INDEX TO DOCUMENTATION OF COUNTRY CONDITIONS REGARDING
PERSECUTION OF LGBT INDIVIDUALS IN CUBA

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<td>• “Groups must register through the Ministry of Justice to receive official recognition. Authorities continued to ignore applications for legal recognition from new groups, including several new religious groups as well as women’s rights and gay rights organizations, thereby subjecting members to potential charges of illegal association.” (P. 18)</td>
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  | • “In June several independent organizations attempted to organize an LGBTI march in Havana to celebrate LGBTI Pride Month. According to independent reports, authorities detained several
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<th>INTER-GOVERNMENTAL SOURCES</th>
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<td>4. Inter-American Commission on Human Rights, <em>Annual Report 2018: Cuba</em> (2018), available at <a href="http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4b.CU-en.pdf">http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4b.CU-en.pdf</a></td>
<td>• “The IACHR is also aware of persistent restrictions on political rights, the rights of assembly and association, and the right to freedom of expression and dissemination of ideas, in addition to mass violations of the rights to liberty, security and personal integrity, protection from arbitrary arrest, the inviolability of the home and transmission of correspondence, the right to residence and movement, minimum fair trial rights and the right to judicial protection. Such restrictions continue to systematically curtail the human rights of the inhabitants of Cuba, in particular, to the detriment of human rights defenders, social and political leaders, and independent journalists, as well as Afro-descendants, women, LGTBI persons, among other historically vulnerable groups.” (P. 353)</td>
<td>• “The IACHR received information about a case of violence and discrimination against LGBTI persons in Cuba, such as the case of Joan Cristian Campos Guevara, a gay young man, who was murdered in the province of Villa Clara. The Commission also takes not that violence against LGBTI human rights defenders is still present in Cuba.” (P. 375)</td>
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<th>NON-GOVERNMENTAL SOURCES</th>
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<td>6. Freedom House, <em>Freedom in the World 2018 – Cuba</em> (Feb. 16, 2018), available at: <a href="https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&amp;docid=5a8aedfd10d&amp;skip=0&amp;query=Gay&amp;coi=CUB&amp;searchin=fulltext&amp;sort=date">https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&amp;docid=5a8aedfd10d&amp;skip=0&amp;query=Gay&amp;coi=CUB&amp;searchin=fulltext&amp;sort=date</a></td>
<td>• “the advocacy efforts of independent LGBT groups are either ignored or actively suppressed. Independent activists have denounced CENESEX and the government for resisting further legal reforms on issues such as marriage and adoption, among other criticisms.” (P. 6)</td>
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<td>7. Council on Hemispheric Affairs, <em>A New Revolution: The Progression of LGBTQ Rights in Cuba</em> (June 30, 2015), available at: <a href="http://www.coha.org/a-new-revolution-the-progression-of-lgbtq-rights-in-cuba">http://www.coha.org/a-new-revolution-the-progression-of-lgbtq-rights-in-cuba</a></td>
<td>• “Transgender women still get stopped without warrant on the streets. In 2012, for example, Allen was walking through the streets of Havana at night with two of the transgender women who are the subjects of her book. A police officer stopped them in the street and asked for the identification numbers of the two transgender women but not Allen. ‘The police quietly wrote [the numbers] down in [their] book, and I was sort of indignant,’ Allen said. After the police left, she asked the two women she was with, ‘Aren’t you angry?’ and one responded, ‘No, we’re used to it.’” (P. 5)</td>
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- “Cuban gay rights activists denounced the government’s decision to cancel this year’s parade against homophobia, accusing it of snatching away their main platform at a key moment as the Caribbean nation is set to debate legalizing same-sex marriage.” (P. 1)  
- “‘We thought the conga.... was already approved and consecrated - an error,’ playwright and LGBT activist Norge Espinosa said in a Facebook post. ‘To not permit it is a sign that compels us to return to the closet, to know we are not welcome, that hope can be undone, if we do not have what is needed to fight.’” (P. 2)  
- “Many believe the decision was also motivated by the popular backlash last year against the government’s proposal of including a change in the new constitution that would have opened the door to gay marriage.” (P. 3) |
- “A number of gay rights activists have been arrested after clashing with police at an unauthorised pride march in Cuba's capital, Havana.” (P. 2)  
- “On Saturday, more than 100 demonstrators took to the streets of the capital. Some said they were subjected to violence after they were stopped by plainclothes security officers.” (P. 2)  
- “At least three activists participating in the gay parade in Havana were detained.” (P. 2) |
- “Amanda, who prefers to be called a young homosexual person who does not want to reveal their true identity for fear of reprisals, told CiberCuba about the hard moments they have experienced because of their sexual preference, to the point of being discriminated against, even by their own family.” (P. 2)  
- “‘My father found out that my boyfriend was a boy who was studying in the same school as me….’ But after the news their father couldn’t stand it…. Their father, who is an activist of the Communist Party and a loyal follower of the Fidel’s ideas, did not want to hear more, ‘I hadn’t finished telling him when he got up and threw one first at me, then another, and another; he hit me so hard that he disfigured my face.’” (P. 3)  
- “They say that they have repeatedly contacted the National Center for Sex Education (Cenesex), but has never had results, ‘the last time I called Cenesex, trying to get my case to have a solution and get a job, I had no answer.’” (P. 6) |
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- “Cuba has rejected a proposal to legalize same-sex marriage in its new and revised constitution, a move that disappointed some gay rights activists. An article that would have redefined marriage as a ‘union between two people’ — rather than a ‘union between a man and a woman’ — was eliminated from a proposed new constitution, which was written last year by the National Assembly, analyzed and debated in thousands of public meetings across the island and, on Feb. 24, approved by the Cuban people at referendum.” (P. 1-2) |
- “The police went through his house four months ago and opened a ‘prophylactic’, accusing him of prostitution ‘just for being in an area prone to crime.’ The areas ‘prone to crime’ are the so-called ‘potajeras’, meeting places of the LGTBI community on the Island.” (P. 2-3) |
- “Numerous alleged hate crimes have emerged on social media, in a country where there isn’t a framework to specifically identify and condemn crimes motivated by prejudice against a person’s race, sexual orientation, gender identity, etc.” (P. 2)  
- “Alarcon posted on his Facebook page that a young man, who he said was a friend, was assaulted by three young men in the early morning of January 20th, in Guira de Melena, 40 km south of the Cuban capital.” (P. 3)  
- “‘They jumped him, for no other reason than him being gay and saying this, they cut his face with a bottle and beat him without mercy,’ he wrote.” (P. 3)  
- “He also criticized the local police for ‘still letting the perpetrators run loose and on the fringes of the law, while my friend was sent home and told to come back on Monday so they could decide how serious the attack had been, not knowing or being able to predict if he would be threatened or attacked again.’” (P. 3)  
- “In his Facebook post, Riuber Alarcon said that ‘some wrongly named ‘religious pastors’ (…) have been promoting some campaigns talking about immoral acts, about stoning or burning people, among other barbaric acts. After these religious campaigns, a series of violent acts have been perpetrated against the gay community.” (P. 4)  
- “Activist Isel Calzadilla believes that ‘it’s horrible that cases like this one exist and that homophobia has been energetically revived.’” (P. 5) |

- “Recently private bars in Havana have used the ‘right of admission reserved’ to keep the doors closed on LGBTI+ people. Recent incidents expose the lack of Cuban legislation to prevent discrimination and protect victims.” (P. 1)

- “…they decided to take a selfie of themselves giving each other a kiss. The bouncer told them they were not allowed to take the photo and the couple was eventually kicked out because “the bar didn’t want to have a gay image.” The bouncer argued, “we’re not interested in that type of publicity, and we don’t want to get that reputation.’” (P. 1)

- “On June 27, 2015, to commemorate the Stonewall riots, playwright Norge Espinosa and a dozen gay men and lesbians went to KingBar for a “public kissing” to call attention to discriminatory access to public spaces. According to Espinosa’s article published on the Proyecto Arcoiris blog, the owners of the bar “didn’t feel comfortable with so many gays and lesbians inside their property” and applied a “selective entry policy.’” (P. 3)

- “The majority of legislation recognizes the right to reserve admission for reasons that are outlined and are objective, without compromising the rights of customers to equality and protection against discrimination. There are no laws on this subject in Cuba. Nor are there antidiscrimination laws explicitly regarding the LGBTI community.” (P. 3)


- “Yosuán, the hairdresser, was 19 when he arrived in Havana, but his escape began the same day that a neighbor ran scandalized to his home. ‘I was washing some shoes in the yard, and I heard when she told Mom: ‘In the village they are saying that last night they saw your son squeezing with another male near the stadium.’ I almost died of shame.’” (P. 2)

- “’One morning they wrote an offensive sign on the door of the house. A week later I could not stand that,’ recalls the young man, ‘Dad left, Mom did not sleep and did not cook, and my sister preferred to stay at the university on weekends. I did not dare to go out, I left economics school, and just kept going to church.’” (P. 3)

- "'I would go almost at night for work, so that no one would see me go out, and also at night I would come back. There we cooked, washed our clothes, felt as if that place were our home. But one day they ratted us out, Ernesto lost his job, and he was sanctioned by the party. Many of those who agreed with expulsion lived with their girlfriends or women, but we were judged differently. They'll throw us out because we're gay.’” (P. 5)
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<td>“‘Marginalization exists everywhere, because in the first place we have no laws to protect us…. The homosexual or the transvestite are a source of jokes…. in the east or in the rural areas of the country, if someone attacks you, it is very likely that others will join.’” (P. 6)</td>
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<td>“’Ernesto and I have been together for 6 years, our relationship is more serious than that of many heterosexual marriages, and yet we are not recognized as husbands, and that affects us, not only from the legal point of view. It is also important to legislate on family, labor or educational law, so that injustices are not committed or at least so that injustices do not go unpunished.’” (P. 8)</td>
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<td>•</td>
<td>“Trans people and lesbian women reported having to drop out of school due to situations of school bullying, revealed a retrospective investigation about homophobia and transphobia in the school environment conducted by the state National Center for Sexual Education (Cenesex).” (P. 2)</td>
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<td>“The study concludes that homophobic and transphobic violence in the school setting is a reflection of social homophobia and transphobia in Cuba.” (P. 10)</td>
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<td>“the reduction of homophobia and transphobia to which lesbians, gays, bisexuals and trans people are exposed on the Caribbean island is still pending.” (P. 12)</td>
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<td>“The average age of dropping out of school was concentrated at 16.6 years, at the end of secondary education, with a majority representation of trans people.” (P. 4)</td>
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<td>“‘there is no place in the school setting that escapes this phenomenon,’ distinguished the report, which identified, as moments of highest risk, the exit and entrance to the school, the time between classes and the recess in the courtyard.” (P. 6)</td>
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<td>“support, when it occurred, came from students who intervened to stop the abuse. The attitude of the teaching staff was aimed at silencing the facts and locating the blame in the victims, said the sample studied.” (P. 8)</td>
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<td>•</td>
<td>“The homophobic and transphobic violence experienced had an impact on the mental health of the victims, said the study…. Terrors, fear of the reaction of people when they complained, poor school performance and rejection of school, were some of the consequences observed.” (P. 9)</td>
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<td>“But critics say the situation for gay and trans people is still dire there: on Sunday, a group of LGBT Cubans requested asylum in the Netherlands, claiming they faced persecution in their homeland.” (P. 2)</td>
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**SUMMARY**

- “One of them, activist Victor Manuel Dueñas, told the Washington Blade he was being targeted by the government for his work advocating same-sex marriage and calling attention to police mistreatment of LGBT people.” (P. 3)

- “On Facebook, Dueñas posted a video indicating he was one of more than a half-dozen LGBT Cubans, including trans women, who booked a flight from Havana to Moscow, but claimed asylum while in Amsterdam’s Schiphol Airport.” (P. 3)

- “Independent journalists and activists who criticize Mariela Castro or her father’s government say they are stymied, harassed, and even detained. Dueñas, who founded an LGBT center in the Cuban town of Santo Domingo, says a Cuban intelligence agent came to his home earlier this month and said he knew he was ‘going to Holland with the faggots.’” (P. 3)

- “He claims he could face eight years in prison if he is sent back to Cuba.” (P. 3)

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- “Dueñas on Sunday told the Washington Blade during a WhatsApp interview from Schiphol Airport that Cuban authorities began to target him because of the Babel Sociocultural Project’s efforts to raise awareness of police mistreatment of LGBT people in the city of Cárdenas, which is roughly 100 miles east of Havana on the island’s northern coast.” (P. 2)

- “Dueñas also said the government “considered” the same-sex marriage campaign that he and other advocates launched “a big mistake.”” (P. 2)

- “Adriana, a transgender woman from Havana, told the Blade on WhatsApp from Schiphol Airport that Cuban police harassed her and other trans women. She and another trans woman in Dueñas’ group with whom the Blade spoke said authorities prevent them and others from gathering in parks and other public places because they think they are sex workers.” (P. 2)

- “Maykel González and his partner, Carlos Alejandro Rodríguez, who are independent journalists and activists, were detained last September as they covered Irma preparations in the city of Sagua la Grande. Nelson Gandulla, president of the Cuban Foundation for LGBTI Rights, last May told the Blade that authorities prevented him from meeting with Gender Rights Maryland Executive Director Dana Beyer, Equality Florida CEO Nadine Smith and other American activists in Havana.” (P. 3)

- “He [Dueñas] said a Cuban intelligence agent came to his home earlier this month and said he knew he was “going to Holland with the faggots.”” (P. 3)

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- “An independent Cuban activist says the government continues to target him because he publicly criticizes President Raúl Castro’s daughter who spearheads LGBT-specific issues on the communist island.” (P. 1)
• “Nelson Gandulla, president of the Cuban Foundation for LGBTI Rights, told the Washington Blade on May 16 during an exclusive interview at his home on the outskirts of the city of Cienfuegos that three security officials interrogated him for two and a half hours last December.” (P. 1)

• “Gandulla said the authorities who interrogated him threatened to kill him and told him “something could happen to my family and me.” Gandulla told the Blade the authorities also said they “could take me to prison for contempt for attacking Mariela Castro’s authority.”” (P. 2)

• “Gandulla, who is a doctor, said the authorities also threatened to rescind his medical license and prevent him from leaving Cuba.” (P. 2)

• “Gandulla said authorities took their passports and cell phones and placed his partner in a cell. He told the Blade they accused him of having a “clandestine Internet network” inside his home, even though the only thing he said they found was a DirecTV receiver. Gandulla said authorities took pictures of his home as they walked through it. He told the Blade they also had “witnesses” who “showed their discontent” over flyers the Cuban Foundation for LGBTI Rights distributed throughout the country “that talk about the Cuban reality.”” (P. 2)

• “Gandulla said police on May 3 detained his partner because he was working as a journalist without official government credentials. He told the Blade agents interrogated him for two hours and took his camera, cell phone and tripod.” (P. 3)

• “Gandulla also alleges authorities prevented him from traveling to Havana in order to attend a May 12 meeting with Equality Florida CEO Nadine Smith and other U.S. LGBT advocates…[he] received a summons that ordered him to report to police headquarters in Cienfuegos at 8 a.m. on May 12 for an “interrogation.” The meeting began in Havana at the same time.” (P. 3)

• “Gandulla said a police officer came to his home before then-President Obama visited Cuba in March 2016 and asked whether he “was going to move around Cuba or my province in the coming days.” Gandulla told the Blade he was “publicly admonished in front of his colleagues” last October after he traveled abroad and his salary was reduced by 25 percent for three months. He said he was unable to work for several months.” (P. 3-4)

• “He told the Blade that authorities have repeatedly threatened to send him to prison and regularly harass activists who work with his organization. Gandulla also said the Cuban government has placed him under surveillance.” (P. 4)

• “From the age of 10 to the age of 18 I was usually in prison in Cuba. For simply being who I am,’ she says.” (P. 3)

• “Castro added that in Cuba, homophobia and transphobia are still widespread.” (P. 3)

• “… many of the trans women Allen photographs say they’re still harassed and detained by police. They also say they can’t get jobs.” (P. 4)
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<td>“Earlier this year, a trans woman was stoned to death near the western city of Pinar del Rio, according to Cuban media reports. Activists in Cuba called it a hate crime.” (P. 4)</td>
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<td>“I suffered too much trauma in Cuba. It would cause me too much panic to return there. I wouldn't go back, even for a short visit.”” (P. 5)</td>
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<td>“some rights activists say change isn’t happening quickly enough. In early 2015, they filed a complaint with the sex education center, accusing police of arbitrarily arresting gays.”” (P. 4)</td>
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<td>“Even today, some gay and transgender people say life can be difficult in Cuba. Castro says she endures bullying and &quot;psychological violence&quot; when going out in public. ‘Why should I have to get on a bus in my country and be disrespected? I don't bother anyone. I respect all people, their sexual preferences, their diversity, whatever, I respect them. Why do they have to get into it with me? It's very, very painful. Very painful.”” (P. 5)</td>
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<td>“Sometimes dreams are frustrated. Why? Because we have no chance. We have no chance of saying: ‘I can be a store employee.’ Because then comes the rejection, the transphobia, the homophobia, you understand? Because they think that we are not equal human beings. That we do not have an IQ. People think we are ... that we are the bubonic plague.”” (P. 6)</td>
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<td>“The sexologist added, however, that ‘the number of hate crimes is not completely clear because of the lack of a specialised institution dedicated to classifying them….and this classification is important because the old term ‘crime of passion’ hides gender violence, violence between men, and violence between couples.’”” (P. 2)</td>
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<td>“Violent crime is generally surrounded by silence in this island nation of 11.2 million people, and killings of LGBT individuals are no exception.” (P. 2)</td>
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<td>“I haven’t seen statistics and I’m no expert, but the murders I know about were ruthless. We’re killed for some reason, like theft or vengeance, but also because we’re gay,” said Leonel Bárrzaga, a 33-year-old chemical engineer who told IPS about the murder of his friend Marcel Rodriguez. Rodriguez, a 28-year-old gay professional, was stabbed 12 times on Jan. 6 in his central Havana home.”” (P. 3)</td>
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|   | “The reality for the LGBT community in Cuba is very different from that described by the international media,” Ignacio Estrada, a 33-year-old gay man from Santa Clara, tells me. "We live
under constant government surveillance and harassment, while at the same time being manipulated for their political purposes." (P. 3-4)

- “Mario Jose Delgado is a gay activist and independent journalist in Havana who also believes the outside world is being duped by Mariela [Castro]. He and other LGBT Cubans are "very unhappy about the awards and recognition" she has received abroad, insisting, "It does not reflect the feelings of the gay community on the island." Delgado says the realities of LGBT life in Cuba are much uglier.” (P. 4)
- “Last November, Delgado was headed home to the Alamar section of Havana when three men in civilian clothes threw him into the backseat of a car. They drove him to the outskirts of town, where he was beaten in the face with a rock. Delgado says the men, who have never been identified, were interested only in the information he was carrying, which included names of members of a Christian LGBT group Delgado belonged to called Divine Hope.” (P. 4)
TAB 1
CUBA 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cuba is an authoritarian state led by Miguel Diaz-Canel, president of the Council of State and Council of Ministers, with former president Raul Castro serving as the first secretary of the Communist Party (CP). Cuba has a one-party system in which the constitution recognizes the CP as the only legal party and the highest political entity of the state. On March 11, citizens voted to ratify a preselected list of 605 candidates to the National Assembly. A CP candidacy commission prescreened all candidates, and the government actively worked to block non-CP approved candidates from the ballot. On April 19, the National Assembly elected Diaz-Canel president of the Council of State and Council of Ministers. Neither the legislative nor the national elections were considered to be free or fair.

