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CUBA

FREEDOM OF RELIGION OR BELIEF

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Views of Old Havana. Photo: Carlos Llamélas/CSW

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EXECUTIVE SUMMARY

In 2016 Christian Solidarity Worldwide (CSW) recorded 2,380 separate violations of freedom of religion or belief (FoRB) in Cuba.¹ 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. The spike can be attributed to the fact that 2,000 Assemblies Of God (AOG) churches were declared illegal in 2015, a ruling which still stands. By comparison, CSW reported 220 FoRB violations in Cuba in 2014, 180 in 2013, 120 in 2012 and 40 in 2011.

The brutal and public strategies used by the Cuban government to target religious groups, identified in CSW's 2015 report,² continued throughout 2016. These include public and arbitrary arrests, beatings, and interrogations in contexts such as going through airport security. CSW also received reports of more subtle tactics, including the spreading of disinformation about religious leaders.

FoRB violations documented in 2016 include:

- Confiscation of church property
- Threats of confiscation of land used for church services
- 2,000 Assemblies Of God churches remained illegal
- Close surveillance and interrogation of religious leaders
- Arbitrary detention
- Prevention from attending religious services
- Demolition of church property.

The Office of Religious Affairs (ORA)³ is the key perpetrator of FoRB violations across the island. Although Cuba has signed the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which contain strong protections for religious freedom, both treaties have yet to be ratified – an omission which demonstrates the government's lack of commitment to upholding human rights.

Developments in Cuba's international relations in 2016, including the visit of former US president Barack Obama to Cuba in March 2016 and the Political Dialogue and

Cooperation Agreement⁴ between the European Union and Cuba, highlight the Cuban government's desire to convince international institutions and civil society of progress and a more open country. However, the FoRB violations documented in this report indicate that rather than moving towards a freer society, talk of progress has not yet translated into tangible improvements for religion or belief communities. Instead, the Cuban government has continued to actively restrict FoRB for a number of communities across the island. Different religious groups face varying degrees of opposition from the state; but the groups who suffer the most (largely those who have been refused registration by the ORA) have also been the most active in publicly standing up to government pressure.

TARGETING OF CHURCH PROPERTIES

In the first half of 2016 the government demolished⁵ four large churches linked to the Apostolic Movement, in three different parts of the country: in Camaguey, Santiago and two in Las Tunas.⁶ Following these demolitions, churches were forced to either continue holding services in the ruins of their church buildings or divide their congregations to meet in small groups in church leaders' or members' homes. In November 2016 the Cuban government took advantage of the overseas travel of the leaders of two of these demolished churches (see below). State security agents and officials from the Departments of Physical Planning and Housing threatened to confiscate land from owners who allowed churches to hold Sunday services there, if they continued to let the churches use the land.

EMANUEL CHURCH

In the case of Emanuel Church, led by Pastor Alain Toledano, the Department of Physical Planning threatened the landowner with eviction if they sided with the church. They also instructed them to remove a wooden construction used by the church to tie up a sheet which protected congregation members from the sun. Officials told the landlord that failure to comply with these orders within 24 hours would result in a fine. The same officials returned to demand the fine before the 24 hour deadline had passed.⁷

1 Note on methodology: We have logged multiple violations involving the Ladies in White and other activists as one violation, given that they occurred on the same date and often in the same location. This means that the number of individual violations is somewhat higher than the figure given above.

2 Christian Solidarity Worldwide, Cuba Report 2015, 15 January 2016 www.csw.org.uk/2016/01/15/report/3210/article.htm

3 The ORA operates out of the Central Committee of the Cuban Communist Party, and is directed by Caridad del Rosario Diego Bello. The ORA does not operate within any other official guidelines or legal framework, giving its officials sweeping and arbitrary power over religious groups and associations, and individuals associated with those groups.

