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FINDINGS: Serious religious freedom violations continue in Cuba. These violations include, among others: harassment and occasional arrests and detentions of religious professionals and laypersons affiliated with both registered and unregistered religious groups; the government's extensive efforts to control and monitor religious belief and practice, including through surveillance, infiltration, and legal restrictions prohibiting religious communities from operating without government permission; and the government's delay in registering new religious groups, which obliges unregistered groups to operate "illegally" and places them at risk of punishment. Moreover, the one-party Communist government continues to have an overall poor record on human rights.

Based on these concerns, USCIRF again places Cuba on its Watch List in 2010 and will continue to monitor conditions of freedom of religion or belief in Cuba to determine if they rise to a level warranting the country's designation as a "country of particular concern," or CPC. Cuba has been on the Commission's Watch List since 2004.

Religious belief and practice continue to be tightly controlled in Cuba. Within this reporting period, a number of religious leaders were arrested and the government expanded its efforts to crack down on independent churches operating outside of government control. Although the Cuban government seeks to project the image that it respects the right to religious freedom, state authorities perceive the potential influence of religious organizations as a threat to the revolution and, hence, the government's legitimacy. Furthermore, despite becoming a signatory to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 2008, President Raul Castro and the government have yet to indicate, let alone institute, plans for large-scale improvements in freedom of religion or belief and related human rights. There were several positive developments for certain religious groups during the past year. However, these developments were local, and not nationwide, in nature, did not benefit all religious groups and should be viewed within the context of strict government control of all aspects of life in Cuba.

PRIORITY RECOMMENDATIONS: The promotion of freedom of religion or belief is not adequately addressed in the U.S. government's programs to promote human rights in Cuba. USCIRF recommends that, in addition to demanding that Havana release religious leaders who have been unjustly imprisoned, the United States should set objectives for the Cuban government to meet regarding the protection of freedom of religion or belief in Cuba before it will consider resuming full diplomatic relations with that country. In addition, the U.S. government should use appropriated funds to advance Internet freedom and protect Cuban activists from harassment and arrest by developing new technologies and immediately distributing proven and field-tested programs to counter

ensorship. Additional recommendations for U.S. policy towards Cuba can be found at the end of this chapter.

Religious Freedom Conditions

Arrests of Religious Leaders

In 2009, the Cuban government increased its efforts against religious leaders who have withdrawn from denominations that are part of the government-recognized Protestant umbrella group, the Cuban Council of Churches (CCC), criticized the government's interference in their churches, and/or are outside of the government's control of religion. Leaders of the unregistered "Apostolic Reformation" – a self-described non-political religious "movement" that has attracted many pastors who formerly belonged to CCC denominations – were particularly targeted. Apostolic Reformation leaders have reported that their phones are tapped, they are watched and threatened, and their members are threatened with loss of employment if they do not leave the group.

In May 2008, Apostolic Reformation Pastor Omar Gude Pérez was imprisoned and his family was told he would be charged with "human trafficking." The pastor had received numerous threats from government officials prior to his imprisonment. The human trafficking case was dismissed in March 2009, but in April 2009 Gude was charged with illicit economic activity and falsification of documents and given a six-year sentence – the longest sentence handed down to a religious leader in decades. Following the sentence, Gude's house was searched and his family was threatened with eviction and confiscation of their belongings. In January 2010, Gude was denied the right to appeal his sentence.

According to Christian Solidarity Worldwide (CSW), more than 30 other Apostolic Reformation members were briefly detained in 2009. In April, Pastor Bernardo de Quesada Saloman and his wife Damaris Marin were arrested as they attempted to observe Gude's court hearing. Other pastors from the Apostolic Reformation were also arrested and threatened with charges of "social dangerousness" to discourage movement members from attending the hearing. In June 2009, dozens of Apostolic Reformation pastors were arrested in Camaguey to prevent them from attending an interdenominational meeting with 200 other religious leaders. In July 2009, Alexi Perez was arrested and imprisoned for illicit economic activity. Charges were later changed to illegal reception of materials. Other actions against the Apostolic Reformation included the eviction of three pastors from their house churches. One pastor, Mario Alvarez, is appealing the confiscation of his house to the Supreme Tribunal.

