

Documents

Religious Freedom in Cuba

An almost unprecedented examination of a country's political, religious and social policies has taken place under the auspices of the United Nations. The Commission on Human Rights of the Economic and Social Council undertook a study of Cuba's policies, producing a long report (E/CN.4/1989/46, 21 February 1989) based primarily on evidence gathered during a visit to the country. The decision to undertake the survey was made on 10 March 1986 at the invitation of the Cuban government. The group visited Cuba from 16-25 September 1988 and gathered evidence from both official and non-governmental sources. The 57-page report is supplemented by a large number of submissions that the group received. Because of its United Nations' origin, the group came to no conclusions as to the state of human rights in Cuba: information is recorded with no comment as to its validity or otherwise. However, the on-the-record statements make interesting reading.

We reproduce below in its entirety the section on religion (Chapter III, B., 4. Freedom of Conscience and Religion). This is followed by the text of an article by Hiram Abi Cobas Nunez analysing the way the law deals with religion. This document was included by the group as Annex XXIV of the report.

During and following the delegation's visit, members of human rights groups, some of whom met the delegation, were subjected to various forms of harassment. According to Aryeh Neier in his article in the New York Review of Books, 15 June 1989, 22 human rights activists have been arrested and imprisoned since the UN visits.

Hiram Abi Cobas Nunez is a former Professor of Philosophy at Havana University, who was removed from his job reportedly because of his political views. He then managed to find a post in the university library. At the time of his arrest on 6 August 1989, his third arrest that year, Cobas Nunez was ideological secretary and acting head of the year-old Partido Pro Derechos Humanos en Cuba, (Human Rights Party in Cuba), the two previous leaders having also been imprisoned. He was arrested on charges of violating Art. 115 of the Penal Code, allegedly having 'disseminated false information with the purpose of jeopardising the prestige of the Cuban state'. Two others were arrested with Cobas Nunez following statements made to representatives of international news agencies in Havana and to correspondents from the American press regarding various aspects of the judicial process undergone by General Arnaldo Ochoa and others in July 1989.

The UN Report

3.B.4 Freedom of conscience and religion (art. 18 of the Universal Declaration of Human Rights)

99. The situation with regard to freedom of conscience and religion in Cuba was discussed by the group with the Head of the Religious Affairs Office of the Communist Party, the Vice-President of the Council of State and the Head of the Information and Cultural Affairs Office of the Communist Party, as well as with representatives of the Episcopal Conference of the Catholic Church and the Ecumenical Council of Cuba. The group also received from the Cuban Committee for Human Rights a document entitled 'Legal coercion and religious freedom in Cuba'. Finally the Secretariat on behalf of the group received written allegations of violations of religious freedom of 81 persons.

100. The Head of the Religious Affairs Office of the Communist Party informed the group that his Office was established in January 1985 in order to improve relations between the State and the different churches, particularly the Catholic Church. He said that, in the years immediately after 1959, there had been an acute confrontation between the State and the Catholic Church because religious belief tended to be equated with counter-revolutionary militancy. This was due to the fact that the Catholic Church was then closely tied to the old political order and, accordingly, it vigorously opposed the new regime. He claimed that this identification of the Catholic Church with counter-revolutionary forces reached its peak in April 1961, at the time of the mercenaries' landing at Playa Girón. The difficulties were exacerbated by enemies opposed to the process who sought to divide the people into those who were

with the Church and those who were with the Revolution. It was precisely against this background that religious property was confiscated and religious faith declared to be incompatible with revolutionary activism. He added that, fortunately, the situation has now been overcome, although there are still some restrictions on practising religion which are likely to disappear. He admitted that religious denominations have limited access to television, radio and the other media, although there are interviews with religious leaders from time to time and Cuba often receives important visitors from different churches. He also pointed out that, if the various churches were offered space in the media, the Government would not have enough for its own social campaigns. Lastly, he stated that Cuba today has over 800 Protestant churches with some 1,000 ministers, while the Catholic Church has 500 churches. He could not say, however, just what the total number of believers was, as statistics were inadequate, but, if the baptismal registers were taken as a basis, there were millions of Catholics in Cuba, representing some 15 to 20 per cent of the total population. The Catholic Episcopal Conference put the figure at 60 per cent of the population. Nevertheless, according to the Head of the Religious Affairs Office of the Communist Party, only 80,000 to 90,000 Catholics attend religious services, while the figure for Protestants is 75,000 to 80,000. In conclusion, he said that the most widespread religion in Cuba is *santería*, Afro-Christian syncretism.

