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Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human rights and religious freedom in Cuba**

Introduction

The Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), seeks to draw the Council's attention to the domestic human rights and religious freedom situation in Cuba.

Cuba has signed but not ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and is party to a number of other international human right treaties. Similarly, the Cuban Constitution sets out a commitment to upholding human rights. However these international and domestic legal obligations are not always reflected in legislation or practice.

There are regular violations of human rights across the country. Independent journalists, independent trade unionists, human rights defenders, pro-democracy activists and religious leaders are regularly targeted by the government for harassment, physical attacks, arbitrary detention and imprisonment. Over the past year, reports of violations of religious liberty in Cuba have increased in severity.

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.

Religious freedom

There have been some subtle shifts in the Government's relationship with religious groups over the past year. Superficially, conditions appeared to improve. A dialogue with the hierarchy of the Roman Catholic Church, and the registration and legalisation of some former house churches, give some reasons for hope that the government has turned over a new leaf. Church leaders representing all denominations in the country, however, have greeted these new developments with scepticism and are urging the outside world to be cautious in its interpretation.

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 the imprisonment and arbitrary detention of religious leaders. 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. This points to a general policy of clamping down on religious freedom rather than a specific targeting of unregistered house churches

** Christian Solidarity Worldwide, an NGO without consultative status, also shares the views expressed in this statement.

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.

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.

The government is now focusing on more targeted pressure of church leaders. Church leaders from the Roman Catholic Church and Protestant churches, both those belonging to and outside of the Cuban Council of Churches (CCC), report frequent visits from and meetings with State Security agents and Cuban Communist Party (CCP) officials. These visits and meetings seem to have the objective of intimidating the church leaders and making them aware that they are under close surveillance. Church leaders 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 temporary detention, interrogations, imprisonment of and threats made against religious leaders. Pastors who have refused to expel individuals involved with human rights or pro-democracy group or their family members from their churches have been singled out for heavy persecution. Heavy pressure is regularly applied to denominational leaders to expel church leaders that have upset the government in some way.

Church leaders from all denominations also report increasing difficulties in applying for exit visas, permission to receive international visitors, or permits for church vehicles. Many believe that the denial of these permissions is a form of exerting pressure on a church leader deemed to be “uncooperative” in some way. It should be noted that these requests are all handled by the Office for Religious Affairs of the Central Committee of the Cuban Communist Party and not by an official government institution. As such, there is no recourse for appeal when requests are denied or as is more often the case, ignored. Church leaders in Cuba continue to call for legislation that defines the legal parameters for religious activity and organisations on the island. They have called for oversight of religious groups and activities to be delegated to an official government body and to be removed from the Communist Party.

Converts to Christianity, particularly members of the Communist Party, report discrimination at work and at educational institutions. This includes the threat of loss of the job or place at the school respectively, and discrimination on the part of local authorities as well as moderate to severe harassment.

Recommendations to the Human Rights Council

To urge Cuba 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;
- 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;
- Comply fully with international human rights standards including those relating to religious freedom, particularly given its Human Rights Council membership;
- 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;

- Safeguard the freedom of all Cubans to assemble and worship according to their professed religion;
- Allow churches, religious denominations, and denominational groupings to operate autonomously without pressure or interference from government officials;
- Loosen state controls and to streamline procedures concerning the registration of churches, and the building and renovation of church buildings;
- 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;
- 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;
- 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;
- Guarantee protection from discrimination on the basis of one's religion in the workplace, school and all other social and political spheres;
- Remove restrictions on the import of Bibles and other religious materials and books;
- 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;
- End the use of government informants in churches and seminaries.