Several religious leaders were detained or remained in detention in 2009. Reverend Robert Rodriguez, president of the Interdenominational Fellowship of Evangelical Pastors and Ministers, has been detained since October 2008 on charges of "offensive behavior." At present, no date for his trial has been set. Prior to his arrest, Rev. Rodriguez had pulled out of the CCC after publishing a letter complaining about state interference in church affairs.

Two Baptist leaders, Rubén Ortiz-Columbié and Francisco "Pancho" Garcia, were jailed for more than two weeks in October 2009 for "illegal economic activities." The two men were arrested in Guantanamo while distributing financial aid to churches damaged in the 2008 hurricanes. Their church, the Eastern Cuba Baptist Convention, is one of the largest denominations on the island. The two men were well known to government authorities and had been working in Guantanamo province continually since the 2008 hurricanes.

Independent Santeria priests also reportedly were threatened and pressured to assimilate into the government-sanctioned Yoruba Cultural Association during the past year.

Governmental Oversight and Legal Restrictions

The Cuban government's main interaction with, and control over, religious denominations is through its routine surveillance, infiltration, and/or harassment of religious, active laity, and the administrative apparatus of the various churches. The Cuban government requires churches and other religious groups to register with the relevant provincial office of the Registry of Associations within the Ministry of Justice. Registration requires religious communities to identify locations and funding sources for activities and obtain a government certificate that states that each registering community is not duplicating the activities of other registered religious communities. Registration permits religious leaders to receive foreign visitors, import religious materials, meet in approved houses of worship, and apply for travel abroad for religious purposes.

The Cuban government is most tolerant of those religious groups that maintain "close relations" with the state or that "often [support] government policies," according to the State Department. There are approximately 50 state-recognized religious groups, primarily Christian denominations, half of which have some form of association with the CCC. However, the government has not interfered with activities of the Baha'is and the Church of Jesus Christ of Latter-day Saints (Mormons), groups that are not officially registered. There is also a small Jewish community, primarily in Havana.

As in past years, government permission to build new houses of worship, or to repair or restore existing ones, is difficult to obtain, although in 2009 some religious denominations did obtain permission to repair houses of worship that had been damaged during the 2008 hurricanes.

Because of the difficulty in obtaining permission to build new houses of worship, many religious groups, both registered and unregistered, hold services in private homes or similar accommodations, commonly known as "house churches." There are reports that at least 10,000 house churches exist nationwide, the majority of which are not registered. A 2005 law requires all house churches to register and submit to the government detailed information on membership, the house's inhabitants, and the schedule of services. The law also permits no more than three meetings to be held per week, bars foreign citizens from participating in services without government permission, and requires house churches of the same denomination to be at least two kilometers apart. According to the State Department, of the 4,500 house churches that have applied, 2,400 have been registered.

Since the 2005 law was enacted, several house churches from registered and unregistered denominations have been closed, confiscated, or destroyed, and some house church leaders have been briefly detained or evicted from their homes. Examples in this reporting period include the April 2009 attempted eviction of evangelical minister Julio Ibanez in Havana Province and the June detention of several evangelical pastors in Camaguey for holding an unauthorized meeting. There also have been reports that individual worshippers have received citations and some churches have been forced to pay large fines. The Cuban government justifies these actions by arguing that unregistered house churches are improperly using the buildings, citing the religious communities' lack of government approval both to hold meetings and to hold them at that specific location.

All publications are required to be registered with the Ministry of Culture. However, the Cuban Conference of Catholic Bishops has refused to register its publications, arguing that such registration would mean a loss of content and format control. Although the government has not blocked the printing or publication of Catholic publications completely, increased government pressure in recent years, sometimes in the form of questioning by state security agents and blocking the distribution of supplies, has led several such publications to close.