101. The Vice-President of the Council of State recognised that the Cuban Government does not encourage religious vocations, but said this does not mean there is any religious persecution in Cuba. He admitted that a Catholic cannot teach in a primary school, although he can

work in other areas, such as medicine. He said it is not common for a Catholic to hold an executive position in the Party or the State. In his opinion, the problem lies to a large extent in the popular reaction against the various religious denominations, which is sometimes expressed in spontaneous acts of intolerance, an outcome of the lack of understanding of the religious phenomenon.

102. The Head of the Information and Cultural Affairs Office of the Communist Party said that publications by religious sects are intended for the sects themselves and that religious information is not given radio or television time or space in the press. He did add, however, that such opportunities could be provided in the future, in the process of the return to normal in Church-State relations, provided the churches concern themselves with spiritual, and not worldly, matters.

103. The President of the Catholic Episcopal Conference told the group that, since 1985, when the Office of Religious Affairs of the Communist Party was established, there have been major advances in relations between the Catholic Church and the state. The phase of a return to normal relations began some 10 years ago, before which there were two earlier phases, one of fierce confrontation and another during which the Catholic Church resigned itself to the revolutionary *status quo*. He added that the period of confrontation began when the new regime explicitly stated its desire to establish socialism in Cuba. From then on, because of the Church's opposition to that political programme, it lost the chance to go on teaching in schools and suffered from a fall in the number of priests and nuns; there were 200 priests left in Cuba, while the number of nuns declined from 2,800 to 230. That had come about through the expulsion of many

members of religious orders, including a bishop and the voluntary emigration of others, because of the restrictions on church activities. He also claimed that, during the 1960s at the time Church-State relations were at their most difficult, Catholics found their civil rights restricted in work places, schools and the mass media. Some 10 years ago, a process of contact and dialogue was initiated between Church and State, leading to a new stage in their relations. This move towards a return to normal was reflected in the way bishops were able to raise with the authorities complaints from their parishioners about various situations in which they suffered occupational, political or academic discrimination on religious grounds. The State started to listen to these complaints and to deal with them, thus creating a better climate in relations with the Catholic Church. Lastly, he regretted the fact that the improvements which had taken place in the Catholics' situation had been achieved only through concessions, not as a result of the recognition of legitimate rights.

104. The Catholic Episcopal Conference referred to the difficulties still encountered by the Church in exercising its right to freedom of worship and to the subtle discrimination still suffered by believers. Among other difficulties, they mentioned the lack of access to the media, whether press, radio or television, although the Holy Father himself had called for freedom in that area; the fact that the Church had not been able to get back the schools and colleges it had had before the establishment of the new regime; the lack of access to education under the present educational system; and the inadequate number of Catholic priests (some 225) in relation to the population of Cuba, although they admitted that some foreign priests have started to arrive to perform pastoral duties for the

Catholic Church. They added that religious believers do not form part of the Party, which in their view is discriminatory, since they are thus excluded from the decision-making process in Cuban society.

105. The group also received 5 of the 7 members of the Executive Committee of the Ecumenical Council, which represents 54 Protestant churches and ecumenical movements and institutions, and they stated that the group's visit was taking place at the best time in relations between their churches and the state, which were no longer beset by the difficulties dividing Christians and Marxists in the 1960s, when the former were anti-Communists and the latter open enemies of the Christians. They said that their churches can meet without any problems and hold services on their own premises and that many of them have their own publications, as in the case of the Presbyterian Church, although they have problems in distributing the material they publish. They added that the Protestant churches give religious education on their own premises and at holiday camps for young people and that their ministers encounter no difficulties in visiting parishioners who are sick or have problems, although they said they have no access to the media. They also claimed that there is no contradiction between the Christian education given in the churches and in believers' homes and the Marxist education given in schools, since atheism is not an objective of the Revolution and Marxism-Leninism is taught only in the last two years of pre-university studies. They said that students do not have to accept the materialistic view of the world and are free to decide whether or not to have religious beliefs.