The national leadership, including members of the military, maintained effective control over the security forces.

Human rights issues included reports of an unlawful and arbitrary killing by police; torture of political dissidents, detainees, and prisoners by security forces; harsh and life-threatening prison conditions; arbitrary arrest and detention; holding of political prisoners; and arbitrary or unlawful interference with privacy. The government engaged in censorship, site blocking, and libel is criminalized. There were limitations on academic and cultural freedom; restrictions on the right of peaceful assembly; denial of freedom of association, including refusal to recognize independent associations; and restrictions on internal and external freedom of movement and on political participation. There was official corruption, trafficking in persons, outlawing of independent trade unions, and compulsory labor.

Government officials, at the direction of their superiors, committed most human rights abuses and failed to investigate or prosecute those who committed the abuses. Impunity for the perpetrators remained widespread.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that government agents committed an unlawful and arbitrary killing. There were credible reports that Alejandro Pupo Echemendia was severely
beaten by local police and died in police custody in the town of Placetas on August 9. Reports indicated police officials beat him in a police precinct after he began suffering from a panic attack; he was pronounced dead after he was taken to a hospital.

**b. Disappearance**

There were no confirmed reports of long-term disappearances by or on behalf of government authorities, but there were numerous reports of detained activists whose whereabouts were temporarily unknown because the government did not register these detentions.

**c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits abusive treatment of detainees and prisoners. There were reports, however, that members of the security forces intimidated and physically assaulted human rights and pro-democracy advocates, political dissidents, and other detainees and prisoners during detention and imprisonment, and that they did so with impunity. Some detainees and prisoners also endured physical abuse by prison officials or by other inmates with the acquiescence of guards.

There were reports of police assaulting detainees or being complicit in public harassment of and physical assaults on peaceful demonstrators (see section 2.b.). Ivan Hernandez Carrillo of the Independent Union Association of Cuba reported police severely beat, kicked, and punched him during his arrest on March 25.

On October 31, Radio Marti reported two political prisoners were beaten while in police custody. Alberto Valle Perez was beaten by fellow inmates in the Holguin prison. Zacchaeus Baez, coordinator of the Patriotic Union of Cuba (UNPACU) in Havana, said Valle Perez told his family prison guards ordered other inmates to beat him. On October 27, officers of the Combinado del Este Prison in Havana beat Carlos Manuel Figueroa Alvarez. According to Baez, guards sprayed pepper spray in Figueroa’s mouth while he was handcuffed and later took him to a solitary confinement cell.

**Prison and Detention Center Conditions**
Prison conditions continued to be harsh. Prisons were overcrowded, and facilities, sanitation, and medical care were deficient. There were reports of prison officials assaulting prisoners.

**Physical Conditions:** The government provided no information regarding the number, location, or capacity of detention centers, including prisons, work camps, and other kinds of detention facilities.

Prison and detention cells reportedly lacked adequate water, sanitation, space, light, ventilation, and temperature control. Although the government provided some food and medical care, many prisoners relied on family for food and other basic supplies. Potable water was often unavailable. Prison cells were overcrowded. Women also reported lack of access to feminine hygiene products and inadequate prenatal care.

Prisoners, family members, and nongovernmental organizations (NGOs) reported inadequate health care, which led to or aggravated multiple maladies. Prisoners also reported outbreaks of dengue, tuberculosis, hepatitis, and cholera. There were reports of prisoner deaths from heart attacks, asthma, HIV/AIDS, and other chronic medical conditions, as well as from suicide.

Political prisoners were held jointly with the general prison population. Political prisoners who refused to wear standard prison uniforms were denied certain privileges, such as access to prison libraries and reductions in the severity of their sentence (for example, being transferred from a maximum-security to a medium-security prison). Political prisoners also reported fellow inmates, acting on orders from or with the permission of prison authorities, threatened, beat, intimidated, and harassed them.

Prisoners reported solitary confinement was a common punishment for failure to comply with prison regulations, and some prisoners were isolated for months at a time.

The government subjected prisoners who criticized the government or engaged in hunger strikes and other forms of protest to extended solitary confinement, assaults, restrictions on family visits, and denial of medical care.

**Administration:** Authorities did not conduct proper investigations of credible allegations of mistreatment. Prisoners reported government officials refused to accept complaints or failed to respond to complaints.
Prisoners and pretrial detainees had access to visitors, although several political prisoners’ relatives reported prison officials arbitrarily canceled scheduled visits or denied visits altogether. Some prisoners were able to communicate information about their living conditions through telephone calls to human rights observers and family members.

Authorities allowed prisoners to practice their religion, but there were isolated reports authorities did not inform inmates of their right to access religious services, delayed months before responding to such requests, and limited visits by religious groups to a maximum of two or three times per year.

**Independent Monitoring:** The government did not permit monitoring of prison conditions by independent international or domestic human rights groups and did not permit access to detainees by international humanitarian organizations. Although the government pledged in previous years to allow a visit by the UN special rapporteur on torture and other cruel, inhuman, and degrading treatment or punishment, no visit occurred during the year.

d. **Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Nevertheless, arbitrary arrests and short-term detentions continued to be a common government method for controlling independent public expression and political activity. Challenges of arrests or detentions were rarely successful, especially regarding detentions alleged to be politically motivated.

By law police have wide discretion to stop and question citizens, request identification, and carry out search-and-seizure operations. Police used laws against public disorder, contempt, lack of respect, aggression, and failure to pay minimal or arbitrary fines as ways to detain, threaten, and arrest civil society activists. Police officials routinely conducted short-term detentions, at times assaulting detainees. The law provides that police officials furnish suspects a signed “report of detention,” noting the basis, date, and location of any detention in a police facility and a registry of personal items seized during a police search, but the law was frequently not followed. Arbitrary stops and searches were most common in urban areas and at government-controlled checkpoints at the entrances to provinces and municipalities.
Police and security officials continued to use short-term and sometimes violent detentions to prevent independent political activity or free assembly. Such detentions generally lasted from several hours to several days. The independent human rights NGO Cuban Commission on Human Rights and National Reconciliation (CCDHRN) counted more than 2,870 detentions through November, compared with more than 5,155 in all of 2017. Members of the Todos Marchamos (We All March) campaign, which included Damas de Blanco (Women in White), reported weekly detentions of members to prevent demonstrations. Long-term imprisonment of peaceful government critics, while rare, sometimes occurred.

The law allows a maximum four-year preventive detention of individuals not charged with an actual crime, with a subjective determination of “pre-criminal dangerousness,” defined as the “special proclivity of a person to commit crimes, demonstrated by conduct in manifest contradiction of socialist norms.” Mostly used as a tool to control “antisocial” behaviors, such as substance abuse or prostitution, authorities also used such detention to silence peaceful political opponents. Multiple domestic human rights organizations published lists of persons they considered political prisoners; individuals appearing on these lists remained imprisoned under the “pre-criminal dangerousness” provision of the law.

In August authorities detained Jose Daniel Ferrer, leader of UNPACU, the largest political opposition group, in Santiago de Cuba for 12 days and charged him with attempted murder following a car crash in which he hit and injured an official in Palmarito del Cauto. There were reports the official intentionally jumped in front of the vehicle Ferrer was driving, resulting in minor injuries. Despite reported coercion of witnesses, police could not obtain corroborating evidence against Ferrer, and the prosecution was forced to change his status from preventive detention to immediate release. As of November the prosecution had not yet issued a final decision regarding the status of the charges against him. In March, Ferrer was also detained and released after several hours while attempting to travel to Havana from Santiago de Cuba to participate in the ceremony for the 2017 Oswaldo Paya Freedom and Life Award.

**Role of the Police and Security Apparatus**

The Ministry of Interior exercises control over the police, internal security forces, and the prison system. The ministry’s National Revolutionary Police is the primary law enforcement organization. Specialized units of the ministry’s state security branch are responsible for monitoring, infiltrating, and suppressing
independent political activity. The police supported these units by carrying out search-and-seizure operations of homes and headquarters of human rights organizations, arresting persons of interest to the ministry, and providing interrogation facilities.

On August 14, authorities arrested UNPACU member Tomas Nunez Magdariaga on falsified charges and convicted him in a sham trial in which he was denied the opportunity to present witnesses in his favor. The arresting officer, Aldo Rosales Montoya, publicly admitted to fabricating the accusations against Nunez at the direction of a State Security official in a video recorded on September 14 and subsequently in a signed statement. Rosales admitted the purpose of Nunez’s arrest was to weaken the opposition organization. On October 15, the government released Nunez after a 62-day hunger strike protesting his imprisonment.

The police routinely violated procedural laws with impunity and at times failed or refused to provide citizens with legally required documentation, particularly during arbitrary detentions and searches. Security force members also committed abuses of civil rights and human rights with impunity.

Although the law on criminal procedure prohibits the use of coercion during investigative interrogations, police and security forces at times relied on aggressive and physically abusive tactics, threats, and harassment during questioning. Detainees reported officers intimidated them with threats of long-term detention, loss of child-custody rights, denial of permission to depart the country, and other punishments.

No official mechanisms were readily available to investigate government abuses.

Undercover police and Ministry of Interior agents were often present and directed activities to disrupt efforts at peaceful assembly (see section 2.b.).

According to independent reports, state-orchestrated “acts of repudiation” directed against independent civil society groups and individuals, including the Damas de Blanco and other organizations, were organized to prevent meetings or to intimidate participants publicly (see section 2.a.).

**Arrest Procedures and Treatment of Detainees**

Under criminal procedures police have 24 hours after an arrest to present a criminal complaint to an investigative police official. The investigative police
have 72 hours to investigate and prepare a report for the prosecutor, who in turn has 72 hours to recommend to the appropriate court whether to open a criminal investigation.

Within the initial 168-hour detention period, detainees must be informed of the basis for the arrest and criminal investigation and have access to legal representation. Those charged may be released on bail, placed in home detention, or held in continued investigative detention. Once the accused has an attorney, the defense has five days to respond to the prosecution’s charges, after which a court date usually is set. Prosecutors may demand summary trials “in extraordinary circumstances” and in cases involving crimes against state security.

There were reports that defendants met with their attorneys for the first time only minutes before their trials and were not informed of the basis for their arrest within the required 168-hour period.

Reports suggested bail was available, although typically not granted to those arrested for political activities. Time in detention before trial counted toward time served if convicted.

Detainees may be interrogated at any time during detention and have no right to request the presence of counsel during interrogation. Detainees have the right to remain silent, but officials do not have a legal obligation to inform them of that right.

By law investigators must complete criminal investigations within 60 days. Prosecutors may grant investigators two 60-day extensions upon request, for a total of 180 days of investigative time. The supervising court may waive this deadline in “extraordinary circumstances” and upon special request by the prosecutor. In that instance no additional legal requirement exists to complete an investigation and file criminal charges, and authorities may detain a person without charge indefinitely.

**Arbitrary Arrest:** Officials often disregarded legal procedures governing arrest, detaining suspects longer than 168 hours without informing them of the nature of the arrest, allowing them to contact family members, or affording them legal counsel.

**Pretrial Detention:** The government held detainees for months or years in investigative detention, in both political and nonpolitical cases. In nonpolitical
cases delays were often due to bureaucratic inefficiencies and a lack of checks on police.

e. Denial of Fair Public Trial

While the constitution recognizes the independence of the judiciary, the judiciary is directly subordinate to the National Assembly and the CP, which may remove or appoint judges at any time. Political considerations thoroughly dominated the judiciary, and there was no separation of powers between the judicial system, the CP, and the Council of State.

Civilian courts exist at the municipal, provincial, and national levels. Special tribunals convene behind closed doors for political (“counterrevolutionary”) cases and other cases deemed “sensitive to state security.” The government’s practice was to deny admission to observers to trial on an arbitrary basis. Military tribunals may also have jurisdiction over civilians if any of the defendants are active or former members of the military, police, or other law enforcement agency.

Trial Procedures

The law provides for the right to a public trial, but politically motivated trials were at times held in secret, with authorities citing exceptions for crimes involving “state security” or “extraordinary circumstances.” Many cases concluded quickly and were closed to the press.

Due process rights apply equally to all citizens as well as foreigners, but courts regularly failed to protect or observe these rights. The law presumes defendants to be innocent until proven guilty, but authorities often ignored this, placing the burden on defendants to prove innocence. The law provides criminal defendants the right not to be compelled to testify or confess guilt.

The law requires that defendants be represented by an attorney, at public expense if necessary. Privately hired attorneys were often reluctant to defend individuals charged with political crimes or associated with human rights cases. Defendants’ attorneys may cross-examine government witnesses and present witnesses and evidence. Only state attorneys are licensed to practice in criminal courts.

Criteria for admitting evidence were arbitrary and discriminatory. According to reports, prosecutors routinely introduced irrelevant or unreliable evidence to prove intent or testimony about the revolutionary credentials of a defendant.
Defense attorneys have the right to review the investigation files of a defendant, but not if the charges involve “crimes against the security of the state.” In these cases defense attorneys were not allowed access until charges were filed. Many detainees, especially political detainees, reported their attorneys had difficulties accessing case files due to administrative obstacles. Interpretation was sometimes provided during trials for non-Spanish speakers, but the government claimed limited resources prevented interpreters from always being available.

In trials where defendants are charged with “pre-criminal dangerousness” (see section 1.d.), the state must show only that the defendant has “proclivity” for crime, so an actual criminal act need not have occurred. Penalties may be up to four years in prison. Authorities normally applied this provision to prostitutes, alcoholics, young persons who refused to report to work centers, repeat offenders of laws restricting change of domicile, and political activists who participated in public protests.

The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases involving lengthy prison terms or the death penalty.

**Political Prisoners and Detainees**

The government continued to hold political prisoners but denied it did so and refused access to its prisons and detention centers by international humanitarian organizations and the United Nations.

The exact number of political prisoners was difficult to determine; the CCDHRN estimated there were 120 political prisoners, while other credible groups put the number slightly higher. On July 11, the CCDHRN published a documented list with the prisoners’ names and other details regarding their imprisonment. The lack of governmental transparency, along with systemic violations of due process rights, obfuscated the true nature of criminal charges, investigations, and prosecutions, allowing government authorities to prosecute and sentence peaceful human rights activists for criminal violations or “pre-criminal dangerousness.” The government used the designation of “counterrevolutionary” for inmates deemed to be political opposition, but it did not publicize those numbers. The government closely monitored organizations tracking political prisoner populations, which often faced harassment from state police.
On May 3, authorities arrested Ariel Ruiz Urquiola, a biology researcher at the University of Havana and environmental activist, after visiting his farm to question him about his building permits. On May 8, a judge convicted Ruiz Urquiola of disrespect and sentenced him to the maximum penalty of one year in prison for verbally insulting forestry officials. Amnesty International declared him a “prisoner of conscience,” alleging he was jailed “only for peacefully exercising his right to freedom of expression.” On July 3, after a hunger strike of more than two weeks, authorities released Ruiz Urquiola on medical grounds to serve the remainder of his sentence outside of prison.

Political prisoners reported the government held them in isolation for extended periods. They did not receive the same protections as other prisoners or detainees. The government also frequently denied political prisoners access to home visits, prison classes, telephone calls, and, on occasion, family visits.

Eduardo Cardet, director of the human rights organization Christian Liberation Movement (MCL) and declared a prisoner of conscience by Amnesty International, continued to serve a three-year prison sentence for allegedly assaulting a police officer in 2017. Authorities denied Cardet visits for several months until September 13, when they allowed a visit by family members.

**Civil Judicial Procedures and Remedies**

It is possible to seek judicial remedies through civil courts for violations of administrative determinations, but independent legal experts noted general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of administrative determinations and civil court orders. Civil courts, like all other courts in the country, lacked independence and impartiality as well as effective procedural guarantees. No courts allowed claimants to bring lawsuits seeking remedies for human rights violations.

**f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution protects citizens’ privacy rights in their homes and correspondence, and police must have a warrant signed by a prosecutor or magistrate before entering or conducting a search. Nevertheless, there were reports that government officials routinely and systematically monitored correspondence and communications between citizens, tracked their movements, and entered homes without legal authority and with impunity.
The Ministry of Interior employed a system of informants and neighborhood committees, known as “Committees for the Defense of the Revolution,” to monitor government opponents and report on their activities. Agents from the ministry’s General Directorate for State Security subjected foreign journalists, visiting foreign officials and diplomats, academics, and businesspersons to frequent surveillance, including electronic surveillance.

The CP is the only legally recognized political party, and the government actively suppressed attempts to form other parties (see section 3). The government encouraged mass political mobilization and favored citizens who actively participated (see section 2.b.).

Family members of government employees who left international work missions without official permission at times faced government harassment or loss of employment, access to education, or other public benefits. Family members of human rights defenders, including their minor children, reportedly suffered reprisals related to the activities of their relatives. These reprisals included reduced salaries and termination of employment, denial of acceptance into university, expulsion from university, and other forms of harassment.

On November 10, members of State Security in Mayari claiming to be following provincial orders forcefully entered the home of Osmel Ramirez Alvarez and seized documents, books, a laptop computer with accessories, and a cell phone. Authorities took him to a police station under the pretense that he needed to sign a document about the seizure of his property but then detained him for nearly four days.

On November 14, Rolando Rodriguez Lobaina, director of the independent press agency Palenque Vision, denounced that State Security agents broke into his home in broad daylight in the presence of his sons, sister, and brother-in-law, while he was away on travel. This was the fourth such break-in of his home within a year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, only insofar as it “conforms to the aims of socialist society.” Laws banning criticism of
government leaders and distribution of antigovernment propaganda carry penalties ranging from three months to 15 years in prison.