4 Christian Solidarity Worldwide, 'Cuba: CSW urges EU to keep human rights on the agenda', 12 December 2016 www.csw.org.uk/2016/12/12/press/3379/article.htm

5 Christian Solidarity Worldwide, Mini briefing: Cuba, 11 August 2016 www.csw.org.uk/2016/08/11/report/3215/article.htm

6 The Apostolic Movement is a Protestant denomination which the government refuses to register. Read more here: Christian Solidarity Worldwide, Cuba Report 2015, 15 January 2016 www.csw.org.uk/2016/01/15/report/3210/article.htm

7 No official complaint was made by this church as the church recognised that the officials were operating outside of the law by fining them, and therefore a complaint would have been redundant.

STRONG WINDS MINISTRY CHURCH

In addition to the threats of confiscation of the land used for church services, state security agents confiscated property belonging to Strong Winds Ministry Church including at least 20 benches, lamps and utensils used for meals.

Neither landowner was willing to face confiscation of their land or eviction, so both congregations initially divided into small groups to meet in various members' houses.

EASTERN BAPTIST CONVENTION CHURCH, HAVANA

In March 2016 the government targeted a church property and pastoral home belonging to the Eastern Baptist Convention. Ministry of Housing officials and Lieutenant Batista Leyva from Internal Intelligence visited the pastor's home while he was away, and asked for documentation related to the property. A frightened church member turned over the property deeds. Almost a year later, these deeds have not been returned and government officials have told the pastor that the documents are being held by the Supreme Court.

Without property deeds the pastor cannot demonstrate his ownership of the property and the church is unable to apply for permission to function legally as a house church. Additionally, as the pastor and his family could not prove their permanent residence status, they were unable to receive the state rations that most Cubans rely on to survive.

At the time of writing a lawyer has managed to make a copy of the property deeds, which the family is using to receive their rations and as part of the process of re-establishing their rights to the property.

LEGISLATION

Another way the Cuban government has targeted the property rights of religious groups is through the use of Legal Decree 322, which came into effect on 5 January 2015. This law was allegedly established to regulate private properties and enforce zoning laws; however, government officials have used it to seize church properties. The government's implementation of Legal Decree 322 sometimes involves informal or verbal communications, which create a measure of confusion concerning the process.⁸

⁸ More information on Legal Decree 322: Christian Solidarity Worldwide, Cuba report 2015, 15 January 2016 www.csw.org.uk/2016/01/15/report/3210/article.htm

ASSEMBLIES OF GOD CHURCHES

In 2015 around 2,000 churches linked to the Assemblies Of God (AOG) denomination, the largest Protestant denomination in Cuba, were declared illegal by the government under Legal Decree 322. In 2016 no churches were confiscated, but 1,400 of these church buildings, many of which are house churches, were reported to be in the process of being expropriated by the government.⁹

In the latter half of 2016 representatives from AOG churches had various meetings with government officials to try to resolve this issue. However, no resolution has been reached, and the 2015 ruling regarding the 2,000 churches declared illegal still stands. In the course of these meetings AOG representatives have received no information to indicate whether the churches' legal status is likely to change, and nothing has officially changed regarding the 1,400 churches reported to be in the process of expropriation. The case is ongoing.

MARANATHA FIRST BAPTIST CHURCH

In May 2011 Ministry of Housing officials told Maranatha First Baptist Church in Holguin, part of the Eastern Baptist Convention, that their buildings would be permanently confiscated. The church was later issued with a confiscation order under Legal Decree 322.

They were notified in December 2015 that the confiscation order had been revoked and that they would be able to build a new church, as the current building is in poor condition and too small for their congregation of 800. As part of on-going discussions, on 16 December 2016 the church leadership met government officials to discuss the permission for the new building. They reported a positive and open discussion, although the outcome is unclear and the church is still waiting for the official permits.

YIORVIS BRAVO DENIS

Reverend Yiorvis Bravo Denis has been the target of constant harassment by the government since 2013, when he took over the church previously led by Reverend Omar Gude Perez. In September 2013 the government nullified his ownership of the site of his family home and church, and threatened his family with eviction. Later, conditions were set for the family to remain in the home, including:

- i) All church activities must be submitted in advance to government officials for their approval
- ii) Reverend Bravo Denis must pay rent to the government
- iii) The government must be acknowledged as the actual owner of the property.