106. The Secretariat on behalf of the group received a total of 81 complaints of religious discrimination, mainly from members of the Jeho-

vah's Witnesses and Seventh Day Adventists. Their principal complaints referred to their refusal to undertake military service and to work on Saturdays, respectively. Chapter II gave the comments of the Cuban authorities on the way problems with members of these churches are being dealt with. A Jehovah's Witness stated that, in 1981, his house was searched by the National Revolutionary Police, who confiscated a Bible, three copies of the *Watch Tower*, a book on the New Testament and two books of the sect he belongs to. Shortly afterwards, he was sentenced to 9 months' imprisonment for being in possession of clandestinely printed material, all the confiscated material being destroyed on the orders of the Municipal Court. The Secretariat on behalf of the group also received the first five issues of *La Religión en Cuba* (Religion in Cuba), an independent publication, although it has links with the Catholic Church; it is edited by Enrique López Silva and the first issue came out in September 1987. As the publication itself states, it is evidence of the improvement in relations between the Catholic Church and the State.

Annex XXIV: Legal Coercion and Religious Freedom in Cuba

by Hiram Abi Cobas,
member of the Cuban Committee
for Human Rights, Havana, 1988

Although the holding of religious views may be regarded as an inherently personal matter, the forms which different beliefs take are unquestionably an integral part of culture and, as such, should be passed on to younger generations through education.

The right to religion thus presupposes the right to educate and instil into one's children the religious

beliefs inherited as part of their culture, which they as individuals will subsequently use as a basis in forming their own values. Article 18 of the Universal Declaration of Human Rights establishes the right to pass on one's religion through education, a right which is stated more explicitly in article 26, paragraph 3, of the Declaration.

This right is embodied in the legislation promulgated by the Cuban Government, beginning with its Constitution, article 38 of which proclaims that

Its educational and cultural policy is based on the following principles: (a) the State bases its educational and cultural policy on the scientific view of the world established and developed by Marxism-Leninism; (b) education is a function of the State. Consequently, educational centres belong to the State. . . (c) the State promotes the communist education of new generations. . .

These three paragraphs of the Constitution wrongly establish as the sole scientific view of the world that proclaimed by Marxism-Leninism — a principle asserted in the thesis on educational policy of the first Congress of the PCC, which states that, 'The content of the subjects taught in the school system shall be based on the governing principles and categories of dialectical and historical materialism,' so that all other philosophical and religious views are labelled anti-scientific, which reflects negatively on children whose parents practise a religion and endeavour to instil it into them. Secondly, with a view to promoting the communist education of children and young people, the state prohibits any type of non-state education which attempts to instil a religious faith and is thus rejected by communist atheism.

Article 39 of the Constitution states that 'The education of children

and young people in the spirit of communism is the duty of all society.' Under this provision, not even the parents themselves may oppose or attempt to replace the Marxist-Leninist concept in their children's education.

Again regarding the restriction of the education of minors in the religion of their parents, the Constitution states that

It is illegal and punishable by law to use religious faith or belief to oppose the Revolution, education or compliance with the duties to work, defend the homeland with arms, revere its symbols or other duties established by the Constitution.

The article in question not only restricts the freedom of conscience of some sects and Churches, such as the Jehovah's Witnesses, or the Seventh Day Adventists, who do not work on Saturday, but also makes it illegal to invoke the religious belief of the parents in opposition to 'the education of children and young people in the spirit of communism', as stated in article 39, or the Marxist-Leninist view which article 38 establishes as the basis of educational policy.

Under article 35 of another basic law concerning the relationship between parents and children, namely, the Family Code, parents have the duty to instil in their children 'the spirit of internationalism and the rules of co-existence and social morality. . .', thereby again imposing on them the obligation to impart to their children, contrary to their beliefs, the ethical principles of atheist materialism.

While the provisions referred to above place restrictions on parents wishing to share their religious beliefs with their children, whatever those beliefs may be, some Churches and sects with special characteristics face greater difficulties, as we shall see. Not only is any type of education

other than atheist materialism prohibited, but children whose parents are prepared to take the risk of instructing them in Christian beliefs will encounter a hostile environment at school, where they are taught manicheistically to distinguish between 'revolutionaries having a materialist scientific view and non-revolutionaries influenced by anti-scientific and idealistic concepts'. As a result, the children of parents with religious beliefs are engulfed in a social crisis which is practically irremediable for children and young people unless they resort to concealing their religious beliefs, with possible adverse effects on their personalities.

The state education system restricts the access of religious believers to the teaching profession. Article 3 of the Regulations governing Conduct in the Teaching Profession provides that 'Any person performing an educational activity is obligated to (a) maintain exemplary conduct consistent with the norms and principles of communist morality within and outside educational establishments', which precludes any religious practice, participation in acts of worship, etc., even outside the classroom. Under article 8 (p) of the above-mentioned Regulations, the introduction into educational establishments of deviationist literature or other materials, which generally include religious symbols, Bibles, etc., is regarded as a violation of the standards of professional conduct, even if such materials are not used to proselytise students. The ideological basis for all this is to be found in the resolution on the policy regarding religion, the Church and religious believers, adopted at the first Congress of the PCC, which states,

In view of the above (the communist education of new generations), it is considered essential to train a teaching body equal to this task and that teachers at all levels should

so conduct themselves as not to distort or misrepresent, through their teaching, the declared objective of an education completely free of unscientific concepts or views, in both the demonstration and explanation of natural and social facts and phenomena.