**Freedom of Expression:** The government had little tolerance for public criticism of government officials or programs and limited public debate of issues considered politically sensitive. State security regularly harassed the organizers of independent fora for debates on cultural and social topics to force them to stop discussing issues deemed controversial. The forum’s organizers reported assaults by state security, video surveillance installed outside of venues, and detention of panelists and guests on the days they were expected to appear. In addition, human rights activists, independent journalists, and artists were prohibited from traveling outside the country to attend events in international fora related to human rights and democracy in the country.

Government workers reported being fired, demoted, or censured for expressing dissenting opinions or affiliating with independent organizations. Several university professors, researchers, and students reported they were forced from their positions, demoted, or expelled for expressing ideas or opinions outside of government-accepted norms. The civic group Cuba Posible reported that during the year authorities harassed researchers who contributed to its projects and several contributors were fired from their state jobs.

On October 23, State Security agents interrogated Maylet Serrano, a student at Amadeo Roldan Conservatory and wife of graffiti artist Yulier P, whom police previously threatened and detained for his art in Havana. State Security agents threatened to hold back her graduation due to her husband’s activities. The director of the conservatory, Enrique Rodriguez Toledo, arranged the encounter.

During the year some religious groups reported greater latitude to express their opinions during sermons and at religious gatherings, although most members of the clergy continued to exercise self-censorship. Religious leaders in some cases criticized the government, its policies, and the country’s leadership without reprisals. The Roman Catholic Church operated a cultural and educational center in Havana that hosted debates featuring participants expressing different opinions about the country’s future.

**Press and Media Freedom:** The government directly owned all print and broadcast media outlets and all widely available sources of information. News and information programming was generally uniform across all outlets. The government also controlled nearly all publications and printing presses. The party
Censored public screenings and performances. The government also limited the importation of printed materials. Foreign correspondents in the country had limited access to and often were denied interviews with government officials. They also struggled to gather facts and reliable data for stories. Despite meeting government vetting requirements, official journalists who reported on sensitive subjects did so at personal risk, and the government barred official journalists from working for unofficial media outlets in addition to their official duties.

On June 13, authorities denied Fernando Ravsberg, a foreign freelance journalist and founder of the independent blog Cartas Desde Cuba (Letters from Cuba), renewal of his press credentials. During his 20 years of reporting, Ravsberg published articles that questioned government policies. He ceased reporting from the country after his press credentials expired.

**Violence and Harassment:** The government does not recognize independent journalism, and independent journalists sometimes faced government harassment, including detention and physical abuse. Most detentions involved independent journalists who filmed arrests and harassment of Todos Marchamos activists or otherwise attempted to cover politically sensitive topics. Community members and journalists for the Cuban Institute for Freedom of Expression and of the Press reported increased repression since President Diaz-Canel took office. Independent reporters experienced harassment, violence, intimidation, aggression, and censorship, and several were prevented from traveling abroad. On May 16, July 30, and September 22, government officials prevented independent journalist Anay Remon Garcia from boarding an airplane to leave the country. They did not cite a reason and did not accuse her of any crime.

**Censorship or Content Restrictions:** The law prohibits distribution of printed materials considered “counterrevolutionary” or critical of the government. Foreign newspapers or magazines were generally unavailable outside of tourist areas. Distribution of material with political content—interpreted broadly to include the Universal Declaration of Human Rights, foreign newspapers, and independent information on public health—was not allowed and sometimes resulted in harassment and detention. In February the government blocked direct online access to the independent magazine *El Estornudo* (The Sneeze). Government officials also confiscated or destroyed cameras and cell phones of individuals to prevent them from distributing photographs and videos deemed objectionable.
The government sometimes barred independent libraries from receiving materials from abroad and seized materials donated by foreign governments, religious organizations, and individuals.

**Libel/Slander Laws:** The government used defamation of character laws to arrest or detain individuals critical of the country’s leadership.

Authorities sentenced independent union leader Eduardo Hernandez Toledo to one year in prison for “verbal disrespect” following his negative references to Fidel and Raul Castro at a September 27 celebration by the Committee for the Defense of the Revolution.

On February 6, authorities detained rap singer and composer Henry Laso on charges of “disrespect.” Authorities accused him in January after his song El Rey Falso, (The False King) critical of the late Fidel Castro, went viral, but they did not arrest him due to mediation by the Roman Catholic Church in Cienfuegos. Medical authorities subsequently diagnosed Laso as schizophrenic and moved him to multiple hospital prisons. The government released Laso in October.

Human rights activists reported government internet trolls tracking their social media accounts and reported on the government’s practice to send mass text messages warning neighbors to avoid association with dissidents. On August 11, in the Havana suburb of San Isidro, residents received a text message calling independent artist Luis Manuel Otero a “disgrace for the neighborhood” and warned he would bring police action to the community.

**Internet Freedom**

The government restricted access to the internet, and there were reports the government monitored without appropriate legal authority citizens’ and foreigners’ use of email, social media, internet chat rooms, and browsing. The government controlled all internet access, except for limited facilities provided by a few diplomatic missions and a small but increasing number of underground networks.

While the International Telecommunication Union reported that 49 percent of citizens used the internet in 2017 and the government estimated 53 percent of the population used the internet during the year, this included many whose access was limited to a national network that offered only government-run email and government-generated websites, at a fraction of the price of internet available to the public.
The government selectively granted in-home internet access to certain areas of Havana and sectors of the population consisting mostly of government officials, established professionals, some professors and students, journalists, and artists. Others could access email and internet services through government-sponsored “youth clubs,” internet cafes, or Wi-Fi hot spots approved and regulated by the Ministry for Information, Technology, and Communications. Users were required to purchase prepaid cards to access the internet.

During the year the government increased the number of Wi-Fi hot spots to more than 700 countrywide, and on December 6 it launched 3G mobile service that allowed persons for the first time to access the internet on their cell phones without needing to connect to public Wi-Fi, but the cost was still beyond the means of most citizens. In addition to public Wi-Fi hot spots, citizens and foreigners could buy internet access cards and use hotel business centers. Authorities reviewed the browsing history of users, reviewed and censored email, and blocked access to websites it considered objectionable. The number of websites blocked fluctuated, with approximately 20 websites blocked on a regular basis, including independent media outlets such as CubaNet and Marti Noticias and websites critical of the government’s human rights record.

While the law does not set specific penalties for unauthorized internet use, it is illegal to own a satellite dish that would provide uncensored internet access. The government restricted the importation of wireless routers, actively targeted private wireless access points, and confiscated equipment.

The use of encryption software and transfer of encrypted files are also illegal. Despite poor access, harassment, and infrastructure challenges, a growing number of citizens maintained blogs in which they posted opinions critical of the government, with help from foreign supporters who often built and maintained the blog sites overseas. The government blocked local access to many of these blogs. In addition, a small but growing number of citizens used Twitter, Facebook, Instagram, and other social media to report independently on developments in the country, including observations critical of the government. Like other government critics, bloggers faced government harassment, including detention and physical abuse.

Human rights activists reported frequent government monitoring and disruption of cell phone and landline services prior to planned events or key anniversaries related to human rights. The government-owned telecommunications provider
Empresa de Telecomunicaciones SA frequently disconnected service for human rights organizers, often just before their detention by state security or to disrupt planned activities.

**Academic Freedom and Cultural Events**

The government restricted academic freedom and controlled the curricula at all schools and universities, emphasizing the importance of reinforcing “revolutionary ideology” and “discipline.” Some academics refrained from meeting with foreigners, including diplomats, journalists, and visiting scholars, without prior government approval and, at times, the presence of a government monitor. Those permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively affect them and their relatives back home. During the year the government allowed some religious educational centers greater latitude to operate.

Outspoken artists and academics faced some harassment and criticism orchestrated by the government. On July 21, authorities arrested Luis Manuel Otero Alcantara for protesting against Decree 349, which regulates artistic and cultural activity, legalizes censorship, and prevents independent artists from presenting their work in public spaces. Otero Alcantara, Yanelys Nunez Leyva, Amaury Pacheco, Iris Ruiz, Soandy Del Rio, and Jose Ernesto Alonso organized the campaign “Cuban Artists against Decree 349” that included various artistic protest performances. On August 1, state security and police personnel surrounded Otero Alcantara’s home and arrested him again, along with Nunez Leyva, for planning a concert and open-microphone event to protest the decree. In December authorities arrested several artists who organized a sit-in at the Ministry of Culture to protest the decree, including Otero Alcantara, Pacheco, Tania Bruguera, Nunez Leyva, and Michel Matos.

During the year universities adopted new admissions criteria to give greater weight to prospective students’ ideological beliefs.

Public libraries required citizens to complete a registration process before the government granted access to books or information. Citizens could be denied access if they could not demonstrate a need to visit a particular library. Libraries required a letter of permission from an employer or academic institution for access to censored, sensitive, or rare books and materials. Religious institutions organized small libraries. Independent libraries were illegal but continued to exist, and owners faced harassment and intimidation.
b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

**Freedom of Peaceful Assembly**

Although the constitution grants a limited right of assembly, the right is subject to the requirement that it may not be “exercised against the existence and objectives of the socialist state.” The law requires citizens to request authorization for organized meetings of three or more persons, and failure to do so could carry a penalty of up to three months in prison and a fine. The government tolerated some gatherings, and many religious groups reported the ability to gather without registering or facing sanctions.

Independent activists faced greater obstacles, and state security forces often suppressed attempts to assemble, even for gatherings in private dwellings and in small numbers. The government did not grant permission to independent demonstrators or approve public meetings by human rights groups or others critical of any government activity.

The government also continued to organize “acts of repudiation” in the form of mobs organized to assault and disperse those who assembled peacefully. Participants arrived in government-owned buses or were recruited by government officials from nearby workplaces or schools. Participants arrived and departed in shifts, chanted progovernment slogans, sang progovernment songs, and verbally taunted those assembled peacefully. The targets of this harassment at times suffered physical assault or property damage. Government security officials at the scene, often present in overwhelming numbers, did not arrest those who physically attacked the victims or respond to victims’ complaints and instead frequently orchestrated the activities or took direct part in physical assaults.

**Freedom of Association**

The government routinely denied citizens freedom of association and did not recognize independent associations. The constitution proscribes any political organization not officially recognized. A number of independent organizations, including opposition political parties and professional associations, operated as NGOs without legal recognition.
Recognized churches (including the Roman Catholic humanitarian organization Caritas), the Freemason movement, and a number of fraternal and professional organizations were the only organizations legally permitted to function outside the formal structure of the state or the CP. Religious groups are under the supervision of the CP’s Office of Religious Affairs, which has the authority to deny permits for religious activities and exerted pressure on church leaders to refrain from including political topics in their sermons.

Groups must register through the Ministry of Justice to receive official recognition. Authorities continued to ignore applications for legal recognition from new groups, including several new religious groups as well as women’s rights and gay rights organizations, thereby subjecting members to potential charges of illegal association.

The government continued to afford preferential treatment to those who took an active part in CP activities and mass demonstrations in support of the government, especially when awarding valued public benefits, such as admissions to higher education, fellowships, and job opportunities.

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

There continued to be restrictions on freedom of movement within the country, foreign travel, and migration with the right of return. The government also controlled internal migration from rural areas to Havana.

Individuals seeking to migrate legally stated they faced police interrogation, fines, harassment, and intimidation, including dismissal from employment. Government employees who applied to migrate legally to the United States reportedly sometimes lost positions when their plans became known. Some family members of former government employees who emigrated from the island lost public benefits or were denied passports to travel and join their family members abroad.

The law provides for imprisonment of up to three years or a fine of 500 nonconvertible pesos (CUP) ($20) for first-time “rafters” (those who attempted to depart clandestinely, commonly using homemade vessels). Most persons caught
attempting unauthorized departures via sea were detained briefly. In the case of military or police defectors, or those traveling with children, the punishment could be more severe.

Under the terms of the 1994-95 U.S.-Cuba migration accords, the government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the Guantanamo U.S. Naval Station, after attempting to emigrate illegally if they had not committed a separate criminal offense. Some would-be migrants alleged harassment and discrimination, such as fines, expulsion from school, and job loss.

In-country Movement: Although the constitution allows all citizens to travel anywhere within the country, changes of residence to Havana were restricted. The local housing commission and provincial government authorities must authorize any change of residence. The government may fine persons living in a location without authorization from these bodies and send them back to their legally authorized place of residence. There were reports authorities limited social services to illegal Havana residents. Police threatened to prosecute anyone who returned to Havana after expulsion.

The law permits authorities to bar an individual from a certain area within the country, or to restrict an individual to a certain area, for a maximum of 10 years. Under this provision authorities may internally exile any person whose presence in a given location is determined to be “socially dangerous.” Dissidents frequently reported authorities prevented them from leaving their home provinces or detained and returned them to their homes even though they had no written or formal restrictions placed against them.

Foreign Travel: The government continued to require several classes of citizens to obtain permission for emigrant travel, including highly specialized medical personnel; military or security personnel; many government officials, including academics; and many former political prisoners and human rights activists. It also used arbitrary or spurious reasons to deny permission for human rights activists to leave the island to participate in workshops, events, or training programs. The Patmos Institute published a list of 64 human rights activists to whom the government denied permission for foreign travel as of July. Activists reported interrogations and confiscations at the airport when arriving from outside the country.
On April 12, airport authorities detained Marthadela Tamayo and Juan Antonio Madrazo, members of the independent NGO Committee for Racial Integration who were traveling to Geneva to participate in a session of the UN Universal Periodic Review, and barred them from leaving the country. In April the government prevented several members of independent civil society from traveling to Peru to participate in the Summit of the Americas. In May authorities prevented Berta Soler and Leticia Ramos of the Damas de Blanco from traveling to New York to receive an award for promoting liberty.

**Protection of Refugees**

*Access to Asylum:* The constitution provides for the granting of asylum to individuals persecuted for their ideals or actions involving a number of specified political grounds. The government has no formal mechanism to process asylum for foreign nationals and is not a signatory to the 1951 Refugee Convention.

*Temporary Protection:* On the small number of cases of persons seeking asylum, the government worked with the Office of the UN High Commissioner for Refugees to provide protection and assistance, pending third-country resettlement. In addition, the government allowed foreign students who feared persecution in their home countries to remain in the country after the end of their studies until their claims could be substantiated or resolved.

**Section 3. Freedom to Participate in the Political Process**

While a voting process to choose CP-approved candidates exists, citizens do not have the ability to form political parties or choose their government through the right to vote in free and fair elections or run as candidates from political parties other than the CP, and the government retaliated against those who sought peaceful political change.

**Elections and Political Participation**

*Recent Elections:* Government-run bodies prescreened all candidates in the March 11 National Assembly and provincial elections, and once approved by the CP, candidates ran for office mostly uncontested.

*Political Parties and Political Participation:* Government-run commissions had to preapprove all candidates for office and rejected certain candidates without explanation or the right of appeal. Dissident candidates reported the government
organized protests and town hall meetings to slander their names. The government routinely used propaganda campaigns in the state-owned media to criticize its opponents. Numerous opposition candidates were physically prevented from presenting their candidacies or otherwise intimidated from participating in the electoral process.

In July the National Assembly endorsed a new constitutional draft which a closed-door Constitutional Commission wrote without public input or debate, and submitted it for several months of controlled public consultation. According to a poll of more than 1,600 Cubans by independent journalism organization CubaData, more than 45 percent reported they did not participate in the consultation process. Some members of independent civil society alleged the official number of public consultations was grossly exaggerated and were not designed to gather public comments, and that some citizens who spoke up or criticized the constitutional draft during this consultation period were harassed.

Citizens who live abroad without a registered place of abode on the island lose their right to vote.

**Participation of Women and Minorities:** No laws limit participation of women or minorities in the political process, and they did participate. Women’s representation increased slightly from previous years in the most powerful decision-making bodies; women held no senior positions in the military leadership.

### Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption, and the government was highly sensitive to corruption allegations and often conducted anticorruption crackdowns.

**Corruption:** The law provides for three- to eight-years’ imprisonment for “illegal enrichment” by authorities or government employees. The government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were numerous reports of law enforcement and other official corruption in enforcement of myriad economic restrictions and provision of government services. In November a high-level Brazilian official expressed concern the Cuban government laundered money through Brazilian construction giant Odebrecht’s investments in the country. Multiple sources reported that when searching homes and vehicles, police sometimes took the owner’s belongings or sought bribes in place of fines or arrests.
Financial Disclosure: The law does not require appointed and elected officials to disclose their assets.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government did not recognize domestic human rights groups or permit them to function legally. Several human rights organizations continued to function outside the law, including the CCDHRN, the UNPACU, the MCL, the Assembly to Promote Civil Society, and the Lawton Foundation for Human Rights. The government subjected domestic human rights advocates to intimidation, harassment, periodic short-term detention, and long-term imprisonment on questionable charges.

No officially recognized NGOs monitored human rights. The government refused to recognize or meet with any unauthorized NGOs that monitored or promoted human rights. There were reports of explicit government harassment of individuals who met with unauthorized NGOs.

The United Nations or Other International Bodies: The government continued to deny international human rights organizations, including the United Nations, its affiliated organizations, and the International Committee of the Red Cross, access to prisoners and detainees.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law specifically criminalizes rape of women, including spousal rape, and separately criminalizes “lascivious abuse” against both genders. The government enforced both laws. Penalties for rape are at least four-years’ imprisonment.

The law prohibits all threats and violence but does not recognize domestic violence as a distinct category of violence. Penalties for domestic violence range from fines to prison sentences of varying lengths, depending on the severity of the offense.

Sexual Harassment: The law provides penalties for sexual harassment, with potential prison sentences of three months to five years. The government did not
release any statistics on arrests, prosecutions, or convictions for offenses related to sexual harassment during the year.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law accords women and men equal rights, the same legal status, and the same responsibilities with regard to marriage and divorce, parental duties, home maintenance, and professional careers. No information was available on whether the government enforced the law effectively.

Children

Birth Registration: Citizenship is normally derived by birth within the country’s territory, and births were generally registered promptly. Those who emigrate abroad and have children must request a Cuban passport for the child before re-entering Cuba.

Early and Forced Marriage: The legal minimum age of consent for marriage is 18. Marriage for girls as young as age 14 and for boys as young as age 16 is permitted with parental consent.