Reverend Bravo Denis refused these conditions and was again threatened with eviction and confiscation of the property. On 28 June 2015 he was stopped at the airport

⁹ FoRB In Full, 'In Depth: The Process of Church Confiscations in Cuba', 20 September 2016 <https://forbinfull.org/2016/09/20/in-depth-the-process-of-church-confiscations-in-cuba/>

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 his property. Although there are no documents proving that he owes this money, Reverend Bravo Denis notes that "The law is in their hands."

While the government has not yet taken action to evict the family by force, they have continued to disregard the legal documentation proving Reverend Bravo Denis' ownership of his family home, which also serves as the headquarters of the Apostolic Movement. In 2016 this also meant that he was unable to carry out essential repairs to improve the safety of the house, which he worries is dangerous for his young child in its current condition.

RESTRICTIONS DURING MOURNING PERIOD FOR FIDEL CASTRO

Following Fidel Castro's death on 25 November 2016, the government declared a nine-day period of national mourning. During this period a range of activities were not permitted, ranging from public shows and celebrations, to playing music and selling alcohol. CSW recorded eight violations of freedom of religion or belief that occurred during these nine days of national mourning. These violations resulted from a heavy-handed implementation of the conditions stipulated for the mourning period and ranged from threats towards activists and church members to the arbitrary arrest of religious leaders. This suggests that the mourning period restrictions were used against religious groups.

The restrictions, to be followed by all members of Cuban society, were, however, in contravention of international law. Under Article 18.3 of the ICCPR, restrictions on the right to FoRB are only permitted if they are 'prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.' Even then, restrictions should be proportionate to the threat posed, as further outlined in the Siracusa Principles.¹⁰

FORB VIOLATIONS DURING NATIONAL MOURNING PERIOD

In 2016 various churches were visited by state security and told to suspend church services. Church members were also visited in their homes and told not to attend these services.

FRAN IRON PUPO

On 4 December 2016, during a service in Pastor Fran Iron Pupo's church in Holguin Province, state security agents and local government officials visited him and threatened to get neighbours together to 'break' the church. Four state security agents visited a member of the church congregation, Kelvin David Vega Rizo, and warned him not to participate in the service or to leave the area until the national mourning period for Fidel Castro was over. He was told he would be arrested if he did not follow these orders.

RAFAEL RÍOS MARTÍNEZ AND MARIA SECADES DIMAS

A particularly prominent case took place the day after Fidel Castro's death and involved the arrest of Pastors Rafael Ríos Martínez and Maria Secades Dimas. State security agents and political police officers visited this couple twice on 26 November 2016. The first visit occurred while seven church members were taking part in a weekly fast in the couple's house. As this couple lives in a rural area of Las Tunas with no internet access, they were unaware of the death of Fidel Castro and of the mourning period restrictions; and so, as normal, this meeting involved music.

The second visit took place later that day as the couple were alone in the house listening to a sermon on their private DVD player. State security entered the couple's house and arrested them. Both Rafael Ríos Martínez and Maria Secades Dimas were held in prison for two days and prohibited from receiving visitors. They were not given an opportunity to explain their version of events and were fined 150 CUC (approximately £125), to be paid within three days. CSW sources state there are clear indications that this fine was a tactic used on behalf of the government in order to raise a case against them, especially as it is likely the police were aware of the couple's limited financial means. Rafael Ríos Martínez and Maria Secades Dimas were able to raise the money within their church community and thus avoided sentencing on this occasion.

ARBITRARY DETENTION AND SENTENCING

In late December 2016 police again detained Pastor Ríos Martínez, this time while on his way to a friend's house to carry out some construction work. He was accused of attempting to travel to Santiago to meet counter-revolutionaries. Despite Pastor Ríos Martínez's insistence that he is only a pastor and is not interested in politics, and that he was simply going to help a friend, the police detained him for three hours. During his detention the police issued him with a 'Carta de Advertencia', a document that can be used as justification for future arrests and criminal charges. This second detention based on false accusations indicates that the police are actively searching for reasons to press charges against him.