In addition, all primary-school and intermediate-school pupils in Cuba must belong to the Organisation of Communist Pioneers, which is in contravention of article 20 of the Universal Declaration of Human Rights.

Parents who belong to sects or Churches with marked pacifist leanings or with strict views on religious festivals, such as the above-mentioned Jehovah's Witnesses or Seventh Day Adventists, may be prosecuted for the offence specified in article 316 of the Criminal Code, namely,

Any person who induces a minor to abandon his home, drop out of school, reject educational work inherent in the national system of education, or fail to perform his duties relating to respect for and love of the Fatherland, shall be liable to imprisonment for three months to one year or to a fine of 100 to 300 units, or both.

It should be noted that school textbooks contain ideas deprecating religion, so that anyone contradicting them lays himself open to the above penalty. This threat is also made clear in article 206 of the Criminal Code whereby

Any person who, abusing the freedom of worship guaranteed by the Constitution, uses religious belief as a basis for opposing the objectives of education or the duty to work, to defend the Fatherland with arms or revere its symbols, or any other duties established in the Constitution shall be liable to a penalty of imprisonment for three months to one year or to a fine of 100 to 300 units.

This article, which reinforces article 54 of the Constitution, quoted earlier, further restricts the religious education of children and the exercise of religious freedom.

In the case of adult religious believers, the restrictions on the rights embodied in articles 18 to 21 of the Universal Declaration of Human Rights are clear. Chapter V of the Constitution of the Republic does not establish, for religious believers, equality of rights with the rest of society and thus does not prohibit discrimination on grounds of religious belief.

Members of religions are prohibited from practising their religion in public places, holding religious processions, making radio or television broadcasts, having access to the press and virtually any form of dissemination. It is worth noting that, in the resolution on policy regarding religion, the Church and religious believers adopted at the first Congress of the PCC, it is stated that the State upholds the following principle '(f) Without offending the religious sentiments of religious believers, every citizen has the right to uphold and defend his atheist materialist beliefs.' Nowhere is any provision made, however, for the right of religious believers to uphold and disseminate their beliefs.

¶ In the relevant forms, job applicants are required to state whether they are members of a Church, sect or club and whether they are religious believers, practising or otherwise. These forms are taken into account in recruitment and subsequent promotion, and the practice of a religion, or merely holding religious beliefs, is a handicap. The same is true for the forms to be completed by university students seeking employment.

Persons holding religious beliefs are also disqualified from taking up employment in certain institutions,

such as the Ministry of the Interior, obtaining managerial posts in the mass media, becoming officers in the armed forces, and from holding any post (minister, vice-minister, managerial, etc.) calling for 'political reliability'.

An individual with religious beliefs may not belong to the UJC [Union of Communist Youth, *Ed.*] or PCC. Under article 5 of the Constitution 'The Communist Party of Cuba, the organised Marxist-Leninist vanguard of the working class, is the highest leading force of society and of the state. . .', so that anyone who is not an activist is precluded from participating in the highest leading force in the Government of the country, which constitutes discrimination against religious believers and a violation of their rights as established in article 21 of the Universal Declaration.

Furthermore, membership of UJC is essential for admission to certain university faculties, such as philosophy and history, to name but one, which precludes religious believers from enjoying the rights established in article 26 of the Universal Declaration. Religious believers are also prohibited from joining the teaching staff of such faculties, which is a violation of the right recognised in article 23 of the Universal Declaration.

Article 53 of the Constitution restricts the right to freedom of association, which is also governed by Law No. 54 of 1985 and resolution No. 53 of 1986. All associations must be approved by the Ministry of Justice and conform to the requirements imposed by the state, one of which is an excessively large membership, despite the fact that the formation of associations has traditionally required only seven members. Associations of this type are linked with the Ministry of the Interior, with which they must co-ordinate their activities. The issuing of school uniforms or

shoes to poor children is prohibited, as are public demonstrations, acts before plaques or monuments, layettes for babies born on national days and finally, almost all the social works which such associations used to undertake. Also prohibited are special collections for members in distress, intended for prisoners and their families. Visits to political prisoners by priests or public officials are prohibited, as is any type of communication which might help to give them a feeling of fellowship. Membership of an association not authorised by the state is punishable under article 208 of the Criminal Code, which states

1. Any person who becomes a member of an association not registered with the appropriate state agency shall be liable to imprisonment for one to three months or to a fine of up to 100 units.
2. The promoters or officers of an unregistered association shall be liable to imprisonment for three months to one year or to a fine of 100 to 200 units.