Sexual Exploitation of Children: Prostitution is legal for those age 16 and older. There is no statutory rape law, although penalties for rape increase as the age of the victim decreases. The law imposes seven- to 15-years’ imprisonment for involving minors younger than age 16 in pornographic acts. The punishment may increase to 20 to 30 years or death under aggravating circumstances. The law does not criminalize the possession of pornography, but it punishes the production or circulation of any kind of obscene graphic material with three months’ to one year’s imprisonment and a fine. The offer, provision, or sale of obscene or pornographic material to minors younger than age 16 is punishable with two to five years in prison. Child trafficking across international borders is punishable with seven- to 15-years’ imprisonment. The law does not establish an age of consent, but sexual relations with children younger than age 16 can be prosecuted if there is a determination of rape. In such cases the law leaves room for consideration of possible consent and the age of the other person, especially if the other person is also a minor. A determination of rape may be made if the victim lacks the ability to understand the extent of the action or is not in command of his or her conduct, which could be applied or claimed for a person age 15 or 14. The penalty ranges from four- to 10-years’ imprisonment. If the victim is older than age 12 and
younger than age 14, the penalty is seven- to 15-years’ imprisonment. The punishment for having sex with a minor age 12 is 15- to 30-years’ imprisonment or death.


**Anti-Semitism**

There were between 1,000 and 1,500 members of the Jewish community. There were no reports of anti-Semitic acts.

**Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

**Persons with Disabilities**

No known law prohibits discrimination against persons with disabilities. The Ministry of Labor and Social Security is in charge of the Employment Program for Persons with Disabilities. The law recommends that buildings, communication facilities, air travel, and other transportation services accommodate persons with disabilities, but these facilities and services were rarely accessible to persons with disabilities.

Some persons with disabilities who opposed the government were denied membership in official organizations for the disabled, such as the National Association for the Blind. As a result, they were denied benefits and services, which include 400 minutes of telephone usage, training in the use of a white cane and in Braille, and reduced fare on public transportation.

On March 7, authorities barred Acelia Carvajal Montane, the wife of Juan Goberna, an advocate for the rights of persons with disabilities, from accompanying her husband on international travel in connection with his advocacy activities. Goberna, who is blind, required assistance from his wife when he
travelled. In April authorities again barred her from accompanying her husband to Lima, Peru, for the Summit of the Americas.

**National/Racial/Ethnic Minorities**

Afro-Cubans often suffered racial discrimination, and some were subject to racial epithets while undergoing unlawful beatings at the hands of security agents in response to political activity. Afro-Cubans also reported employment discrimination, particularly in sought-after positions within the tourism industry and at high levels within the government.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care but does not extend the same protections to transgender or intersex individuals based on gender identity or expression.

The government did not recognize domestic human rights groups or permit them to function legally. Several unrecognized NGOs that promote lesbian, gay, bisexual, transgender, and intersex human rights faced government harassment, not for their promotion of such topics, but for their independence from official government institutions.

**HIV and AIDS Social Stigma**

The government operated four prisons exclusively for inmates with HIV/AIDS; some inmates were serving sentences for “propagating an epidemic.” Special diets and medications for HIV patients were routinely unavailable.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutes, severely restricts worker rights by recognizing only the CP-controlled Central Union of Cuban Workers (CTC) as the paramount trade union confederation. To operate legally, all trade groups must belong to the CTC. The law does not provide for the right to strike. The law also does not provide for collective bargaining, instead setting up a complicated process
for reaching collective agreements. The International Labor Organization continued to raise concerns regarding the trade union monopoly of the CTC, the prohibition on the right to strike, and restrictions to collective bargaining and agreements, including that government authorities and CTC officials have the final say on all such agreements.

The government continued to prevent the formation of independent trade unions in all sectors. The CP chose the CTC’s leaders. The CTC’s principal responsibility is to manage government relations with the workforce. The CTC does not bargain collectively, promote worker rights, or advocate for the right to strike. The de facto prohibition on independent trade unions limited workers’ ability to organize independently and appeal against discriminatory dismissals. The executive’s strong influence over the judiciary and lawyers limited effective recourse through the courts.

During the year Ivan Hernandez Carrillo, general secretary of the Association of Independent Unions of Cuba, was harassed, beaten, detained, threatened, and fined. Authorities searched his house, and NGOs reported he was under constant threat of reimprisonment for failure to pay fines.

Several small, independent labor organizations operated without legal recognition, including the National Independent Workers’ Confederation of Cuba, the National Independent Laborer Confederation of Cuba, and the Unitarian Council of Workers of Cuba; together they constituted the Independent Trade Union Association of Cuba. These organizations worked to advance the rights of workers by offering an alternative to the state-sponsored CTC and purported to advocate for the rights of small-business owners and employees. Police reportedly harassed the independent unions, and government agents reportedly infiltrated them, limiting their capacity to represent workers effectively or work on their behalf. In late September authorities arrested an independent union member and sentenced him a week later to one year in prison for “disobeying the authorities.”

The government may determine that a worker is “unfit” to work, resulting in job loss and the denial of job opportunities. The government deemed persons unfit because of their political beliefs, including their refusal to join the official union, and for trying to depart the country illegally. The government also penalized professionals who expressed interest in emigrating by limiting job opportunities or firing them.

b. Prohibition of Forced or Compulsory Labor
The law does not prohibit forced labor explicitly. It prohibits unlawful imprisonment, coercion, and extortion, with penalties ranging from fines to imprisonment, but there was no evidence these provisions were used to prosecute cases of forced labor. The use of minors in forced labor, drug trafficking, prostitution, pornography, or the organ trade is punishable by seven- to 15-years’ incarceration. The government enforced the laws, and the penalties appeared sufficient to deter violations.

Compulsory military service of young men was occasionally fulfilled by assignment to an economic entity controlled by the military or by assignment to other government services. Allegations of forced or coerced labor in foreign medical missions persisted, although the government denied these allegations.

Prisoners were subject to forced labor. The government did not facilitate payment of decent wages to those incarcerated. The government continued to use high school students in rural areas to harvest agricultural products (also see section 7.c.).

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The legal minimum working age is 17, although the law permits the employment of children ages 15 and 16 to obtain training or fill labor shortages with parental permission and a special authorization from the municipal labor director. The law does not permit children ages 15 and 16 to work more than seven hours per day, 40 hours per week, or on holidays. Children ages 15 to 18 cannot work in specified hazardous occupations, such as mining, or at night.

There were no known government programs to prevent child labor or to remove children from such labor. Antitrauancy programs, however, aimed to keep children in school. Inspections and penalties appeared adequate to enforce the law, because inspections for child labor were included in all other regular labor inspections. The government penalizes unlawful child labor with fines and suspension of work permits. There were no credible reports that children younger than age 17 worked in significant numbers.

The government used some high school students in rural areas to harvest agricultural products for government farms during peak harvest time. Student
participants did not receive pay but received school credit and favorable recommendations for university admission. Failure to participate or obtain an excused absence reportedly could result in unfavorable grades or university recommendations, although students were reportedly able to participate in other activities (instead of the harvest) to support their application for university admission. There were no reports of abusive or dangerous working conditions.

d. Discrimination with Respect to Employment and Occupation

The law prohibits workplace discrimination based on skin color, gender, religious belief, sexual orientation, nationality, “or any other distinction harmful to human dignity,” but it does not explicitly protect political opinion, social origin, disability, age, language, gender identity, or HIV-positive status or other communicable diseases. No information was available on government enforcement of these provisions during the year.

The government continued to use politically motivated and discriminatory dismissals against those who criticized the government’s economic or political model. Workers forced out of employment in the public sector for freely expressing themselves were often further harassed after entering the emerging but highly regulated self-employment sector.

Discrimination in employment occurred with respect to members of the Afro-Cuban population. Leaders within the Afro-Cuban community noted some Afro-Cubans could not get jobs in better-paying sectors such as tourism and hospitality because they were “too dark.” Afro-Cubans more frequently obtained lower-paying jobs, including cleaning and garbage disposal, which had no interaction with tourists, a major source of hard currency.

There were no statistics stating whether the government effectively enforced applicable laws.

e. Acceptable Conditions of Work

Authorities set a national minimum wage at 225 CUP ($9) per month. The government supplemented the minimum wage with free education, subsidized medical care (daily wages are reduced by 40 percent after the third day of a hospital stay), housing, and some food. Even with subsidies, the government acknowledged that the average wage of 767 CUP ($31) per month did not provide a reasonable standard of living.
The standard workweek is 44 hours, with shorter workweeks in hazardous occupations, such as mining. The law provides workers with a weekly minimum 24-hour rest period and one month of paid annual vacation per 11 months of effective work. These standards apply to state workers as well as to workers in the nonstate sector, but they were seldom enforced in the nonstate sector. The law does not prohibit obligatory overtime, but it generally caps the number of overtime hours at 16 hours per week and 160 per year. The law provides few grounds for a worker to refuse to work overtime below these caps. Compensation for overtime is paid in cash at the regular hourly rate or in additional rest time.

The government set workplace safety standards and received technical assistance from the International Labor Organization to implement them. The Ministry of Labor and Social Security enforced the minimum wage and working-hours standards through offices at the national, provincial, and municipal levels, but the government lacked mechanisms to enforce occupational safety and health standards adequately. No information was available about the number of labor inspectors. Reports from recent years suggested there were very few inspectors and that health and safety standards frequently were ignored or weakened by corrupt practices.

According to government statistics, more than 593,000 workers (34 percent of whom were women) were self-employed through August, a 9.7 percent increase from 2016. The percentage of the total workforce in the private sector increased from approximately 25 percent in 2012 to 31 percent at the end of 2017. In August 2017 the government suspended the issuance of new licenses for certain activities in the lucrative hospitality sector. On December 7, the government enacted new regulations for the private sector that significantly increased state control and red tape, imposed harsher penalties, and increased the tax burden on private business. Businesses operating under the license of “facilitator of home swaps and home sales-purchases” are no longer allowed to operate as real estate or dwelling management companies or to hire employees. This is also the case for music, art, or language teachers, other teachers, and sport trainers. The new rules also forbid the creation of schools or academies. They are particularly restrictive for the cultural sector, forbidding artists from dealing directly with the private sector, i.e., avoiding the intermediation and supervision of state-run agencies. The number of economic activities allowed to self-employees and small private businesses decreased, mostly by merging and regrouping activities.
Despite criminal penalties for doing so, a significant number of workers participated in the informal economy, including individuals who actively traded on the black market or performed professional activities not officially permitted by the government. There were no reliable reports or statistics about the informal economy.

Foreign companies operated in a limited number of sectors, such as hotels, tourism, and mining. Such companies operated via a joint venture in which the government contracted and paid company workers in pesos an amount that was a small fraction of what the company remitted to the state for labor costs. Most formal employment took place only through government employment agencies. Employers, including international businesses and organizations, were generally prohibited from contracting or paying workers directly, although many reportedly made supplemental payments under the table. The Ministry of Labor enforces labor laws on any business, organization, or foreign governmental agency based in the country, including wholly owned foreign companies operating in the country, joint-stock companies involving foreign investors operating in the country, the United Nations, international NGOs, and embassies. Cuban workers employed by these entities are subject to labor regulations common to most state and nonstate workers and to some regulations specific to these kinds of entities. Government bodies, including the tax collection agency and the Ministry of Finance and Prices, enforced regulations. There were no reports about protections for migrant workers’ rights.

Official government reports cited 3,576 workplace accidents in 2016 (an increase of 92 compared with 2015) and 89 workplace deaths (an increase of 18 compared with 2015). The government reported in April that, although statistics showed a decrease in labor-related incidents every year, deaths related to roadside work and the agricultural and industrial sectors had increased. The CTC provided only limited information to workers about their rights and at times did not respond to or assist workers who complained about hazardous workplace conditions. It was generally understood that workers could not remove themselves from dangerous situations without jeopardizing their employment, and authorities did not effectively protect workers facing this dilemma.
TAB 2
CUBA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cuba is an authoritarian state led by Raul Castro, who is president of the Council of State and Council of Ministers, Communist Party (CP) first secretary, and commander in chief of security forces. The constitution recognizes the CP as the only legal party and the leading force of society and of the state. The government postponed October municipal elections due to recovery efforts related to Hurricane Irma but conducted them in November, although they were neither free nor fair. A CP candidacy commission prescreened all candidates, and the government actively worked to block non-CP approved candidates.

The national leadership, including members of the military, maintained effective control over the security forces.

The most significant human rights issues included torture of perceived political opponents; harsh and life-threatening prison conditions; politically motivated, sometimes violent, detentions and arrests; a complete absence of judicial independence; arbitrary arrest and detention that was politically motivated and sometimes violent; trial processes that effectively put the burden on the defendant to prove innocence; and political prisoners. There was arbitrary interference with privacy, including search-and-seizure operations in homes and monitoring and censoring private communications. Freedom of expression was limited to expression that “conforms to the goals of socialist society,” with strict censorship punishing even distribution of the Universal Declaration of Human Rights. There were bans on importation of informational materials; strict control of all forms of media; restrictions on the internet, including severely limiting availability and site blocking; restrictions on academic freedom, including punishment for any deviation from the government line; criminalization of criticism of government leaders; and severe limitations on academic and cultural freedom, including on library access. There were restrictions on rights of assembly to those that the government deemed to be “against the existence and objectives of the socialist state”; criminalization of gatherings of three or more not authorized by the government, and use of government-organized acts of repudiation in the form of mobs organized to assault and disperse those who assembled peacefully; denial of freedom of association, including refusal to recognize independent associations; restrictions on internal and external freedom of movement; restriction of participation in the political process to those approved by the government; official
corruption; outlawing of independent trade unions; compulsory labor; and trafficking in persons.

Government officials, at the direction of their superiors, committed most human rights abuses. Impunity for the perpetrators remained widespread.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no confirmed reports that the government or its agents committed arbitrary or unlawful killings during the year.

b. Disappearance

There were no reports of long-term disappearances by or on behalf of government authorities, but there were several reports of detained activists whose whereabouts were temporarily unknown because the government did not register these detentions.

On October 23, police detained civil society activist Roberto Jimenez, a leader of the youth organization Active Youth, United Cuba, along with Cesar Ivan Mendoza Regal. Authorities did not permit Jimenez to contact family or friends during his 16-day detention and reportedly beat him and refused to tell him where he was being held. The international human rights organization Freedom House publicized Mendoza and Jimenez’s case and called on the government to provide information about their status. Authorities released Jimenez on November 8 after charging him for “illicit association, meetings, and protest,” a crime that can carry a three- to 12-month sentence. In the case of Mendoza, although no longer incommunicado, his family was still unaware of any charges brought against him more than two months after his detention.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits abusive treatment of detainees and prisoners. There were reports, however, that members of the security forces intimidated and physically assaulted human rights and prodemocracy advocates, political dissidents, and other detainees and prisoners during detention and imprisonment, and that they did so
with impunity. Some detainees and prisoners also endured physical abuse by other inmates with the acquiescence of guards.

There were reports of police assaulting detainees or being complicit in public harassment of and physical assaults on peaceful demonstrators (see section 2.b.).

State security forces held graffiti artist and political dissident Danilo Maldonado from November 26, 2016 to January 21 for spray-painting “se fue” (he’s gone) on a building the night of Fidel Castro’s death. According to Maldonado, prison authorities stripped him naked and held him in solitary confinement on International Human Rights Day, laced his food with sedatives, beat and gagged him on at least one occasion, and perpetuated a rumor that he would be shot and killed in a staged escape attempt. He said authorities moved him to six different prisons over the eight-week period to make it difficult for his family and girlfriend to visit him; routinely cancelled, denied, or changed visits; and did not provide adequate medical treatment.

**Prison and Detention Center Conditions**

Prison conditions continued to be harsh. Prisons were overcrowded, and facilities, sanitation, and medical care were deficient. There were reports of prison officials assaulting prisoners.

**Physical Conditions:** The government provided no information regarding the number, location, or capacity of detention centers, including prisons, work camps, and other kinds of detention facilities.

Prison and detention cells reportedly lacked adequate water, sanitation, space, light, ventilation, and temperature control. Although the government provided some food and medical care, many prisoners relied on family for food and other basic supplies. Potable water was often unavailable. Prison cells were overcrowded. Women also reported lack of access to feminine hygiene products and inadequate prenatal care.

Prisoners, family members, and nongovernmental organizations (NGOs) reported inadequate health care, which led to or aggravated multiple maladies. Prisoners also reported outbreaks of dengue, tuberculosis, hepatitis, and cholera. There were reports of prisoner deaths from heart attacks, asthma, HIV/AIDS, and other chronic medical conditions, as well as from suicide.
Political prisoners were held jointly with the general prison population. Political prisoners who refused to wear standard prison uniforms were denied certain privileges, such as access to prison libraries and standard reductions in the severity of their sentence (for example, being transferred from a maximum-security to a medium-security prison). Political prisoners also reported that fellow inmates, acting on orders from or with the permission of prison authorities, threatened, beat, intimidated, and harassed them.

Prisoners reported that solitary confinement was a common punishment for misconduct and that some prisoners were isolated for months at a time.

The government subjected prisoners who criticized the government or engaged in hunger strikes and other forms of protest to extended solitary confinement, assaults, restrictions on family visits, and denial of medical care.

**Administration:** A legal department within the Attorney General’s Office is empowered to investigate allegations of abuse in the prison system. The results of these investigations were not publicly accessible. By law prisoners and detainees may seek redress regarding prison conditions and procedural violations, such as continued incarceration after a prison sentence has expired. Prisoners reported that government officials refused to accept complaints, or failed to respond to complaints.

Prisoners and pretrial detainees had access to visitors, although some political prisoners’ relatives reported that prison officials arbitrarily canceled scheduled visits. Some prisoners were able to communicate information about their living conditions through telephone calls to human rights observers and family members.

The Cuban Council of Churches, the largest Protestant religious organization, reported that it organized weekly chaplain services for all prisons in the country; the Roman Catholic Church also engaged in a prison chaplain program. Persons of other faiths were also allowed to practice their religion. There were isolated reports that prison authorities did not inform inmates of their right to access religious services, delayed months before responding to such requests, and limited visits by religious groups to a maximum of two or three times per year.

**Independent Monitoring:** The government did not permit monitoring of prison conditions by independent international or domestic human rights groups and did not permit access to detainees by international humanitarian organizations. Although the government pledged in previous years to allow a visit by the UN
special rapporteur on torture and other cruel, inhuman, and degrading treatment or punishment, no visit occurred during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court. Nevertheless, arbitrary arrests and short-term detentions continued to be a common government method for controlling independent public expression and political activity. Challenges of arrests or detentions were rarely successful, especially regarding detentions alleged to be politically motivated.

By law police have wide discretion to stop and question citizens, request identification, and carry out search-and-seizure operations. Police used laws against public disorder, contempt, lack of respect, aggression, and failing to pay minimal or arbitrary fines as ways to detain, threaten, and arrest civil society activists. Police officials routinely conducted short-term detentions, at times assaulting detainees. The law provides that police officials furnish suspects a signed “report of detention,” noting the basis, date, and location of any detention in a police facility and a registry of personal items seized during a police search, but this law was frequently not followed. Arbitrary stops and searches were most common in urban areas and at government-controlled checkpoints at the entrances to provinces and municipalities.