10 International Commission of Jurists, Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights www.icj.org/siracusa-principles-on-the-limitation-and-derogation-provisions-in-the-international-covenant-on-civil-and-political-rights/

JUAN CARLOS NÚÑEZ VELÁZQUEZ

Reverend Juan Carlos Núñez Velázquez's church, which is affiliated with the Apostolic Movement and was on his private property, was demolished on 8 January 2016.¹¹ Since then the congregation has met in the courtyard of his house. On 23 September 2016 Reverend Núñez Velázquez was taken to a police station following untrue accusations that the sound system used by the church contravened environmental regulations; he was quickly released when the police realised there was no basis on which to sanction him.

Three days later, on 26 September 2016, Reverend Núñez Velázquez was informed that criminal proceedings would be started against him, and was ordered to sign a document stating that he recognised the crime of which he was accused. He refused to sign this document and was informed that he would face trial.

He was given only two days' notice of his court date and his lawyer did not have adequate time to prepare his defence. During the trial he was allowed to call only four witnesses, while the prosecution was permitted to call ten. Reverend Núñez Velázquez was found guilty of 'disobedience' on 21 October 2016 following complaints that he had broken environmental regulations. His appeal against a one-year sentence of house arrest was denied by Las Tunas Provincial Court in December 2016.¹²

LADIES IN WHITE

Each Sunday throughout 2016, across the island, government agents systematically detained dozens of women affiliated with the Ladies in White movement – a non-violent human rights movement – preventing them from attending Mass. Similarly to 2015, individual cases of this kind numbered in the thousands. In most cases the women were violently detained by security agents upon leaving their homes, the Ladies in White headquarters, or as they arrived at church services. There were particularly high numbers of arrests on 21 August and 18 December, with 88 and 80 women respectively arrested before Mass.

As in previous years, the majority were arrested using force. Some arrests, including that of Maylen González González and Ivon Lemus Fonseca on 18 December, were reported to have been particularly violent. Some women were also fined arbitrarily. For example, following her detention by state security to prevent her from attending Mass in Havana on 25 September, Eralidis Frometa Polanco was forced to pay a fine of 38CUC (approximately £30).

11 Christian Solidarity Worldwide, 'Cuban churches demolished and pastors arrested', 11 January 2016 www.csw.org.uk/2016/01/11/press/2948/article.htm

12 Christian Solidarity Worldwide, 'Cuba report reveals ongoing religious restrictions', 6 February 2017 www.csw.org.uk/2017/02/06/press/3450/article.htm

The Ladies in White did not attempt to leave their homes for Mass on 27 November or 4 December, during the period of national mourning, due to direct threats that they would be beaten by state security if they tried to carry out their normal activities.

While government officials appear to have primarily focused on Sunday morning activities, in line with previous years, women associated with the Ladies in White were also arrested on weekdays to prevent them from attending midweek Mass or Bible studies. On Thursday 15 December seven women were detained to prevent them from attending midweek Mass at Santa Rita Church in Havana. One state security agent told Berta Soler Fernandez, one of the detained women, that government agents were "not going to let her nor any Lady in White attend Mass on any day." The midweek arrests of these women indicate that government policy is aimed at not only stopping them from being present at Sunday Mass, but also isolating them from their faith community.

Throughout 2016, hundreds of other human rights activists were also detained before Mass.

HARASSMENT

DAGOBERTO VALDES HERNANDEZ

Following the incidents reported in the August 2016 Cuba briefing,¹³ cases of moderate to severe harassment of religious leaders continued throughout the second half of 2016. These ranged from threats and interrogation to meticulous physical examinations and prohibitions from holding events or even from working. Beginning on 1 September 2016, Dagoberto Valdes Hernandez – a prominent Catholic leader and the founder and editor of Catholic magazine *Convivencia* – and nine members of the team who work on the magazine were summoned to local police stations to face interrogation.

