven recommendations relating to FoRB and noted six FoRB recommendations. Despite these commitments, FoRB continues to be undermined. In 2016 CSW recorded 2,380 separate violations of FoRB. At least 2,009 of these violations involved entire church congregations, and around 260 involved groups of women or activists arrested to prevent them from attending Mass. This is a slight increase on the 2,300 cases documented in 2015 – a record high at the time.[1][SM1]

FoRB violations in 2016 included:

- a) Confiscation of church property
 - b) Threats of confiscation of land used for church services
 - c) 2,000 Assemblies Of God churches declared illegal
 - d) Close surveillance and interrogation of religious leaders
 - e) Arbitrary detention
 - f) Prevention from attending religious services
 - g) Demolition of church property.
4. **Recommendation: The government should ratify both the ICCPR and the ICESCR. Cuba should also consider signing and ratifying the Rome Statute of the International Criminal Court.**
 5. **Recommendation: The government should implement the FoRB recommendations accepted during the previous UPR cycles, and revisit the FoRB recommendations it noted with a view to accepting and implementing them.**
 6. **Recommendation: The government should address the deterioration of FoRB by ensuring that officials across the country and at all levels uphold and protect this right. It should ensure that rule**

of law is maintained in all instances, and that its domestic law corresponds to its international obligations with respect to freedom of religion or belief.

7. **Recommendation: After ten years of no visits by UN Special Procedures, Cuba has recently accepted an official visit by the Special Rapporteur on trafficking in persons. We urge the government to extend invitations to other UN Special Procedures, in particular the UN Special Rapporteur on freedom of religion or belief, to visit Cuba with unhindered access to all parts of the country.**

Constitutional and legislative framework

8. Human rights, including FoRB, are guaranteed in the constitution. However, in practice political and ideological systems often take precedence over human rights.
9. The following articles from the constitution guarantee freedom of religion or belief:

Article 8: The State recognizes, respects, and guarantees religious freedom. In the Republic of Cuba, religious institutions are separate from the State. The different creeds and religions enjoy equal consideration.

Article 42: Discrimination based on...religious creeds, or any other type offending human dignity, is prohibited and punished by the law. The State's institutions educate all, from the earliest age, in the principle of the equality of human beings.

Article 55: The State, which recognizes, respects and guarantees freedom of conscience and religion, simultaneously recognizes, respects, and guarantees the freedom of every citizen to change religious creeds, or not to have any; and to profess the religious worship of their choice, with respect for the law. The law regulates the State's relations with religious institutions.

10. The realisation of these rights is limited through Article 62, which states: "None of the freedoms which are recognized for citizens can be exercised contrary to what is established in the Constitution and the law, or contrary to the existence and objectives of the socialist State, or contrary to the decision of the Cuban people to build socialism and communism. Violations of this principle can be punished by law." This article places fundamental human rights, including FoRB, below the socialist ideologies held by the state.
11. Human rights are further restricted by Chapter IV, Article 206 of the Cuban Penal Code: 'Anyone 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...' is liable to imprisonment for three months to one year. This article has been directed only towards non-communists, leading to unjust imprisonments.

Legality

12. All groups, including religious groups, must be registered with the government. These come under the authority of the Office of Religious Affairs (ORA) of the Central Committee of the Cuban Communist Party. Although the ORA is not officially a government entity it has the authority to deny official registration, which is needed for housing, movement, building and other activities. Churches must request

permission in order to remodel or rebuild, and the ORA is often slow to grant approval. Due to the power of the party and bias within the government, religious groups are susceptible to fines and threats of closure, and places of worship are often confiscated or demolished. Religious groups have no legal means of appealing judgments of the ORA.