Police and security officials continued to use short-term and sometimes violent detentions to prevent independent political activity or free assembly. Such detentions generally lasted from several hours to several days. The NGO Cuban Commission on Human Rights and National Reconciliation (CCDHRN) counted more than 4,800 detentions through November, compared with 9,940 in all of 2016. Members of the Todos Marchamos campaign, which included Damas de Blanco, reported weekly detentions of members to prevent demonstrations. Long-term imprisonment of peaceful government critics, while rare, sometimes occurred. In March the largest human rights and political opposition group, Patriotic Union of Cuba (UNPACU), published a list of 54 political prisoners throughout the country serving more than one month in prison for crimes such as contempt, “precriminal dangerousness,” failure to pay fines, and assault. According to UNPACU these individuals were in prison because they participated in peaceful protests and assemblies or otherwise defied the government.
The law allows a maximum four-year preventive detention of individuals not charged with an actual crime, with a subjective determination of “precriminal dangerousness,” defined as the “special proclivity of a person to commit crimes, demonstrated by conduct in manifest contradiction of socialist norms.” Mostly used as a tool to control “antisocial” behaviors, such as substance abuse or prostitution, authorities also used such detention to silence peaceful political opponents. Multiple domestic human rights organizations published lists of persons they considered political prisoners, and at least five individuals appearing on these lists remained imprisoned under the “precriminal dangerousness” provision of the law as of December.

Role of the Police and Security Apparatus

The Ministry of Interior exercises control over the police, internal security forces, and the prison system. The ministry’s National Revolutionary Police is the primary law enforcement organization. Specialized units of the ministry’s state security branch are responsible for monitoring, infiltrating, and suppressing independent political activity. The police supported these units by carrying out search-and-seizure operations of homes and headquarters of human rights organizations, arresting persons of interest to the ministry, and providing interrogation facilities.

The police routinely violated procedural laws with impunity and at times failed or refused to provide citizens with legally required documentation, particularly during arbitrary detentions and searches. Security force members also committed civil rights and human rights abuses with impunity.

Although the law on criminal procedure prohibits the use of coercion during investigative interrogations, police and security forces at times relied on aggressive and physically abusive tactics, threats, and harassment during questioning. Detainees reported that officers intimidated them with threats of long-term detention, loss of child custody rights, denial of permission to depart the country, and other punishments.

There were no official mechanisms readily available to investigate government abuses.

Undercover police and Ministry of Interior agents were often present and directed activities to disrupt efforts at peaceful assembly (see section 2.b.).
According to independent reports, state-orchestrated “acts of repudiation” directed against independent civil society groups and individuals, including the Damas de Blanco and other organizations, were organized to prevent meetings or to shame participants publicly (see section 2.a.). In August the human rights group Estado de SATS leaked a video of First Vice President Miguel Diaz-Canel giving a lecture in February to CP leadership during which he instructed party members to use such “acts of repudiation” as a tool to silence members of civil society who attempt to criticize the government during public forums or town hall events.

**Arrest Procedures and Treatment of Detainees**

Under criminal procedures police have 24 hours after an arrest to present a criminal complaint to an investigative police official. The investigative police have 72 hours to investigate and prepare a report for the prosecutor, who in turn has 72 hours to recommend to the appropriate court whether to open a criminal investigation.

Within the initial 168-hour detention period, detainees must be informed of the basis for the arrest and criminal investigation and have access to legal representation. Those charged may be released on bail, placed in home detention, or held in continued investigative detention. Once the accused has an attorney, the defense has five days to respond to the prosecution’s charges, after which a court date usually is set. Prosecutors may demand summary trials “in extraordinary circumstances” and in cases involving crimes against state security.

There were reports that defendants met with their attorneys for the first time only minutes before their trials and were not informed of the basis for their arrest within the required 168-hour period.

Reports suggested bail was available, although typically not granted to those arrested for political activities. Time in detention before trial counted toward time served if convicted.

Detainees may be interrogated at any time during detention and have no right to request the presence of counsel during interrogation. Detainees have the right to remain silent, but officials do not have a legal obligation to inform them of that right.

By law investigators must complete criminal investigations within 60 days. Prosecutors may grant investigators two 60-day extensions upon request, for a total
of 180 days of investigative time. The supervising court may waive this deadline in “extraordinary circumstances” and upon special request by the prosecutor. In that instance no additional legal requirement exists to complete an investigation and file criminal charges, and authorities may detain a person without charge indefinitely.

**Arbitrary Arrest:** Officials often disregarded legal procedures governing arrest, detaining suspects longer than 168 hours without informing them of the nature of the arrest, allowing them to contact family members, or affording them legal counsel.

**Pretrial Detention:** The government held detainees for months or years in investigative detention, in both political and nonpolitical cases. In nonpolitical cases, delays were often due to bureaucratic inefficiencies and a lack of checks on police.

### e. Denial of Fair Public Trial

While the constitution recognizes the independence of the judiciary, the judiciary is directly subordinate to the National Assembly and the CP, which may remove or appoint judges at any time. Political considerations thoroughly dominated the judiciary, and there was virtually no separation of powers between the judicial system, the CP, and the Council of State.

Civilian courts exist at the municipal, provincial, and national levels. Special tribunals convene behind closed doors for political (“counterrevolutionary”) cases and other cases deemed “sensitive to state security.” Officials denied entry to some observers to trials during the year. Military tribunals may also have jurisdiction over civilians if any of the defendants are active or former members of the military, police, or other law enforcement agency.

### Trial Procedures

The law provides for the right to a public trial, but politically motivated trials were at times held in secret, with authorities citing exceptions for crimes involving “state security” or “extraordinary circumstances.” Many cases concluded quickly and were closed to the press.

Due process rights apply equally to all citizens as well as foreigners, but courts regularly failed to protect or observe these rights. The law presumes defendants to
be innocent until proven guilty, but authorities often ignored this, placing the burden on defendants to prove innocence. The law provides criminal defendants the right not to be compelled to testify or confess guilt.

The law requires that defendants be represented by an attorney, at public expense if necessary. Privately hired attorneys were often reluctant to defend individuals charged with political crimes or associated with human rights cases. Defendants’ attorneys may cross-examine government witnesses and present witnesses and evidence. Only state attorneys are licensed to practice in criminal courts.

Criteria for admitting evidence were arbitrary and discriminatory. According to reports, prosecutors routinely introduced irrelevant or unreliable evidence to prove intent or testimony about the revolutionary credentials of a defendant.

Defense attorneys have the right to review the investigation files of a defendant, but not if the charges involve “crimes against the security of the state.” In these cases defense attorneys were not allowed access until charges were filed. Many detainees, especially political detainees, reported their attorneys had difficulties accessing case files due to administrative obstacles. Interpretation was sometimes provided during trials for non-Spanish speakers, but the government claimed that limited resources prevented interpreters from always being available.

In trials where defendants are charged with “precriminal dangerousness” (see section 1.d.), the state must show only that the defendant has “proclivity” for crime, so an actual criminal act need not have occurred. Penalties may be up to four years in prison. Authorities normally applied this provision to prostitutes, alcoholics, young persons who refused to report to work centers, repeat offenders of laws restricting change of domicile, and political activists who participated in public protests.

The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases involving lengthy prison terms or the death penalty.

**Political Prisoners and Detainees**

The government continued to hold political prisoners, but denied it did so and refused access to its prisons and detention centers by international humanitarian organizations and the United Nations.
The exact number of political prisoners was difficult to determine, though independent human rights organizations estimated there were 65 to 100 political prisoners. The government continued to deny holding any political prisoners and refused access to its prisons and detention centers by international humanitarian organizations and the United Nations. This lack of governmental transparency, along with systemic violations of due process rights, obfuscated the true nature of criminal charges, investigations, and prosecutions, allowing government authorities to prosecute and sentence peaceful human rights activists for criminal violations or “precriminal dangerousness.” The government used the designation of “counterrevolutionary” for inmates deemed to be political opposition, but it did not publicize those numbers. The government closely monitored organizations tracking political prisoner populations, which often faced harassment from state police.

On March 20, authorities sentenced Eduardo Cardet, director of the human rights organization Christian Liberation Movement (MCL), to three years in prison for assaulting a police officer. Amnesty International called Cardet a prisoner of conscience and stated that he was arrested because he spoke critically of Fidel Castro and the government. According to MCL and witness reports, authorities quickly and violently restrained Cardet after stopping him on his bicycle. Authorities claimed that Cardet shoved one of the officers when they stopped him. Cardet’s arrest took place five days after the death of Fidel Castro and two days after Cardet criticized the forced period of mourning, the prohibitions on music and alcohol, and other government actions during a radio interview with a Spanish news organization.

Political prisoners reported the government held them in isolation for extended periods. They did not receive the same protections as other prisoners or detainees. The government also frequently denied political prisoners access to home visits, prison classes, telephone calls, and, on occasion, family visits.

**Civil Judicial Procedures and Remedies**

It is possible to seek judicial remedies through civil courts for violations of administrative determinations, but independent legal experts noted that general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of administrative determinations and civil court orders. Civil courts, like all courts in the country, lacked independence and impartiality as well as effective procedural guarantees. No courts allowed claimants to bring lawsuits seeking remedies for human rights violations.
Property Restitution

In November 2016 the government passed a regulation governing the process by which nonprofit organizations, including religious organizations, may petition to reclaim property confiscated by the government at the beginning of the revolution. It was unclear if any organizations applied this procedure to reclaim property during the year.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution protects citizens’ privacy rights in their homes and correspondence, and police must have a warrant signed by a prosecutor or magistrate before entering or conducting a search. Nevertheless there were reports that government officials routinely and systematically monitored correspondence and communications between citizens, tracked their movements, and entered homes without legal authority and with impunity.

The Ministry of Interior employed a system of informants and neighborhood committees, known as “Committees for the Defense of the Revolution,” to monitor government opponents and report on their activities. Agents from the ministry’s General Directorate for State Security subjected foreign journalists, visiting foreign officials and diplomats, academics, and businesspersons to frequent surveillance, including electronic surveillance.

The CP is the only legally recognized political party, and the government actively suppressed attempts to form other parties (see section 3). The government encouraged mass political mobilization and favored citizens who actively participated (see section 2.b.).

Family members of government employees who left international work missions without official permission at times faced government harassment or loss of employment, access to education, or other public benefits. Family members of human rights defenders, including their minor children, reportedly suffered reprisals related to the activities of their relatives. These reprisals included reduced salaries and termination of employment, denial of acceptance into university, expulsion from university, and other forms of harassment.
On April 11, the University of Marta Abreu in Las Villas expelled university professor Dalila Rodriguez Gonzalez for having “a social and ethical attitude that undermines the teaching process and the instruction of students.” According to Rodriguez, university authorities did not tell her what specific attitude or behavior was inappropriate and did not offer her the opportunity to defend herself or appeal the decision. Rodriguez stated she believed authorities expelled her, in part, because her father was a human rights defender.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, only insofar as it “conforms to the aims of socialist society.” Laws banning criticism of government leaders and distribution of antigovernment propaganda carry penalties ranging from three months to 15 years in prison.

Freedom of Expression: The government had little tolerance for public criticism of government officials or programs and limited public debate of issues considered politically sensitive. State security regularly harassed the organizers of independent fora for debates on cultural and social topics to force them to stop discussing issues deemed controversial. Forum organizers reported assaults by state security, video surveillance installed outside of venues, and detention of panelists and guests on the days they were expected to appear.

Government workers reported being fired, demoted, or censured for expressing dissenting opinions or affiliating with independent organizations. Several university professors, researchers, and students reported they were forced from their positions, demoted, or expelled for expressing ideas or opinions outside of government-accepted norms. In April the University of Marta Abreu in Las Villas expelled first-year journalism student Karla Maria Perez for “counterrevolutionary projections, actions, membership in organizations, and online publishing.” The university’s government-affiliated student group, the Federation of University Students, supported this decision in an open letter, stating that Perez was a “known member of an illegal and counterrevolutionary organization that is against the principles, objectives, and values of the Cuban revolution,” and quoted Fidel Castro’s famous dictum, “Within the revolution, everything; against the revolution, nothing.”
During the year some religious groups reported greater latitude to express their opinions during sermons and at religious gatherings, although most members of the clergy continued to exercise self-censorship. Religious leaders in some cases criticized the government, its policies, and the country’s leadership without reprisals. The Catholic Church operated a cultural and educational center in Havana that hosted debates featuring participants expressing different opinions about the country’s future. Reverends Mario Travieso and Alain Toledano, both affiliated with the Apostolic Movement, reported frequent police harassment, including surveillance, threats, intimidation, and arbitrary fines. Both Travieso and Toledano claimed that the government was harassing them because of their outspoken criticism of certain government policies during their sermons.

Press and Media Freedom: The government directly owned all print and broadcast media outlets and all widely available sources of information. News and information programming was generally uniform across all outlets, with the exception of broadcasts of Venezuelan government news programming. The government also controlled nearly all publications and printing presses. The party censored public screenings and performances. The government also limited the importation of printed materials. Foreign correspondents in the country had limited access to and often were denied interviews with government officials. They also struggled to gather facts and reliable data for stories. Despite meeting government vetting requirements, official journalists who reported on sensitive subjects did so at personal risk, and the government barred official journalists from working for unofficial media outlets in addition to their official duties.

Violence and Harassment: The government does not recognize independent journalism, and independent journalists sometimes faced government harassment, including detention and physical abuse. Most detentions involved independent journalists who filmed arrests and harassment of Todos Marchamos activists or otherwise attempted to cover politically sensitive topics. Two journalists were detained, had their equipment confiscated, and were harassed for covering the aftermath of Hurricane Irma. Some independent journalists reported interrogations by state security agents for publishing articles critical of government institutions.

Censorship or Content Restrictions: The law prohibits distribution of printed materials considered “counterrevolutionary” or critical of the government. Foreign newspapers or magazines were generally unavailable outside of tourist areas. Distribution of material with political content—interpreted broadly to include the Universal Declaration of Human Rights, foreign newspapers, and independent
information on public health--was not allowed and sometimes resulted in harassment and detention.

The government sometimes barred independent libraries from receiving materials from abroad and seized materials donated by foreign governments, religious organizations, and individuals. Government officials also confiscated or destroyed cameras and cell phones of individuals to prevent them from distributing photographs and videos deemed objectionable, such as those taken during arrests and detentions. Activists reported interrogations and confiscations at the airport when arriving from the United States. On April 6, airport authorities detained Eliecer Avila, leader of the human rights organization Somos+, for six hours upon his return from a human rights conference in Colombia. Authorities reportedly confiscated Avila’s laptop computer, training materials, memory drives, and other personal belongings.

**Libel/Slander Laws:** The government uses defamation of character laws to arrest or detain individuals critical of the country’s leadership.

**Internet Freedom**

The government restricted access to the internet, and there were credible reports that the government monitored without appropriate legal authority citizens’ and foreigners’ use of email, social media, internet chat rooms, and browsing. The government controlled all internet access, except for limited facilities provided by a few diplomatic missions and a small but increasing number of underground networks.

While the International Telecommunication Union reported that 39 percent of citizens used the internet in 2016, that number included many whose access was limited to a national intranet that offered only government-run email and government-generated websites, at a fraction of the price of open internet. Other international groups reported lower internet penetration, stating approximately 15 percent of the population had access to open internet.

The government selectively granted in-home internet access to certain areas of Havana and sectors of the population consisting mostly of government officials, established professionals, some professors and students, journalists, and artists. Others could access email and internet services through government-sponsored “youth clubs,” internet cafes, or Wi-Fi hot spots approved and regulated by the
Ministry for Information, Technology, and Communications. Users were required to purchase prepaid cards in order to access the internet.

During the year the government increased the number of Wi-Fi hot spots to more than 500 countrywide and lowered the cost to one convertible peso (CUC) ($1) per hour, still beyond the means of some citizens, whose average official income was approximately 29 CUC ($29) per month. The cost of access to the national intranet was 10 cents per hour. Authorities reviewed the browsing history of users, reviewed and censored email, and blocked access to at least 41 websites considered objectionable. In addition to internet access at public Wi-Fi hot spots, citizens and foreigners could buy internet access cards and use hotel business centers. Access usually cost between five and 10 CUC ($5 to $10) an hour, a rate well beyond the means of most citizens.

While the law does not set specific penalties for unauthorized internet use, it is illegal to own a satellite dish that would provide uncensored internet access. The government restricted the importation of wireless routers, actively targeted private wireless access points, and confiscated equipment.

The use of encryption software and transfer of encrypted files are also illegal. Despite poor access, harassment, and infrastructure challenges, a growing number of citizens maintained blogs in which they posted opinions critical of the government, with help from foreign supporters who often built and maintained the blog sites overseas. The government blocked local access to many of these blogs. In addition a small but growing number of citizens used Twitter, Facebook, Instagram, and other social media to report independently on developments in the country, including observations critical of the government. Like other government critics, bloggers faced government harassment, including detention and physical abuse.

Human rights activists reported frequent government monitoring and disruption of cell phone and landline services prior to planned events or key anniversaries related to human rights. The government-owned telecommunications provider ETECSA often disconnected service for human rights organizers, often just before their detention by state security, or to disrupt planned activities.

Academic Freedom and Cultural Events

The government restricted academic freedom and controlled the curricula at all schools and universities, emphasizing the importance of reinforcing “revolutionary
ideology” and “discipline.” Some academics refrained from meeting with foreigners, including diplomats, journalists, and visiting scholars, without prior government approval and, at times, the presence of a government monitor. Those permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively affect them and their relatives back home. During the year the government allowed some religious educational centers greater space to operate.

Outspoken artists and academics faced some harassment and criticism orchestrated by the government.

Public libraries required citizens to complete a registration process before the government granted access to books or information. Citizens could be denied access if they could not demonstrate a need to visit a particular library. Libraries required a letter of permission from an employer or academic institution for access to censored, sensitive, or rare books and materials. Religious institutions organized small libraries. Independent libraries were illegal but continued to exist, and owners faced harassment and intimidation.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

Although the constitution grants a limited right of assembly, the right is subject to the requirement that it may not be “exercised against the existence and objectives of the socialist state.” The law requires citizens to request authorization for organized meetings of three or more persons, and failure to do so could carry a penalty of up to three months in prison and a fine. The government tolerated some gatherings, and many religious groups reported the ability to gather without registering or facing sanctions.