Other means by which the government restricts religious practice include the following: a regulation preventing any Cuban or joint enterprise, except those with specific authorization, from selling computers, facsimile machines, photocopiers, or other equipment to any church other than at the official – i.e. exorbitant – retail prices; an

almost total state monopoly on printing presses; a prohibition on private religious schools; limitations on the entry of foreign religious workers; denial of Internet access to religious organizations; and denial of religious literature, such as Bibles, to persons in prison. Additionally, religious groups must receive permission from local Communist Party officials prior to holding processions or events outside religious buildings. Permission is often denied based on the decision of individual government officials rather than in accordance with the law.

The government sometimes discriminates in the area of employment on the basis of religion. Converts from Santeria to Catholicism are reportedly encouraged to "retire," are not given promotions or pay raises, or are excluded from work functions or meetings because colleagues no longer consider them "trustworthy." Unofficially, people who are overtly religious also are excluded from diplomatic work, careers in journalism, or from joining the police, military, or other security forces.

Improvements

There were several positive developments for certain religious groups during the past year. However, these developments were local, and not nationwide, in nature, did not benefit all religious groups and should be viewed within the context of strict government control of all aspects of life in Cuba.

The situation for the Catholic Church continued to improve slightly. The construction of a new Catholic seminary continued, with completion expected in 2010. Instruction is already occurring in completed classrooms. Cuba's Roman Catholic Cardinal read a Christmas message on state television for the second straight year.

In September 2009, government officials announced that Catholic and Protestant services would be permitted in prisons whenever requested by inmates. According to the State Department, religious leaders reported increased opportunities to hold such services. The State Department also reports that detainees' requests for clerical visits were increasingly honored.

In April 2009, the Cuban government agreed to assist the Jehovah's Witnesses in seeking a larger branch facility to replace their current one. To alleviate space constraints in the private homes they currently use for worship, the government permitted the Jehovah's Witnesses to obtain 40,000 chairs. In addition, Jehovah's Witnesses and Seventh-day Adventists reported fewer instances of job discrimination and harassment than in previous years. These groups report that their members now are provided with alternative civic services in lieu of mandatory military service and are exempted from patriotic activities at school. Adventists report their members are normally excused from Saturday work or school activities.

Some religious denominations reported increased opportunities to conduct humanitarian and charity work. Certain denominations also reported a slight improvement in the ability to receive contributions from co-religionists outside Cuba; however, receipt of financial assistance from persons in the United States continued to be troublesome for many denominations. Several religious denominations reported that bibles and travel permits were more easily obtainable.

Religious leaders and organizations reported significant increases in membership, especially among the young, as well as increased participation by children in church religion classes since the state schools stopped scheduling activities on Sundays.

U.S. Policy

The United States and Cuba do not have full diplomatic relations, and U.S.-Cuba policy continues to be dominated by the U.S. trade sanctions and travel embargo on Cuba. Since 1963, when the first sanctions on Cuba were imposed through the Trading with the Enemy Act, there have been periods of tighter and looser sanctions, but relations

between the two countries have always remained poor.

In 2009, President Barack Obama moved to ease the U.S. sanctions on Cuba and improve relations. In April, the President lifted restrictions on the number of times Cubans in the United States can travel to Cuba visit and the amount of money they can send to relatives in that country. On the same day, President Obama also announced that the United States would begin issuing licenses for companies to provide cellular telephone and television services in Cuba. Additionally, during this reporting period meetings took place between senior-level U.S. and Cuban diplomats, and discussions took place on the resumption of mail services and migration issues. In March 2010, President Obama announced that technology companies would be permitted to export Internet services to Cuba to increase freedom of expression and allow human rights activists to collect and share information.

Nevertheless, relations between the two countries remain poor. In the first half of 2009, President Raul Castro and Fidel Castro spoke in complimentary terms about President Obama. As it became apparent that the U.S. government would continue to call for the Cuban government to improve freedom of speech and association and release political prisoners before fully resuming diplomatic relations, the two Cuban leaders became more critical of the U.S. president. Relations further soured after the December arrest and the continued imprisonment of USAID contractor Alan Gross for working in Cuba to increase Internet access on the island. Gross was arrested for working without the proper visa.