This is regardless of whether the association was established for charitable, social or other reasons, the penalties for criminal association being stipulated in article 207. Unauthorised demonstrations, including those organised by associations approved by the state, are prohibited under article 209 of the Code, which states

1. Any person participating in meetings or demonstrations held in violation of the provisions governing the exercise of those rights shall be liable to imprisonment for one to three months or to a fine of up to 100 units.
2. The organisers of unlawful meetings or demonstrations shall be liable to imprisonment for three months to one year or to a fine of 100 to 300 units.

As can be seen, no reference is made to meetings or demonstrations which

disturb the peace, and even persons gathering in a cemetery to pay their respects at the grave of one of the founders or illustrious members of an association can be — and have been — penalised.

Ordained ministers of the various religions, and members of those religions known for their pacifism, are liable to the penalties laid down in article 206 of the Criminal Code if they refuse to participate in military mobilisation, as well as to those laid down in articles 171 and 172 whereby any person refusing to perform military service is liable to up to 2 years' imprisonment. Such persons may also be liable to the penalties laid down in article 203 of the code, which states

1. Any person who insults or, by other means, shows disrespect for the national flag, anthem or coat of arms shall be liable to a penalty of imprisonment for three months to one year or to a fine of 100 to 300 units.

Art. 202, paragraph 4, of the Criminal Code also establishes penalties for ministers of pacifist sects and their missionaries:

4. The same penalty as provided for in the foregoing paragraph (imprisonment for one to three months or a fine of up to 100 units) shall apply to any person inciting others not to perform the civic duties relating to the defence of the Fatherland, production or education.

This article also establishes penalties for ministers of Churches such as the Seventh Day Adventists, which call for strict observance of their religious festivals.

Members of religions which advocate faith healing are liable to the penalties laid down in article 149 of the Criminal Code, which states

- Any person who, out of a desire for gain or with other malicious intent, or causing damage or injury

to another person, performs acts peculiar to an occupation for which he is not duly qualified shall be liable to a penalty of imprisonment for three months to one year or to a fine of 100 to 300 units, or both.

They are also liable to the penalties laid down in article 197 of the Code, which states

Any person who, on any pretext, incites others not to accept medical attention for themselves or their relatives or to reject measures relating to preventive medicine shall be liable to a penalty of imprisonment for 3 months to one year or to a fine of 100 to 300 units, or both.

It should be noted that all the penalties laid down in the above-mentioned articles of the Criminal

Code referring to one form or another of religious activity were increased in the latest amendment, adopted on 30 December 1987.

Finally, the opportunities for religious believers to practise and communicate their religion will always be restricted and controlled as a result of the continuous materialist and atheistic campaign of the state, as made clear in article 61 of the Constitution:

None of the freedoms accorded to citizens may 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 are punishable by law.

Soviet Atheism — The Great Debate

In January 1989 the atheist monthly Nauka i religiya (Science and Religion) published an article on atheist work entitled 'Re-evaluation'. Written by V. I. Garadzha, director of the Communist Party's Institute of Scientific Atheism, it questioned the validity and effectiveness of many aspects of atheist work in the Soviet Union. This article and the later responses, which we print in part below, suggest that the role of religion and atheism in Soviet society is being given some serious public thought for the first time since the mid-1960s.

Atheist Work: A Re-evaluation

Today it seems that no-one would question the need for a radical review of the whole system of atheist

education. The CPSU Programme passed at the 27th Party Conference, the 19th All-Union Party Conference, the series of party and state documents passed in connection with the celebrations of the millennium of the Christianisation of Rus', the complex processes of *perestroika* in the political, economic and social spheres — all of these present us with new and urgent tasks. To a large extent, the resolution of these depends on a reappraisal of our own views on the theory and practice of atheism. The methods currently employed in atheist work are not only ineffective, but full of serious moral, spiritual and political shortcomings.

Perestroika in the sphere of social consciousness and public opinion is now happening at such a pace that we are forced to re-evaluate not only old attitudes but also opinions held only