13. Directive 43 and Resolution 46 on house churches were implemented in 2006, legislation which directly violates FoRB. The laws states that two house churches of the same denomination may not 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 plainly states that the authorities will supervise the meetings. The directive 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 for one year or more. If a complaint is registered against a church, it can be shut down permanently and attendees may be subject to imprisonment. The legislation also explicitly prohibits non-Cubans from participating, which includes simply being present, in a religious service without first seeking official permission in the form of a religious visa. Foreigners are prohibited altogether from involvement with house churches in mountainous regions. Any violation of this clause will result in fines of CUC1,000 (approximately GBP585), a huge sum for Cubans, who earn on average less than USD20 per month. The fine will be applied both to the foreigner in question and the church leader, and the house church will be shut down.
14. In January 2015 Legal Decree 322 came into effect, supposedly to regulate private properties and enforce zoning laws. However, it has been applied to allow for church property to be arbitrarily expropriated by the government and church buildings to be demolished. Officials have also confiscated church property such as benches, utensils and lamps.
15. The Apostolic Movement, the Vetero-Catholic Church and other religious groups have been denied the right to register, making all their activities illegal and any members liable to repercussions including imprisonment, fines, closures and demolition. Other groups such as the Jehovah's Witnesses and the Berean Baptists had their registration arbitrarily stripped in the 1970s and have been prevented from registering again.
16. **Recommendation: The government should remove authority over religious groups from the Office of Religious Affairs of the Central Committee of the Cuban Communist Party.**
17. **Recommendation: The government should abolish Directive 43 and Resolution 46 and allow for the legalisation of house churches in accordance with international FoRB standards.**
18. **Recommendation: Legal Decree 322 should be revised to ensure that it is not abused or applied in ways that violate FoRB.**
19. **Recommendation: The government should either remove the registration requirement to exist legally as a religious association, or ensure criteria for registration is transparent and in line with international FoRB standards, and that all religious groups are allowed to register without discrimination.**

Deterioration of freedom of religion or belief

Church property

20. In September 2013 the government nullified Reverend Yiorvis Bravo Denis's legal ownership of his property which served both as his family home and church, and threatened his family with eviction. Later, conditions were set for the family to remain in the home, including: all church activities must be approved by the government, the family must pay rent, and the government officially owns the property. These conditions were refused. While the government has not yet taken action to evict the family by force, the family's legal ownership of the property is still not recognised.
21. On 2 July 2014 government agents, including state security and Cuban Communist Party officials, destroyed the Establishing the Kingdom of God Church and home in Santiago de Cuba. The unannounced demolition began at 6am while the owners of the home and their young children were sleeping inside. Photos taken at the scene show uniformed officers directing a bulldozer to level the area where the church and home stood. The inhabitants were left homeless: the homeowner, who is also a leader in the church, Pastor Esmir Torreblanca, and his wife and two children, ages two and seven at the time.
22. In 2015 around 2,000 churches linked to the Assemblies Of God (AOG) denomination were declared illegal under Legal Decree 322. However, in early 2017 the government verbally rescinded this order.
23. On 28 October 2015 local authorities issued an order for the demolition of the AOG church led by Reverend Fausto Polemo. Physical Planning officers (Group to Confront Illegalities) began demolishing the building, but were forced to stop after knocking down the church walls, when members of the church held a peaceful sit-in protest. The order for demolition was formally rescinded in early 2017.
24. In the first half of 2016 four large Apostolic Movement churches, all in Camaguey, Las Tunas and Santiago, were demolished by the government. Each demolition occurred in the very early hours of the morning. The church leaders were arbitrarily detained for the duration of the demolition and streets were blocked off to prevent members of the public, including members of the church, from accessing the property.
25. In 2015, 2016 and 2017 a number of large Protestant denominations including the Western Baptist Convention, the Eastern Baptist Convention, the Assemblies of God and the Methodist Church of Cuba all reported that after the implementation of Legal Decree 322, a number of their properties, mostly house churches had been arbitrarily confiscated by the government; and that the churches were now considered 'permanent tenants of the state' and obligated to pay rent.