The U.S. government also continues to press allies to raise human rights concerns with Cuban authorities. For instance, in June 2009 when it appeared that the Organization of American States (OAS) would pass a resolution unconditionally readmitting Cuba to the regional body, the United States intervened. Secretary of State Hillary Clinton successfully urged the inclusion of a provision requiring Cuba to meet the OAS Charter's requirements of respect for democracy and human rights prior to rejoining the group. In October, when the Spanish Foreign Minister traveled to Havana, President Obama requested that he raise the issue of political prisoners and human rights during his meeting with President Castro.

U.S. assistance to Cuba seeks to promote democracy on the island, including through support for civil society and rule of law and human rights programs. Although the U.S. government says it promotes freedom of religion or belief within its overall democracy and human rights programs, the focus of these programs is on strengthening independent civil society organizations and independent media, including journalists and libraries. The U.S. government also provides humanitarian assistance to political prisoners and their families and funds the Miami-based Radio and TV Marti to broadcast independent news into Cuba.

USCIRF Activities

In 2009, Commissioners and staff sought to travel to Cuba to research religious freedom conditions on the island, but were not granted visas. Throughout the year, the Commission met with religious communities and non-governmental organizations who promote religious freedom and human rights in Cuba.

Recommendations

I. Advancing Religious Freedom through U.S. Programs and Policies

The U.S. government should:

- press the Cuban government to meet the following benchmarks concerning the freedom of thought, conscience, and religion or belief prior to resuming full diplomatic relations with the country, including:

- unconditionally release all religious leaders detained or imprisoned and drop all charges against such persons or targeted by state security agencies because of their independence from the state, including Reverend Robert Rodriguez, Pastor Omar Gude Pérez, and Alexi Perez;
 - stop the arrests and harassment of religious persons and infiltration and intimidation of religious communities by state security agencies and hold those involved in any further such practices accountable for their conduct;
 - revise government Directive 43 and Resolution 46, which restrict religious services in homes or on other personal property, and other national laws and regulations on religious activities to conform them to international standards on freedom of religion or belief;
 - cease interference with religious activities and the internal affairs of religious communities, such as denials of visas to religious workers, limitations on freedom of movement of religious workers, arbitrary prevention of religious ceremonies and processions, and attempted interference in elections in religious bodies;
 - end the practice of arbitrarily denying registration to religious groups and detaining or harassing members of religious groups because of that unregistered status;
 - issue permits for construction of new places of worship;
 - end the practice of evictions and requisition of personal property of religious individuals or communities without due process and grant restitution or provision of alternative accommodation for previous instances of such illegal activity;
 - permit religious communities to operate private educational institutions;
 - end the restrictions on religious communities' access to the media and publication equipment; and
 - lift restrictions on humanitarian, medical, charitable, or social service work provided by religious communities and protecting persons who conduct such work.
- ensure that funding budgeted to promote human rights and democracy in Cuba includes support for effective initiatives advancing freedom of religion or belief;
 - encourage Radio Marti and TV Marti to report on the international standards of freedom of religion or belief and on religious freedom conditions in Cuba;
 - continue to promote religious freedom and related human rights by eliminating barriers in U.S. law that result in the denial of Internet services to religious freedom and human rights activists in Cuba;
 - use appropriated Internet freedom funds to develop free and secure email access for use in Cuba; facilitate the dissemination of high-speed internet access via satellite; and distribute immediately proven and field-tested counter-censorship programs in order to prevent the arrest and harassment of religious freedom and human rights activists and help them maintain their freedom of expression and legitimate expectations of privacy; and
 - award funds appropriated by Congress to counter censorship in Cuba, including from the FY10 Consolidated Appropriations Act, through a competitive and merit-

based process.

II. Advancing Religious Freedom through Multilateral Efforts

The U.S. government should:

- encourage international partners, including key Latin American and European countries, the European Union (EU), and Canada, to ensure that violations of freedom of religion or belief and related human rights are part of all formal and informal multilateral or bilateral discussions with Cuba;
 - work with international partners to reinstate the position of UN Special Rapporteur on the situation of human rights in Cuba and support the Rapporteur's efforts to gain unrestricted access to that country; and
 - work with the EU to implement measures in response to Cuba's noncompliance with the EU Common Policy's human rights benchmarks and urge Canada to develop and use such benchmarks.
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