Independent activists faced greater obstacles, and state security forces often suppressed attempts to assemble, even for gatherings in private dwellings and in small numbers.

On August 19, more than 100 state security agents reportedly used force to break up a family-themed event organized by the political and human rights organization UNPACU. According to UNPACU president Jose Daniel Ferrer, approximately
50 activists, family members, and neighbors had gathered for a picnic on the banks of a river before authorities arrived and used violence and intimidation, including against minors, women, and elderly attendees, to disperse the gathering. Authorities reportedly severely beat five UNPACU members, with some suffering broken noses and at least one requiring stitches.

The government also continued to organize acts of repudiation in the form of mobs organized to assault and disperse those who assembled peacefully. Participants arrived in government-owned buses or were recruited by government officials from nearby workplaces or schools. Participants arrived and departed in shifts, chanted revolutionary slogans, sang revolutionary songs, and verbally taunted those assembled peacefully. The targets of this harassment at times suffered physical assault or property damage. Government security officials at the scene, often present in overwhelming numbers, did not arrest those who physically attacked the victims or respond to victims’ complaints and instead frequently orchestrated the activities or took direct part in physical assaults.

The government did not grant permission to independent demonstrators or approve public meetings by human rights groups or others critical of any government activity.

**Freedom of Association**

The government routinely denied citizens freedom of association and did not recognize independent associations. The constitution proscribes any political organization not officially recognized. A number of independent organizations, including opposition political parties and professional associations, operated as NGOs without legal recognition.

Recognized churches (including the Roman Catholic humanitarian organization Caritas), the Freemason movement, and a number of fraternal and professional organizations were the only associations legally permitted to function outside the formal structure of the state or the CP. Religious groups are under the supervision of the CP’s Office of Religious Affairs, which has the authority to deny permits for religious activities and exerted pressure on church leaders to refrain from including political topics in their sermons.

Groups must register through the Ministry of Justice to receive official recognition. Authorities continued to ignore applications for legal recognition from new groups, including several new religious groups as well as women’s rights and gay rights
organizations, thereby subjecting members to potential charges of illegal association.

The government continued to afford preferential treatment to those who took an active part in CP activities and mass demonstrations in support of the government, especially when awarding valued public benefits, such as admissions to higher education, fellowships, and job opportunities.

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

There continued to be restrictions on freedom of movement within the country, foreign travel, and migration with the right of return. The government also controlled internal migration from rural areas to Havana.

Individuals seeking to migrate legally stated they faced police interrogation, fines, harassment, and intimidation, including involuntary dismissal from employment. Government employees who applied to migrate legally to the United States reportedly sometimes lost positions when their plans became known. Some family members of former government employees who emigrated from the island lost public benefits or were denied passports to travel and join their family members abroad.

The law provides for imprisonment of up to three years or a fine of 500 nonconvertible pesos (CUP) ($20) for first-time “rafters” (those who attempted to depart clandestinely, commonly using homemade vessels). Most persons caught attempting unauthorized departures via sea were detained briefly. In the case of military or police defectors, or those traveling with children, the punishment could be more severe. Prison terms were also more common for persons attempting to flee to the United States through the Guantanamo U.S. Naval Station.

Under the terms of the 1994-95 U.S.-Cuba Migration Accords, the government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the Guantanamo U.S. Naval Station, after attempting to emigrate illegally if they had not committed a separate criminal offense. The government prevented independent trips to monitor repatriated Cubans outside of
Havana. Some would-be migrants alleged harassment and discrimination, such as fines, expulsion from school, and job loss.

**In-country Movement**: Although the constitution allows all citizens to travel anywhere within the country, changes of residence to Havana were restricted. The local housing commission and provincial government authorities must authorize any change of residence. The government may fine persons living in a location without authorization from these bodies and send them back to their legally authorized place of residence. There were reports that authorities limited social services to illegal Havana residents. Police threatened to prosecute anyone who returned to Havana after expulsion.

The law permits authorities to bar an individual from a certain area within the country, or to restrict an individual to a certain area, for a maximum of 10 years. Under this provision, authorities may internally exile any person whose presence in a given location is determined to be “socially dangerous.” Dissidents frequently reported that authorities prevented them from leaving their home provinces or detained and returned them to their homes even though they had no written or formal restrictions placed against them.

**Foreign Travel**: The government continued to require several classes of citizens to obtain permission for emigrant travel, including highly specialized medical personnel; military or security personnel; many government officials, including academics; and many former political prisoners and human rights activists. It also used arbitrary or spurious reasons to deny permission for human rights activists to leave the island to participate in workshops, events, or training programs. For example, the CCDHRN reported that authorities denied at least 12 human rights defenders permission to leave during August alone.

**Protection of Refugees**

**Access to Asylum**: The constitution provides for the granting of asylum to individuals persecuted for their ideals or actions involving a number of specified political grounds. The government has no formal mechanism to process asylum for foreign nationals.

**Temporary Protection**: On the small number of cases of persons seeking asylum, the government worked with the Office of the UN High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance, pending third-country resettlement. In addition the government allowed
foreign students who feared persecution in their home countries to remain in the country after the end of their studies, until their claims could be substantiated or resolved.

**Section 3. Freedom to Participate in the Political Process**

While a voting process to choose candidates exists, citizens do not have the ability to choose their government through the right to vote in free and fair elections or run as candidates from political parties other than the CP, and the government retaliated against those who sought peaceful political change.

**Elections and Political Participation**

**Recent Elections:** Government-run bodies prescreened all candidates in the November municipal elections, and once approved by the CP, candidates ran for office mostly uncontested. There were reports that a municipal-level electoral commission denied at least one candidate from competing in municipal elections because she lacked “commitment to the goals of the revolution.”

**Political Parties and Political Participation:** Government-run commissions had to preapprove all candidates for office and rejected certain candidates without explanation or the right of appeal. Dissident candidates reported the government organized protests and town hall meetings to besmirch their names. The government routinely used propaganda campaigns in the state-owned media to criticize its opponents. Numerous opposition candidates were physically prevented from presenting their candidacies or otherwise intimidated from participating in the electoral process.

**Participation of Women and Minorities:** No laws limit participation of women or minorities in the political process, and they did participate. Women constituted 23 percent of the Council of Ministers, 42 percent of the Council of State, 49 percent of the National Assembly, and more than half of the provincial presidents. Women remained underrepresented in the most powerful decision-making bodies; there were no women on the executive committee of the Council of Ministers or in senior positions of military leadership.

**Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption, and the government was highly sensitive to corruption allegations and often conducted anticorruption crackdowns.
Corruption: The law provides for three to eight years’ imprisonment for “illegal enrichment” by authorities or government employees. The government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were numerous reports of law enforcement and other official corruption in enforcement of myriad economic restrictions and provision of government services. Multiple sources reported that when searching homes and vehicles, police sometimes took the owner’s belongings or sought bribes in place of fines or arrests.

Financial Disclosure: The law does not require appointed and elected officials to disclose their assets.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government did not recognize domestic human rights groups or permit them to function legally. Several human rights organizations continued to function outside the law, including the CCDHRN, UNPACU, MCL, the Assembly to Promote Civil Society, and the Lawton Foundation for Human Rights. The government subjected domestic human rights advocates to intimidation, harassment, periodic short-term detention, and long-term imprisonment on questionable charges.

No officially recognized NGOs monitored human rights. The government refused to recognize or meet with any unauthorized NGOs that monitored or promoted human rights. There were reports of explicit government harassment of individuals who met with unauthorized NGOs.

The United Nations or Other International Bodies: The government continued to deny international human rights organizations, including the United Nations, its affiliate organizations, and the International Committee of the Red Cross, access to prisoners and detainees. In September the United Nations issued a report describing Cuba as a country of concern related to intimidation and reprisals against individuals and groups seeking to cooperate or having cooperated with the United Nations, its representatives, and mechanisms in the field of human rights.

The UN special rapporteur on trafficking in persons visited in April, and the UN independent expert on human rights and international solidarity visited in July. The government tightly controlled the visits of both UN experts, and neither
representative met with independent individuals or organizations not approved by the government.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law specifically criminalizes rape of women, including spousal rape, and separately criminalizes “lascivious abuse” against both genders. The government enforced both laws. Penalties for rape are at least four years’ imprisonment.

The law does not recognize domestic violence as a distinct category of violence but prohibits threats and violence, including those associated with domestic violence. Penalties for domestic violence range from fines to prison sentences of varying lengths, depending on the severity of the offense.

Sexual Harassment: The law provides penalties for sexual harassment, with potential prison sentences of three months to five years. The government did not release any statistics on arrests, prosecutions, or convictions for offenses related to sexual harassment during the year.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law accords women and men equal rights, the same legal status, and the same responsibilities with regard to marriage/divorce, parental duties, home maintenance, and professional careers.

Children

Birth Registration: Citizenship is normally derived by birth within the country’s territory, and births were generally registered promptly. Those who emigrate abroad and have children must request a Cuban passport for the child before re-entering Cuba.
Early and Forced Marriage: The legal minimum age of consent for marriage is 18. Marriage for girls as young as 14 and for boys as young as 16 is permitted with parental consent.

Sexual Exploitation of Children: Prostitution is legal for those age 16 and older. There is no statutory rape law, although penalties for rape increase as the age of the victim decreases. The law imposes seven to 15 years’ imprisonment for involving minors under 16 in pornographic acts. The punishment may increase to 20 to 30 years or death under aggravating circumstances. The law does not criminalize the possession of pornography, but it punishes the production or circulation of any kind of obscene graphic material with three months’ to one year’s imprisonment and a fine. The offer, provision, or sale of obscene or pornographic material to minors under 16 is punishable with two to five years in prison. Child trafficking across international borders is punishable with seven to 15 years’ imprisonment.


Anti-Semitism

There were between 1,000 and 1,500 members of the Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

No known law prohibits discrimination against persons with disabilities. The Ministry of Labor and Social Security is in charge of the Employment Program for Persons with Disabilities. The law recommends that buildings, communication facilities, air travel, and other transportation services accommodate persons with disabilities, but these facilities and services were rarely accessible to persons with disabilities.

National/Racial/Ethnic Minorities
Afro-Cubans often suffered racial discrimination, and some were subject to racial epithets while undergoing unlawful beatings at the hands of security agents in response to political activity. Afro-Cubans also reported employment discrimination, particularly in sought-after positions within the tourism industry and at high levels within the government.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care.

Throughout the year the government promoted the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, including nonviolence and nondiscrimination, in regional and international fora. Several unrecognized NGOs promoted LGBTI rights and faced government harassment, not for their promotion of such topics, but for their independence from official government institutions.

**HIV and AIDS Social Stigma**

The government operated four prisons exclusively for inmates with HIV/AIDS; some inmates were serving sentences for “propagating an epidemic.” Special diets and medications for HIV patients were routinely unavailable.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutes, severely restricts worker rights by recognizing only the CP-controlled Central Union of Cuban Workers (CTC) as the paramount trade union confederation. All trade groups must belong to the CTC to operate legally. The law does not provide for the right to strike. The law also does not provide for collective bargaining, instead setting up a complicated process for reaching collective agreements. The International Labor Organization continued to raise concerns regarding the trade union monopoly of the CTC, the prohibition on the right to strike, and restrictions to collective bargaining and agreements, including that government authorities and CTC officials have the final say on all such agreements.
The government continued to prevent the formation of independent trade unions in all sectors. The CP chose the CTC’s leaders. The CTC’s principal responsibility is to manage government relations with the workforce. The CTC does not bargain collectively, promote worker rights, or advocate for the right to strike.

Several small, independent labor organizations operated without legal recognition, including the National Independent Workers’ Confederation of Cuba, the National Independent Laborer Confederation of Cuba, and the Unitarian Council of Workers of Cuba; together they comprise the Independent Trade Union Association of Cuba. These organizations worked to advance the rights of workers by offering an alternative to the state-sponsored CTC and purported to advocate for the rights of small-business owners and employees. Police reportedly harassed the independent unions and government agents reportedly infiltrated them, limiting their capacity to represent workers effectively or work on their behalf.

The government may determine that a worker is “unfit” to work, resulting in job loss and the denial of job opportunities. The government deemed persons unfit because of their political beliefs, including their refusal to join the official union, and for trying to depart the country illegally. The government also penalized professionals who expressed interest in emigrating by limiting job opportunities or firing them.

b. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced labor explicitly. It prohibits unlawful imprisonment, coercion, and extortion, with penalties ranging from fines to imprisonment, but there was no evidence that these provisions were used to prosecute forced labor cases. The use of minors in forced labor, drug trafficking, prostitution, pornography, or organ trade is punishable by seven to 15 years’ incarceration. The government enforced the laws, and the penalties appeared sufficient to deter violations.

Compulsory military service of young men was occasionally fulfilled by assignment to an economic entity controlled by the military or by assignment to other government services. Allegations of forced or coerced labor in foreign medical missions persisted, although the government denied these allegations.

The government continued to use high school students in rural areas to harvest agricultural products (also see section 7.c.).
c. Prohibition of Child Labor and Minimum Age for Employment

The legal minimum working age is 17, although the law permits the employment of children ages 15 and 16 to obtain training or fill labor shortages with parental permission and a special authorization from the municipal labor director. The law does not permit children ages 15 and 16 to work more than seven hours per day or 40 hours per week or on holidays. Children ages 15 to 18 cannot work in specified hazardous occupations, such as mining, or at night.

There were no known government programs to prevent child labor or remove children from such labor. Anti-truancy programs, however, aimed to keep children in school. Inspections and penalties appeared adequate to enforce the law, as inspections for child labor were included in all other regular labor inspections. The government reported 346 such inspections of state-run and private sector enterprises from November 2016 through February. The government penalizes unlawful child labor with fines and suspension of work permits. There were no credible reports that children under the age of 17 worked in significant numbers.

The government used some high school students in rural areas to harvest agricultural products for government farms during peak harvest time. Student participants did not receive pay but received school credit and favorable recommendations for university admission. Failure to participate or obtain an excused absence reportedly could result in unfavorable grades or university recommendations, although students were reportedly able to participate in other activities (instead of the harvest) to support their application for university admission. There were no reports of abusive or dangerous working conditions.

d. Discrimination with Respect to Employment and Occupation

The law prohibits workplace discrimination based on skin color, gender, religious belief, sexual orientation, nationality, “or any other distinction harmful to human dignity,” but it does not explicitly protect political opinion, social origin, disability, age, language, gender identity, or HIV-positive status or other communicable diseases. No information was available on government enforcement of these provisions during the year.
Discrimination in employment occurred with respect to members of the Afro-Cuban population. Leaders within the Afro-Cuban community noted that some Afro-Cubans could not get jobs in sectors such as tourism and hospitality because they were “too dark.” Afro-Cuban leaders explained that fairer-skinned citizens filled jobs in sectors that deal with tourists, and these jobs were often among the best-paying positions available. Afro-Cubans more frequently obtained lower-paying jobs, including cleaning and garbage disposal, which prevented them from interacting with tourists, a major source of hard currency.

There were no statistics stating whether the government effectively enforced applicable laws.

e. Acceptable Conditions of Work

The monthly minimum wage was fixed at 225 CUP ($9). The minimum wage requirement does not apply to the nonstate sector, including the self-employed. The government supplemented the minimum wage with free education, subsidized medical care (daily wages are reduced by 40 percent after the third day of a hospital stay), housing, and some food. Even with subsidies, the government acknowledged that the average wage of 700 CUP ($29) per month did not provide a reasonable standard of living.

The standard workweek is 44 hours, with shorter workweeks in hazardous occupations, such as mining. The law provides workers with a weekly minimum 24-hour rest period and 24 days of paid annual vacation. These standards apply to state workers as well as to workers in the nonstate sector, but not to the self-employed. The law does not provide for premium pay for overtime or prohibit obligatory overtime, but it generally caps the number of overtime hours at 12 hours per week, or 160 per year. The law provides few grounds for a worker to refuse to work overtime. Refusal to work overtime can result in a notation in the employee’s official work history that could imperil subsequent requests for vacation time. The Ministry of Labor and Social Security (MTSS) has the authority to establish different overtime caps as needed. Compensation for overtime is paid in cash at the regular hourly rate or in additional rest time, particularly for workers directly linked to production or services, and it does not apply to management. Workers complained that overtime compensation was either not paid or not paid in a timely manner.

The government set workplace safety standards and received technical assistance from the International Labor Organization to implement them. The MTSS
enforced the minimum wage and hours-of-work standards through offices at the national, provincial, and municipal levels, but the government lacked mechanisms to enforce occupational safety and health standards adequately. There was no information available about the number of labor inspectors. Reports from recent years suggested there were very few inspectors and that health and safety standards frequently were ignored or weakened by corrupt practices.

According to government statistics, 567,982 workers (33 percent of whom were female) were self-employed at the end of June, a 5 percent increase from 2016. The percentage of the total workforce in the private sector increased from approximately 25 percent in 2012 to 29 percent at the end of 2016. The government maintained a list of fewer than 200 trades in which citizens were allowed to operate privately, including hiring labor. Self-employed and private sector workers obtained licenses by applying to the MTSS and were subject to inspection by the government. In August the government suspended the issuance of new licenses for certain activities in the lucrative hospitality sector. Despite criminal penalties for doing so, a significant number of workers participated in the informal economy, including individuals who actively traded on the black market or performed professional activities not officially permitted by the government. There were no reliable reports or statistics about the informal economy.

Foreign companies operated in a limited number of sectors, such as hotels, tourism, and mining. Such companies operated via a joint venture in which the government contracted and paid company workers in pesos an amount that was a small fraction of what the company remitted to the state for labor costs. Most formal employment took place only through government employment agencies. Employers, including international businesses and organizations, were generally prohibited from contracting or paying workers directly, although many reportedly made supplemental payments under the table. The MTSS enforces labor laws on any business, organization, or foreign governmental agency based in the country, including wholly owned foreign companies operating in the country, joint-stock companies involving foreign investors operating in the country, the United Nations, international NGOs, and embassies. Cuban workers employed by these entities are subject to labor regulations common to most state and nonstate workers, and to some regulations specific to these kinds of entities. Government bodies, including the tax-collecting agency, the Ministry of Finance and Prices, enforced regulations. There were no reports about protections for migrant workers’ rights.
Official government reports cited 3,576 workplace accidents in 2016 (an increase of 92 compared with 2015) and 89 workplace deaths (an increase of 18 compared with 2015). The CTC provided only limited information to workers about their rights and at times did not respond to or assist workers who complained about hazardous workplace conditions. It was generally understood that workers could not remove themselves from dangerous situations without jeopardizing their employment, and authorities did not effectively protect workers facing this dilemma.
TAB 3
CUBA 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cuba is an authoritarian state led by Raul Castro, who is president of the Council of State and Council of Ministers, Communist Party (CP) first secretary, and commander in chief of security forces. The constitution recognizes the CP as the only legal party and the leading force of society and of the state. The government conducted the April 2015 municipal elections with relative administrative efficiency, but they were neither free nor fair; a CP candidacy commission prescreened all candidates and the government treated non-CP candidates differently.