Harassment of religious leaders

26. Arbitrary detention, harassment, interrogation, surveillance and forced confinement have been used against religious leaders.
27. Religious leaders from registered and unregistered denominations report that the government keeps them and their religious services under constant surveillance. Pastors from some of the largest registered Protestant denominations, especially those whose churches have experienced significant growth, report that

they are regularly followed and harassed by religious affairs officials from the provincial and municipal Communist Party offices. Leaders from unregistered religious groups report similar experiences. A number of church leaders have been blocked from travelling abroad. At least 20 pastors have received asylum abroad during the reporting period, because of persecution they faced from the government.

28. Leaders of independent Afro-Cuban religions also report similar treatment. While the government-supported Yoruba Cultural Association is highly visible, it does not represent the majority of adherents to Afro-Cuban religions. Leaders of independent groups say that they have been subjected to ridicule at institutions of higher learning and in the workplace because of their beliefs. Some leaders have also reported raids by the political police in which the statues of saints, which they consider to be sacred, were thrown out of their homes.
29. In February 2015 Reverend Jesús Noel Carballeda was imprisoned without charge. The pastor had been imprisoned five years prior for a period of four months, after militant communist neighbours filed complaints about the church services held in their home. After his release Reverend Carballeda continued to lead his unregistered church, holding services in the countryside, in parks, in rented rooms and in other private homes. His wife believes that his continued leadership of the church, and persistence in leading religious services, angered the authorities and led to his February 2015 detention. He was sentenced to and served six months in prison.
30. On 28 June 2015 Reverend Yiorvis Bravo Denis was stopped at the airport and prevented from travelling to a conference in Peru. He was subsequently presented with a letter referring to him as a 'permanent tenant of the state', accusing him of being in debt to the government for having not paid rent on property that had been arbitrarily confiscated by the government.
31. In November 2016 Reverend Carlos Sebastian Hernández Armas was interrogated during a police appointment in El Cotorro, Havana. He was questioned regarding an event he had attended involving a prominent religious figure, and was threatened with the loss of his job as a pastor. The police made it clear that they considered him a 'counter revolutionary' and that he would be under close observation.
32. In March 2016 Reverend Mario Felix Lleonart Barroso was arrested by Cuban state security agents just hours before former US president Barack Obama arrived in Cuba. His home and church in the village of Taguayabon, Villa Clara Province, had been surrounded by police and state security agents since early Sunday morning. Rev Lleonart Barroso was held without charge for 55 hours but was finally returned home at 8.30pm on the evening of 22 March.

Restrictions on participation in religious activities

33. The government has used detention and legal proceedings in order to prevent citizens, especially human rights defenders and members of independent civil society, from participating in religious activities. There have been thousands of detentions during the reporting period in order to prevent individuals from attending Mass and other religious activities.
34. Each week during the reporting period, government agents systematically detained dozens of women affiliated with the Ladies in White movement – a nonviolent independent civil society group – preventing them from attending Mass. Individual cases of this kind number in the thousands. In most cases the women were violently detained by security agents upon leaving their homes or the Ladies in White headquarters, or

as they arrived at church services. Many of the women also reported that they were barred from participating in other religious activities during the week, in an effort to separate them from their communities of faith and socially isolate them.

35. Following Fidel Castro's death on 25 November 2016, the government announced a nine-day period of national mourning. During this period certain activities, including some religious activities, were not permitted. CSW recorded eight violations of FoRB that occurred during these nine days, ranging from threats against to arbitrary arrest of religious leaders. This suggests that the mourning period restrictions were used against religious groups.
36. **Recommendation: The government should ensure that all religious groups are given full equal rights to practise their faith either individually or in community, in public or in private, and to manifest their religion or belief in worship, observance, practice and teaching. The government should loosen state controls and streamline procedures concerning registration of churches, the accreditation of seminaries, and the construction and renovation of church buildings. The government should immediately cease the demolition of religious properties and lift restrictions on attending and participating in religious activities.**
37. **Recommendation: The government should remove politicised requirements placed on freedom of assembly and association of religious groups. It should also ensure that registration of religious groups is carried out transparently, fairly and with due respect to rule of law and Cuba's obligations to the human rights of its citizens. The government should ensure a fair and transparent appeal process for registration-related decisions, that is devoid of politicised or political decision-making.**