Mr Valdes Hernandez was interrogated on three separate occasions during October and November 2016, and was told by police officers that his life "would be difficult" if he were to commit any of the crimes he was warned against. Sources indicate that these 'crimes' included the continuation of *Convivencia* and the Centre of Studies.¹⁴ Although the nurse at the police station confirmed that he was healthy, while in police custody he was forced to submit to medical examinations and to have numerous measurements taken by those interrogating him, including Major Joaquin.¹⁵ These extensive and repetitive interrogations were used to intimidate Mr Valdes

13 Christian Solidarity Worldwide, Mini briefing: Cuba, 11 August 2016 www.csw.org.uk/2016/08/11/report/3215/article.htm

14 Dagoberto Valdes is the director of the Coexistence Centre of Studies, an independent centre which runs the magazine *Convivencia*. The centre also organises conferences and activities covering a variety of topics such as 'Culture and Education in the Future of Cuba'.

15 'Major' is one of the highest military ranks in Cuba.

Hernandez and his team into discontinuing their work. CSW's past documentation¹⁶ demonstrates that such threats are often followed through. *Vital*, the magazine which *Convivencia* replaced, was forced to close in 2007 after reportedly coming under similar pressure.

CARLOS SEBASTIAN HERNÁNDEZ ARMAS

Reverend Carlos Sebastian Hernández Armas was interrogated in November 2016 in a similar manner. During a police appointment 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. The term 'counter revolutionary' has also been used as an excuse to deny work permits to religious leaders, so they are unable to continue their work.

On 16 November 2016 government officials examined Reverend Hernández Armas's passport when he was returning from Miami and informed him that copies of it were being circulated – indicating that he was being closely observed by political police officers and state security. As he was leaving the airport, two immigration officers detained him and proceeded to execute a thorough examination of other personal belongings including his books.

Other forms of harassment continued throughout 2016: many religious leaders and members of church congregations were closely observed by, and received visits from, state security agents and political police officers. As in the case of Reverend Hernández Armas, immigration officers continued to carry out acts of harassment. Reverend Mario Travieso, the pastor of Strong Winds Ministry Church (see above: 'Targeting of church properties') was stopped at the airport on 16 November, en route to Argentina, and had his belongings meticulously examined. Officers attempted to confiscate his mobile phone.

More subtle forms of government harassment increased towards the end of the year. CSW received reports of online messages being sent from the hacked accounts of religious individuals or from false accounts to various people, including religious leaders. Such disinformation has also been circulated offline. In one case, an extensive leaflet was distributed in the vicinity of Strong Winds Ministry Church and local parks in Las Tunas. The leaflet, signed by a pastor not known to any CSW source and who does not appear to have an address in Cuba, discredits Reverend Mario Travieso, stating that he has 'a debt of honour and respect to Fidel'. It also states that the official who punishes this pastor would be serving God for the pastor's own good.

CONCLUSION

The number of freedom of religion or belief (FoRB) violations in Cuba has remained high, largely due to the fact that the 2015 ruling of 2,000 Assemblies Of God churches as illegal has not been overturned. CSW continues to receive daily reports of FoRB violations, ranging in severity, from a wide spectrum of religious groups and individuals. These violations are largely carried out by the Office of Religious Affairs (ORA), and have continued to be both brutal and public in nature. Meanwhile the government has also continued to employ more subtle tactics in an attempt to discredit religious leaders and sow distrust.

The European Union, the United States and other governments in dialogue with the Cuban authorities should not view the government's attempt to cover up repression of religious groups by granting certain privileges to a select few, as an improvement in FoRB. While some groups who have experienced FoRB violations have met government officials in an attempt to resolve their situations, there has been no significant change in any of these cases.

As described in CSW's August 2016 briefing,¹⁷ as the ORA increasingly cracks down on unregistered religious groups and other groups perceived as unsupportive of the government, many activists are becoming increasingly bold in their efforts to defend FoRB. Churches have continued to find ways of meeting together, even after land and church belongings have been confiscated. They have also continued to publicly denounce violations, despite the dangers this can involve.

It is troubling that developments in Cuba's international relations throughout 2016, promoting the image of a more open society, have led to a misunderstanding among some that the Cuban government is taking steps to improve all human rights. The Political Dialogue and Cooperation Agreement between the EU and Cuba, for example, has the potential to spread an image of progress and of a loosening of control by the Cuban government, unless the context is well explained and understood. Additionally, some may see the death of Fidel Castro¹⁸ in November 2016 as an opportunity for change. While his death marked the end of a significant period of Cuban history, with no major policy change by the government – especially in terms of the continued existence of the ORA – it seems likely that FoRB violations will continue into 2017.