The national leadership, including members of the military, maintained effective control over the security forces.

The principal human rights abuses included the abridgement of the ability of citizens to choose their government; the use of government threats, physical assault, intimidation, and violent government-organized counter protests against peaceful dissent; and harassment and detentions to prevent free expression and peaceful assembly.

The following additional abuses continued: harsh prison conditions; arbitrary, short-term, politically motivated detentions and arrests; selective prosecution; denial of fair trial; and travel restrictions. Authorities interfered with privacy by engaging in significant monitoring and censoring of private communications. The government did not respect freedoms of speech and press, restricted internet access, maintained a monopoly on media outlets, circumscribed academic freedom, and maintained some restrictions on the ability of unregistered religious groups to gather. The government refused to recognize independent human rights groups or permit them to function legally. In addition, the government continued to prevent workers from forming independent unions and otherwise exercising their labor rights.

Government officials, at the direction of their superiors, committed most human rights abuses. Impunity for the perpetrators remained widespread.

Section 1. Respect for the Integrity of the Person, Including Freedom from:
a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

There were no confirmed reports that the government or its agents committed arbitrary or unlawful killings during the year.

b. Disappearance

There were no reports of politically motivated long-term disappearances during the year, although there were several reports of detained activists whose whereabouts were temporarily unknown because the government did not register these detentions. On August 1, the Cuban Commission on Human Rights and Reconciliation (CCDHRN), an independent human rights nongovernmental organization (NGO), reported human rights activist Carlos Manuel Figueroa could not be located. The NGO later reported that he was detained for five days and then placed under house arrest until August 13 for filming the detentions of members of the independent civil society group Damas de Blanco (Ladies in White).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits abusive treatment of detainees and prisoners. There were reports, however, that members of the security forces intimidated and physically assaulted human rights and prodemocracy advocates, dissidents, and other detainees and prisoners during detention and imprisonment, and that they did so with impunity. Some detainees and prisoners endured physical abuse, sometimes by other inmates, with the acquiescence of guards.

There were reports of police assaulting detainees or being complicit in public harassment of and physical assaults on peaceful demonstrators (see section 2.b.).

On January 10, activists Antonio Rodiles and Ailer Gonzalez reported state security officers injected them with an unknown substance when they participated in a public march calling for the release of political prisoners. Medical evaluations in Miami produced inconclusive results about the nature of the substance.

On March 27, police officers allegedly beat two members of the Damas de Blanco with cables, and one Dama suffered an arm sprain. Members of the Damas de Blanco reported receiving head injuries, bites, bruises, and other injuries during government-sponsored counter protests and detentions.
On July 20, Guillermo “Coco” Farinas, president of the United Anti-Totalitarian Forum (FANTU), complained of a beating by police officers that caused injuries to his ribs, abdomen, and tongue when he tried to visit a police station to check on a fellow FANTU activist.

**Prison and Detention Center Conditions**

Prison conditions continued to be harsh. Prisons were overcrowded, and facilities, sanitation, and medical care were deficient. There were reports of prison officials assaulting prisoners.

**Physical Conditions:** The government provided no information regarding the number, location, or capacity of detention centers, which included not only prisons but also work camps and other kinds of detention facilities.

Prison and detention cells reportedly lacked adequate water, sanitation, space, light, ventilation, and temperature control. Although the government provided basic food and some medical care, many prisoners relied on family for food and other basic supplies. Potable water was often unavailable. Prison cells were overcrowded. Prisoners often slept on concrete bunks without a mattress, with some reports of more than one person sharing a narrow bunk. Where available, mattresses were thin and often infested with vermin and insects. Women also reported lack of access to feminine hygiene products and inadequate prenatal care.

Prisoners, family members, and NGOs reported inadequate health care, which led to or aggravated multiple maladies. Prisoners also reported outbreaks of dengue, tuberculosis, hepatitis, and cholera. There were reports of prison deaths from heart attacks, asthma, HIV/AIDS, and other chronic medical conditions, as well as from suicide.

Political prisoners and the general prison population were held in similar conditions. Political prisoners who refused to wear standard prison uniforms were denied certain privileges, such as access to prison libraries and standard reductions in the severity of their sentence (for example, being transferred from a maximum-security to a medium-security prison). Political prisoners also reported that fellow inmates, who they believed were acting on orders of prison authorities, threatened or harassed them.
Prisoners reported that solitary confinement was a common punishment for misconduct and that some prisoners were isolated for months at a time.

The government subjected prisoners who criticized the government or engaged in hunger strikes and other forms of protest to extended solitary confinement, assaults, restrictions on family visits, and denial of medical care.

**Administration:** There was no publicly available information about prison administration or recordkeeping.

A legal department within the Attorney General’s Office is empowered to investigate allegations of abuse in the prison system. The results of these investigations were not publicly accessible. By law prisoners and detainees may seek redress regarding prison conditions and procedural violations, such as continued incarceration after a prison sentence has expired. Prisoners reported that government officials refused to allow or accept complaints, or failed to respond to complaints.

Prisoners and pretrial detainees had access to visitors, although some political prisoners’ relatives reported that prison officials arbitrarily canceled scheduled visits. Some prisoners were able to communicate information about their living conditions through telephone calls to human rights observers and family members.

The Cuban Council of Churches, the largest Protestant religious organization, reported that it organized weekly chaplain services for all prisons in the country. There were isolated reports that prison authorities did not inform inmates of their right to access religious services, delayed months before responding to such requests, and limited visits by religious groups to a maximum of two or three times per year.

**Independent Monitoring:** The government did not permit monitoring of prison conditions by independent international or domestic human rights groups and did not permit access to detainees by international humanitarian organizations. Although the government pledged in previous years to allow a visit by the UN special rapporteur on torture and other cruel, inhuman, and degrading treatment or punishment, no visit occurred during the year. The government allowed foreign journalists to tour specific prisons, but others have been off-limits since 2013.

d. Arbitrary Arrest or Detention
Arbitrary arrests and short-term detentions continued to be a common government method for controlling independent public expression and political activity. By law police have wide discretion to stop and question citizens, request identification, and carry out arrests and searches. Police used laws against public disorder, contempt, lack of respect, aggression, and failing to pay minimal or arbitrary fines as ways to detain civil society activists. Police officials routinely conducted short-term detentions, at times assaulting detainees. The law provides that police officials furnish suspects a signed “act of detention,” noting the basis, date, and location of any detention in a police facility and a registry of personal items seized during a police search, but this law was not always followed. Arbitrary stops and searches were most common in urban areas and at government-controlled checkpoints at the entrances to provinces and municipalities.

Police and security officials continued to use short-term and sometimes violent detentions to prevent independent political activity or free assembly. Such detentions generally lasted from several hours to several days. The CCDHRN counted 9,940 detentions through the end of the year, compared with 8,616 in 2015. Members of the #TodosMarchamos campaign, which included Damas de Blanco, reported weekly detentions of members to prevent demonstrations. The largest opposition group, Patriotic Union of Cuba (UNPACU), also reported an increase in short-term detentions. Long-term imprisonment of peaceful government critics, while rare, sometimes occurred. In December UNPACU published a list of 46 political prisoners throughout the country serving more than one month in prison for reported peaceful protests or assemblies.

The law allows a maximum four-year preventive detention of individuals not charged with an actual crime, with a subjective determination of “potential dangerousness,” defined as the “special proclivity of a person to commit crimes, demonstrated by conduct in manifest contradiction of socialist norms.” Mostly used as a tool to control “antisocial” behaviors, such as substance abuse or prostitution, authorities also used such detention to silence peaceful political opponents. On March 14, authorities charged UNPACU activist Luis Bello Gonzalez with precriminal social dangerousness and sentenced him to three years in prison. UNPACU leaders alleged authorities arrested and charged Gonzalez because of his regular participation in protests alongside other UNPACU members.

**Role of the Police and Security Apparatus**

The Ministry of Interior exercises control over police, internal security forces, and the prison system. The ministry’s National Revolutionary Police is the primary
law enforcement organization. Specialized units of the ministry’s state security branch are responsible for monitoring, infiltrating, and suppressing independent political activity. The police supported state security agents by carrying out house searches, arresting persons of interest to the ministry, and providing interrogation facilities.

The police routinely violated procedural laws with impunity and at times failed or refused to provide citizens with legally required documentation, particularly during arbitrary detentions and searches. Security force members also committed civil rights and human rights abuses with impunity.

Although the law on criminal procedure prohibits the use of coercion during investigative interrogations, police and security forces at times relied on aggressive and physically abusive tactics, threats, and harassment during questioning. Detainees reported that officers intimidated them with threats of long-term detention, loss of child custody rights, denial of permission to depart the country, and other punishments.

There were no official mechanisms readily available to investigate government abuses.

Undercover police and Ministry of Interior agents were often present and directed activities to disrupt efforts at peaceful assembly (see section 2.b.).

According to independent reports, state-orchestrated counter protests directed against independent civil society groups and individuals, including the Damas de Blanco and other organizations, were organized to prevent meetings or to shame participants publicly (see section 2.a.). The Damas de Blanco and other members of the #TodosMarchamos campaign experienced weekly government-sponsored counter protests at their usual gathering place in Havana from January until March, when the government shut down the demonstrations altogether. Government-sponsored counter protests continued for several months outside of the Damas de Blanco headquarters to prevent large demonstrations by activists.

**Arrest Procedures and Treatment of Detainees**

Under criminal procedures, police have 24 hours after an arrest to present a criminal complaint to an investigative police official. The investigative police have 72 hours to investigate and prepare a report for the prosecutor, who in turn
has 72 hours to recommend to the appropriate court whether to open a criminal investigation.

Within the 168-hour detention period, detainees must be informed of the basis for the arrest and criminal investigation and have access to legal representation. Those charged may be released on bail, placed in home detention, or held in continued investigative detention. Once the accused has an attorney, the defense has five days to respond to the prosecution’s charges, after which a court date usually is set. Prosecutors may demand summary trials “in extraordinary circumstances” and in cases involving crimes against state security.

There were reports that defendants met with their attorneys for the first time only minutes before their trials and were not informed of the basis for their arrest within the required 168-hour period.

Reports suggested bail was available, although typically not granted to those arrested for political activities. Time in detention before trial counted toward time served, if convicted.

Detainees may be interrogated at any time during detention and have no right to request the presence of counsel during interrogation. Detainees have the right to remain silent, but officials do not have a legal obligation to inform them of that right.

By law investigators must complete criminal investigations within 60 days. Prosecutors may grant investigators two 60-day extensions upon request, for a total of 180 days of investigative time. The supervising court may waive this deadline in “extraordinary circumstances” and upon special request by the prosecutor. In that instance no additional legal requirement exists to complete an investigation and file criminal charges, and authorities may detain a person without charge indefinitely.

Arbitrary Arrest: Officials often disregarded legal procedures governing arrest, detaining suspects longer than 168 hours without informing them of the nature of the arrest or affording them legal counsel.

Pretrial Detention: The government held detainees for months or years in investigative detention, in both political and nonpolitical cases. In nonpolitical cases delays were often due to bureaucratic inefficiencies and a lack of checks on police.
Detainee’s Ability to Challenge Lawfulness of Detention before a Court:
Detainees are able to challenge in court the legal basis or arbitrary nature of their detention, but these challenges were rarely successful, especially regarding detentions alleged to have been politically motivated. On December 6, the mother of graffiti artist Danilo Maldonado, known as “El Sexto,” petitioned the court for a writ of habeas corpus after authorities detained her son on November 26; El Sexto had painted graffiti on an exterior wall of a Havana hotel. The court denied the petition, and his mother submitted a second petition on December 13, which remained pending at year’s end.

e. Denial of Fair Public Trial

While the constitution recognizes the independence of the judiciary, the judiciary is directly subordinate to the National Assembly and the CP, which may remove or appoint judges at any time. Political considerations thoroughly dominated the judiciary, and there was virtually no separation of powers between the judicial system, the CP, and the Council of State.

Civilian courts exist at the municipal, provincial, and national levels. Special tribunals convene behind closed doors for political (“counterrevolutionary”) cases and other cases deemed “sensitive to state security.” Officials denied entry to trials by some observers during the year. Military tribunals may also have jurisdiction over civilians if any of the defendants are members of the military, police force, or other law enforcement agency.

Trial Procedures

Due process rights apply equally to all citizens as well as foreigners, but courts regularly failed to protect or observe these rights. The law presumes defendants to be innocent until proven guilty, but authorities often ignored this, placing the burden on defendants to prove innocence.

Defendants generally have the right to a public trial, but politically motivated trials were at times held in secret, with authorities citing exceptions for crimes involving “state security” or “extraordinary circumstances.” Many cases were concluded quickly and were closed to the press. Interpretation was sometimes provided during trials, but the government claimed that limited resources prevented interpreters from always being available.
The law requires that defendants be represented by an attorney, at public expense, if necessary. Defendants’ attorneys may cross-examine government witnesses and present witnesses and evidence. Only state attorneys are licensed to practice in criminal courts.

Criteria for admitting evidence were arbitrary and discriminatory. According to reports, prosecutors routinely introduced irrelevant or unreliable evidence to prove intent or testimony about the revolutionary credentials of a defendant.

Defense attorneys have the right to review the investigation files of a defendant, but not if the charges involve “crimes against the security of the state.” In these cases defense attorneys were not allowed access until charges were filed. Many detainees, especially political detainees, reported their attorneys had difficulties accessing case files due to administrative obstacles.

In trials where defendants are charged with “potential dangerousness” (see section 1.d.), the state must show only that the defendant has “proclivity” for crime, so an actual criminal act need not have occurred. Penalties may be up to four years in prison. Authorities normally applied this provision to prostitutes, alcoholics, young persons who refused to report to work centers; repeat offenders of laws restricting change of domicile; and political activists who participated in public protests.

The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases involving lengthy prison terms or the death penalty.

**Political Prisoners and Detainees**

The government continued to deny holding any political prisoners but refused access to its prisons and detention centers by international humanitarian organizations and the United Nations.

The number of political prisoners was difficult to determine. Lack of governmental transparency and systemic violations of due process rights obfuscated the true nature of criminal charges, investigations, and prosecutions, allowing government authorities to prosecute and sentence peaceful human rights activists for criminal violations or “dangerousness.” The government used the designation of “counterrevolutionary” for inmates deemed to be political opposition, but it did not release those numbers. The government continued to deny access to its prisons and detentions centers by independent monitors who
could help determine the size of the political prisoner population. At least two independent organizations estimated there were 75 to 95 political prisoners. The government closely monitored these organizations, which often faced harassment from state police.

On September 23, authorities arrested independent lawyer Julio Alfredo Ferrer Tamayo during a police raid on the legal aid center Cubalex (see section 1.f.). Although police released all other detained employees in less than 24 hours, Ferrer remained in detention through the end of the year. According to Cubalex, Ferrer received a suspended three-year sentence in February for allegedly falsifying documents in relation to the attempted establishment of a civil society organization in 2010, and police cited this earlier arrest as a reason for refusing his release.

Political prisoners reported the government held them in isolation for extended periods. They did not receive the same protections as other prisoners or detainees. The government also frequently denied political prisoners access to home visits, prison classes, telephone calls, and, on occasion, family visits.

Civil Judicial Procedures and Remedies

Although it is possible to seek judicial remedies through civil courts for violations of administrative determinations, independent legal experts noted that general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of administrative determinations and civil court orders. Civil courts, like all courts in the country, lacked independence and impartiality as well as effective procedural guarantees. No courts allowed claimants to bring lawsuits seeking remedies for human rights violations.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution protects citizens’ privacy rights in their homes and correspondence, and police must have a warrant signed by a prosecutor or magistrate before entering or conducting a search. Nevertheless, there were reports that government officials routinely and systematically monitored correspondence and communications between citizens, tracked their movements, and entered homes without legal authority and with impunity. Additionally, in August civil society organizations complained that text messages containing specific words including “democracy” and “dissident” were systematically blocked.
Police searched homes and seized personal goods without legally required documentation.

In May, and again in November, UNPACU reported major search and seizure operations at private homes used as headquarters in Santiago de Cuba and Havana. In both cases police confiscated printed materials, cameras, computers, printers, flash drives, and money.

On September 23, the Center for Legal Information (Cubalex), an independent legal aid center, reported a large search and seizure operation of its headquarters. Police seized five computers, four laptops, multiple hard drives, USB drives, cell phones, and more than 300 records of legal cases. Police also strip-searched Cubalex lawyers, threatened the employees with prison time, and opened an investigation into their alleged illicit activities.

The Ministry of Interior employed a system of informants and neighborhood committees, known as “Committees for the Defense of the Revolution,” to monitor government opponents and report on their activities. Agents from the ministry’s General Directorate for State Security subjected foreign journalists, visiting foreign officials and diplomats, academics, and businesspersons to frequent surveillance, including electronic surveillance.

The CP is the only legally recognized political party, and the government actively suppressed attempts to form other parties (see section 3). The government encouraged mass political mobilization and favored citizens who actively participated (see section 2.b.).

Family members of government employees who leave international work missions without official permission at times faced government harassment or loss of employment, access to education, or other public benefits.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press only insofar as it “conforms to the aims of socialist society.” Laws banning criticism of government leaders and distribution of antigovernment propaganda carry penalties ranging from three months to 15 years in prison.
Freedom of Speech and Expression: The government had little tolerance for public criticism of government officials or programs and limited public debate of issues considered politically sensitive. State security regularly harassed the organizers of independent fora for debates on cultural and social topics to force them to stop discussing issues deemed controversial. Forum organizers reported assaults by state security, video surveillance installed outside of venues, and detention of panelists and guests on the days they were expected to appear.

Several government workers reported being fired for expressing dissenting opinions or affiliating with independent organizations. For example, in August local radio station journalist Jose Ramirez Pandoja was fired for publishing a controversial speech by the deputy director of the CP’s official newspaper, *Granma*, on his personal blog. The speech cited young journalists leaving traditional media outlets due to censorship policies and low salaries.

Several university professors and researchers reported they were forced from their positions or demoted for expressing ideas or opinions outside of government-accepted norms.