¹⁷ Christian Solidarity Worldwide, Mini briefing: Cuba, 11 August 2016 www.csw.org.uk/2016/08/11/report/3215/article.htm

¹⁸ FoRB In Full, 'Life in Cuba under the Castros', 2 December 2016 <https://forbinfull.org/2016/12/02/life-in-cuba-under-the-castros/>

¹⁶ Christian Solidarity Worldwide, 'Cuba: Church demolished and hundreds arrested', 9 February 2016 www.csw.org.uk/2016/02/09/press/2978/article.htm

RECOMMENDATIONS

To the government of Cuba

- Respond to increasing calls by many religious leaders and their congregations for the better protection of FoRB, by abolishing the Office for Religious Affairs (ORA) and adopting legislation that protects FoRB for all
- Loosen state controls and streamline procedures concerning the registration of churches, the accreditation of seminaries, and the building and renovation of church buildings
- Reform Legal Decree 322 to ensure it cannot be used to arbitrarily expropriate property, including property belonging to religious associations
- End the practices of interfering with internet access and censoring online and print media
- Fully ratify both the ICCPR and ICECSR
- Nullify the designation of 2,000 Assemblies Of God churches across the country as illegal
- Fully cooperate with the UN Special Procedures and issue a standing invitation to the Special Procedures to visit Cuba with unhindered access to all parts of the country.

To the United Nations and UN Member States

- Strongly urge Cuba to follow the recommendations listed above
- Encourage Cuba to fully ratify relevant international instruments, including the ICCPR and ICECSR
- Urge Cuba to fully cooperate with the UN Special Procedures and issue a standing invitation to the Special Procedures to visit Cuba with unhindered access to all parts of the country
- Encourage Cuba to implement the recommendations of the first and second UPR cycles, and to actively engage with the third UPR cycle in 2018
- Ensure that freedom of religion or belief and freedom of expression are consistently raised in all appropriate high-level correspondence with Cuba, including during high-level visits and other bilateral exchanges with Cuba as well as at UN Human Rights Council sessions and during the Universal Periodic Review, raising specific incidents of concern both in public and in private
- Monitor the human rights situation in Cuba; if there is independently verifiable political will to improve the human rights situation, provide technical assistance to the government of Cuba to implement its human rights commitments.

To the government of the United States

In addition to the recommendations above:

- Raise violations of FoRB, including those mentioned in this report, with Cuba at every opportunity; and establish specific criteria for Cuba to meet in order to more effectively measure progress in regard to human rights and democratic reform
- The US Embassy in Havana should continue to closely monitor freedom of religion or belief in Cuba and engage with religious leaders of all faiths and denominations, registered and unregistered, across the island; while taking into consideration the political sensitivities under which many religious leaders must work
- Encourage Cuba to grant invitations to UN thematic Special Rapporteurs such as those with mandates on freedom of religion or belief, torture, and freedom of expression and opinion
- As the United States regularly reviews its policy towards Cuba, it should establish specific criteria for Cuba to meet (e.g. ratification of the ICCPR and ICECSR) in order to more effectively measure progress in regard to human rights and democratic reform.

To the European Union and EU Member States

- Urge Cuba to legalise all churches
- Ensure that EU institutions and Member States visiting Cuba are fully briefed on the situation of FoRB, as outlined in the 2013 EU Guidelines on the promotion and protection of freedom of religion or belief
- Proactively promote and defend FoRB by seeking new ways to support and strengthen vulnerable groups inside Cuba, in line with existing EU human rights commitments
- Raise FoRB violations regularly in all its dialogues with the Cuban authorities, including with the head of the Office of Religious Affairs (ORA), and establish clear benchmarks for progress
- Extend and expand the mandate of the EU Special Envoy in May to enable this person to raise violations of FoRB with Cuba at every opportunity
- Insist on the full ratification and implementation of the ICCPR and ICECSR
- Encourage Cuba to invite the UN Special Procedures to visit the country, and to accept and implement recommendations from UN mechanisms and bodies.

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CSW is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

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