During the year some religious groups reported greater latitude to express their opinions during sermons and at religious gatherings, although most members of the clergy continued to exercise self-censorship. Religious leaders in some cases criticized the government, its policies, and even the country’s leadership without reprisals. The Roman Catholic Church operated a cultural and educational center in Havana that hosted debates featuring participants expressing different opinions about the country’s future. On January 8, the government closed open-air churches in Camaguey and Las Tunas and detained three pastors associated with the Apostolic movement, an unregistered network of Protestant churches. The government claimed that the pastors erected the churches without permission, but the pastors denied that claim. One of the pastors was later charged and convicted of violating neighborhood noise ordinances related to his Sunday sermons.

Press and Media Freedoms: The government directly owned all print and broadcast media outlets and all widely available sources of information. News and information programming was generally uniform across all outlets, with the exception of broadcasts of Venezuelan government news programming. The government also controlled nearly all publications and printing presses, and the CP must give prior approval for printing of nearly all publications. The party censored public screenings and performances. The government also limited the importation of printed materials. Foreign correspondents in the country had limited access to
and often were denied interviews with government officials. They also struggled to gather facts and reliable data for stories. Despite meeting government vetting requirements, official journalists who reported on sensitive subjects did so at personal risk, and the government restricted the ability of official journalists to work for unofficial media outlets in addition to their official duties. Granma correspondent Jose Antonio Torres remained in prison at the end of the year; he was sentenced in 2012 to 14 years’ imprisonment on charges of espionage for articles he wrote.

Violence and Harassment: The government does not recognize independent journalism, and independent journalists sometimes faced government harassment, including detention and physical abuse. Most detentions involved independent journalists who filmed arrests and harassment of #TodosMarchamos activists. Several journalists were detained, had their equipment confiscated, and were harassed for covering the aftermath of Hurricane Matthew. Some independent journalists reported interrogations by state security agents for publishing articles critical of government institutions.

Censorship or Content Restrictions: The law prohibits distribution of printed materials considered “counterrevolutionary” or critical of the government. Foreign newspapers or magazines were generally unavailable outside of tourist areas. Distribution of material with political content—interpreted broadly to include the Universal Declaration of Human Rights, foreign newspapers, and independent information on public health—was not allowed and could result in harassment and detention.

The government sometimes barred independent libraries from receiving materials from abroad and seized materials donated by foreign governments, religious organizations, and individuals. Government officials also confiscated or destroyed cameras and phones of individuals to prevent them from distributing photographs and videos deemed objectionable, such as those taken during arrests and detentions. Activists reported interrogations and confiscations at the airport when arriving from the United States. On August 1, human rights activist Ivan Hernandez Carillo reported being detained and beaten when he arrived at the airport in Havana after he refused to go to a small room to have his belongings searched. On August 12, independent lawyer Laritza Diversent was briefly questioned when she returned from testifying on freedom of expression before the UN special rapporteur. Security officials confiscated all materials related to this event. Independent think tank Convivencia reported nine police citations and
interrogations in September and October during which state security questioned members about their participation in international conferences.

**Libel/Slander Laws:** The government uses defamation of character laws to arrest or detain individuals critical of the country’s leadership.

**Internet Freedom**

The government restricted or disrupted access to the internet and censored some online content, and there were credible reports that the government monitored without appropriate legal authority the limited e-mail and internet chat rooms and browsing that were permitted. The government controlled all internet access, except for limited facilities provided by a few diplomatic missions and a small but increasing number of black market facilities.

While the International Telecommunication Union reported that 31 percent of citizens used the internet in 2015, access often was limited to a national intranet that offered only e-mail or highly restricted access to the World Wide Web. Other international groups reported lower internet penetration, with approximately 5 percent of the population having access to open internet.

The government selectively granted internet access to certain areas in the city and sectors of the population consisting mostly of government officials, established professionals, some professors and students, journalists, and artists. Others could access e-mail and internet services through government-sponsored “youth clubs,” internet cafes, or Wi-Fi hot spots approved and regulated by the Ministry for Information, Technology, and Communications. Users were required to purchase prepaid cards and provide personal information in order to access the internet in these centers.

During the year the government increased the number of Wi-Fi hot spots at computer centers to more than 200 countrywide. The government also expanded Wi-Fi hot spots in areas outside computer centers and proposed a pilot program to install internet in the homes of a limited number of persons in Old Havana. Authorities reviewed the browsing history of users, reviewed and censored e-mail, employed internet search filters, and blocked access to websites considered objectionable. Access cost approximately two convertible pesos (CUC) ($2) per hour, still beyond the means of many citizens, whose average official income was approximately 23 CUC ($23) per month.
While the law does not set specific penalties for unauthorized internet use, it is illegal to own a satellite dish that would provide uncensored internet access. The government restricted the importation of wireless routers, reportedly actively targeted private wireless access points, and confiscated equipment.

The use of encryption software and transfer of encrypted files are also illegal. Despite poor access, harassment, and infrastructure challenges, a growing number of citizens maintained blogs in which they posted opinions critical of the government, with help from foreign supporters who often built and maintained the blog sites. The government blocked local access to many of these blogs. In addition, a small but growing number of citizens could use Twitter, Facebook, Instagram, and other social media channels to report independently on developments in the country, including observations critical of the government. Like other government critics, bloggers faced government harassment, including detention and physical abuse.

Foreigners could buy internet access cards from the national telecommunications provider and use hotel business centers, where internet access could be purchased only in hard currency. Access usually cost between five and 10 CUC ($5 to $10) an hour, a rate well beyond the means of most citizens. Citizens usually could purchase internet access at the national telecommunications provider and use hotel business centers.

Human rights activists reported frequent government monitoring and disruption of cell phone and landline services prior to planned events or key anniversaries related to human rights. The government-owned telecommunications provider ETECSA often disconnected service for human rights organizers, often just before their detention by state security, or to disrupt planned activities.

During the 54-day hunger strike of activist Guillermo “Coco” Farinas, the government reportedly disrupted Farinas’ telephone service and intercepted calls to provide false information.

**Academic Freedom and Cultural Events**

The government restricted academic freedom and controlled the curricula at all schools and universities, emphasizing the importance of reinforcing “revolutionary ideology” and “discipline.” Some academics refrained from meeting with foreigners, including diplomats, journalists, and visiting scholars, without prior government approval and, at times, the presence of a government monitor. Those
permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively affect them and their relatives back home. During the year the government allowed some religious educational centers greater space to operate.

Outspoken artists and academics faced some harassment and criticism orchestrated by the government. For example, in April academic Omar Everleny Perez Villanueva was expelled from the Center for the Study of the Cuban Economy at the University of Havana for “indiscipline” and for having “unauthorized conversations with foreign institutions,” which included talking to foreign press and criticizing the government’s slow pace of economic reforms.

In June art historian Yanelys Nunez Leyva was fired from a cultural magazine for contributing to a developing online platform called the Cuban Museum of Dissent featuring leaders in Cuban history who had rebelled against political doctrines.

Public libraries required citizens to complete a registration process before the government granted access to books or information. Citizens could be denied access if they could not demonstrate a need to visit a particular library. Libraries required a letter of permission from an employer or academic institution for access to censored, sensitive, or rare books and materials. Religious institutions organized small libraries. Independent libraries remained illegal but continued to exist and faced harassment and intimidation.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution grants a limited right of assembly, the right is subject to the requirement that it may not be “exercised against the existence and objectives of the socialist state.” The law requires citizens to request authorization for organized meetings of three or more persons, and failure to do so could carry a penalty of up to three months in prison and a fine. The government tolerated some gatherings, and many religious groups reported the ability to gather without registering or facing sanctions.

Independent activists faced greater obstacles, and state security forces often suppressed attempts to assemble, even for gatherings in private dwellings and in small numbers. This trend was particularly pronounced in the eastern part of the country. For example, on March 27, UNPACU reported that state security forces
forcibly detained more than 150 activists in the provinces of Santiago de Cuba, Las Tunas, and Guantánamo during a peaceful protest.

The government also continued to organize repudiation acts in the form of mobs organized to assault and disperse those who assembled peacefully. Participants arrived in government-owned buses or were recruited by government officials from nearby workplaces or schools. Participants arrived and departed in shifts, chanted revolutionary slogans, sang revolutionary songs, and verbally taunted the targets of the protest. The targets of this harassment at times suffered physical assault or property damage. Government security officials at the scene, often present in overwhelming numbers, did not arrest those who physically attacked the victims or respond to victims’ complaints and instead frequently orchestrated the activities. Officials reportedly took direct part in physical assaults.

The government did not grant permission to independent demonstrators or approve public meetings by human rights groups or others critical of any government activity.

In July police began blocking private UNPACU meetings in eastern provinces. On September 22, police detained 24 activists who were attempting to participate in a routine UNPACU meeting. Separately, in Havana, on September 22, police detained three labor union activists and placed five under house arrest to stop a meeting organized by human rights activist Ivan Hernandez Carrillo. The government also blocked meetings for independent academic and cultural organizations. For example, on September 23, Dagoberto Valdes, founder and director of the think tank Convivencia, suspended a course in Pinar del Rio on civic learning after two civil society participants from Cienfuegos were barred from entering the province.

**Freedom of Association**

The government routinely denied citizens freedom of association and did not recognize independent associations. The constitution proscribes any political organization not officially recognized. A number of independent organizations, including opposition political parties and professional associations, operated as NGOs without legal recognition.

Recognized churches (including the Roman Catholic humanitarian organization Caritas), the Freemason movement, and a number of fraternal and professional organizations were the only associations legally permitted to function outside the
formal structure of the state, the CP, and government-organized groups. Religious groups are under the supervision of the CP’s Office of Religious Affairs, which has the authority to deny permits for religious activities and exerted pressure on church leaders to refrain from including political topics in their sermons.

Nonreligious groups must register through the Ministry of Justice to receive official recognition. Authorities continued to ignore applications for legal recognition from new groups, including several new religious groups as well as women’s rights and gay rights organizations, thereby subjecting members to potential charges of illegal association.

The government continued to afford preferential treatment to those who took an active part in CP activities and mass demonstrations in support of the government, especially when awarding valued public benefits, such as admissions to higher education, fellowships, and job opportunities.

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at www.state.gov/religiousfreedomreport/.


There continued to be restrictions on freedom of movement within the country, foreign travel, and migration with the right of return. The government also controlled internal migration from rural areas to Havana.

In-country Movement: Although the constitution allows all citizens to travel anywhere within the country, changes of residence to Havana were restricted. The local housing commission and provincial government authorities must authorize any change of residence. The government may fine persons living in a location without authorization from these bodies and send them back to their legally authorized place of residence. There were reports that authorities limited social services to persons who lived in Havana illegally. Police occasionally threatened to prosecute for “dangerousness” anyone who returned to Havana after expulsion.

The law permits authorities to bar an individual from a certain area within the country, or to restrict an individual to a certain area, for a maximum of 10 years. Under this provision authorities may internally exile any person whose presence in
a given location is determined to be “socially dangerous.” Some dissidents reported that authorities prevented them from leaving their home provinces or detained and returned them to their homes.

Foreign Travel: The government continued to require several classes of citizens to obtain permission for emigrant travel, including highly specialized medical personnel; military or security personnel; many government officials, including academics; and some former political prisoners or well-known activists. In December 2015 the government reimposed exit permit requirements on medical personnel for nonimmigrant travel, reversing a 2012 law that simplified the process by only requiring a supervisor’s permission. In March the government allowed former political prisoners arrested during the 2003 Black Spring--and released in 2010 and 2011 on parole--one opportunity to travel outside the country for the first time since their arrest. Government authorities barred a second attempt when two of these activists requested permission to travel in July.

Emigration and Repatriation: Individuals seeking to migrate legally stated they also faced police interrogation, fines, harassment, and intimidation, including involuntary dismissal from employment. Government employees who applied to migrate legally to the United States reportedly sometimes lost positions when their plans became known. Some family members of former government employees who emigrated from the island lost public benefits or were denied passports to travel and join their family members abroad.

The law provides for imprisonment of up to three years or a fine of 500 nonconvertible pesos (CUP) ($20) for first-time “rafters” (those who attempted to depart using clandestinely constructed vessels). The largest fine reported during the year was 3,000 CUP ($120) for an unauthorized departure from the country. Most persons caught attempting unauthorized departures via sea were detained briefly. In the case of military or police defectors, or those traveling with children, the punishment could be more severe. Prison terms were also more common for persons attempting to flee to the United States through the Guantanamo U.S. Naval Station.

Under the terms of the 1994 U.S.-Cuba Migration Accord, the government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Station at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense. The government prevented independent trips to monitor repatriated Cubans outside of Havana.
Some would-be migrants alleged harassment and discrimination, such as fines, expulsion from school, and job loss, and others reported more severe punishment.

Protection of Refugees

Access to Asylum: The constitution provides for the granting of asylum to individuals persecuted for their ideals or actions involving a number of specified political grounds. The government has no formal mechanism to process asylum for foreign nationals.

Temporary Protection: On the small number of cases of persons seeking asylum, the government worked with the Office of the UN High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance, pending third-country resettlement. In addition, the government allowed foreign students who feared persecution in their home countries to remain in the country after the end of their studies, until their claims could be substantiated or resolved.

Section 3. Freedom to Participate in the Political Process

While a voting process to choose candidates exists, citizens do not have the ability to choose their government through the right to vote in free and fair elections or run as candidates from outside the CP, and the government retaliated against those who sought peaceful political change.

Elections and Political Participation

Recent Elections: Government-run bodies prescreened all candidates in the April 2015 municipal elections, and once approved by the CP, candidates ran for office mostly uncontested. There were reports that the government altered the public biographies of non-CP candidates who attempted to run in the elections by labeling them as “counterrevolutionaries.”

Political Parties and Political Participation: Government-run commissions preapproved all CP candidates for office and rejected independent candidacies without explanation or the right of appeal. Dissident candidates reported the government tampered with their candidate biographies and organized protests to besmirch their names. The government routinely used propaganda campaigns in the state-owned media to criticize its opponents.
Participation of Women and Minorities: There were no official restrictions on women or minorities, and the government actively promoted participation of both in government. According to Granma, women constituted 30 percent of the Council of Ministers, 39 percent of the Council of State, 49 percent of the National Assembly, and more than half of the provincial presidents. Women remained underrepresented in the most powerful decision-making bodies; there were no women on the executive committee of the Council of Ministers, or in positions of military leadership.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption, and the government was highly sensitive to corruption allegations and often conducted anticorruption crackdowns.

Corruption: The law provides for three to eight years’ imprisonment for “illegal enrichment” by authorities or government employees. The government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were numerous reports of law enforcement and other official corruption in enforcement of a myriad of economic restrictions and government services. There were widespread reports of police corruption. Multiple sources reported that when searching homes and vehicles, police sometimes took the owner’s belongings or sought bribes in place of fines or arrests.

Financial Disclosure: The law does not require appointed and elected officials to disclose their assets.

Public Access to Information: The law provides for public access to government information, but requests for information routinely were rejected. The government engaged in limited public outreach activities.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government did not recognize domestic human rights groups or permit them to function legally. Several human rights organizations continued to function outside the law, including the CCDHRN, UNPACU, the Christian Liberation Movement, the Assembly to Promote Civil Society, and the Lawton Foundation for Human Rights. The government subjected domestic human rights advocates to intimidation, harassment, and periodic short-term detention.
No officially recognized, independent NGOs monitored human rights. The government refused to recognize or meet with any unauthorized NGOs that monitored human rights. Furthermore, there were reports of explicit government harassment of individuals who met with unauthorized NGOs.

The United Nations or Other International Bodies: The government continued to deny international human rights organizations, the United Nations and its affiliate organizations, and the International Committee of the Red Cross access to prisoners and detainees.

Government Human Rights Bodies: For the first time, the Cuban government hosted a structured bilateral dialogue in which Cuban authorities provided substantive comments about human rights problems in the country.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and the government enforced the law. Penalties for rape are at least four years’ imprisonment, with longer prison terms or death as possible penalties, depending on the circumstances of the rape.

The law does not recognize domestic violence as a distinct category of violence but prohibits threats and violence, including those associated with domestic violence. Penalties for domestic violence are covered by provisions against assault and range from fines to prison sentences of varying lengths, depending on the severity of the offense.

To raise awareness about domestic violence, the government continued to carry out media campaigns. Official television, radio, and print media occasionally discussed issues pertaining to women, including domestic violence. In addition, a few government-organized groups held conferences and worked with local communities to improve services. The UN Children’s Fund (UNICEF) reported that the government ran counseling centers for women and children in most municipalities, with staff trained in assisting victims of abuse.

Sexual Harassment: The law provides penalties for sexual harassment, with potential prison sentences of three months to five years. The government did not
release any statistics on arrests, prosecutions, or convictions for offenses related to sexual harassment during the year. Civil society groups noted sexual harassment was underreported.

**Reproductive Rights:** Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, and violence. Access to information on modern contraception and skilled health attendance during pregnancy, at delivery, and in postpartum care was available, but access to information and contraception to prevent the spread of HIV/AIDS was limited.

**Discrimination:** The law accords women and men equal rights, the same legal status, and the same responsibilities with regard to marriage/divorce, parental duties, home maintenance, and professional careers. The law grants working mothers preferential access to goods and services and provides for equal pay for equal work.

**Children**

**Birth Registration:** Citizenship is normally derived by birth within the country’s territory, and births were generally registered promptly. Those who emigrate abroad and have children must request a Cuban passport for the child before re-entering Cuba. Children born outside of Cuba to parents on official business are granted Cuban citizenship.

**Child Abuse:** There was no apparent pattern of violence against or abuse of children. The government operated 174 guidance centers for women and families, charged with providing family counseling services and other assistance to individuals harmed by intrafamilial violence.

**Early and Forced Marriage:** The legal minimum age of consent for marriage is 18. Marriage for girls as young as 14 and for boys as young as 16 is permitted with parental consent. According to UNICEF, 40 percent of women ages 20-24 were married before age 18, and 9 percent of women ages 20-24 were married before 15. There was no available information on the government’s efforts to prevent or mitigate early marriage.

**Sexual Exploitation of Children:** Prostitution is legal for those age 16 and older. While there were numerous reports of underage prostitution, there were no reliable
statistics available regarding its extent. In October 2015 the government reported that 2,122 children were victims of sexual abuse in 2014. The minimum age of consent is 16. There is no statutory rape law, although penalties for rape increase as the age of the victim decreases. The law imposes seven to 15 years’ imprisonment for involving minors under 16 in pornographic acts. The punishment may increase to 20 to 30 years or death under aggravating circumstances. The proposal to participate in such acts is punishable with two to five years’ imprisonment. The law does not criminalize the possession of pornography, but it punishes the production or circulation of any kind of obscene graphic material with three months’ to one year’s imprisonment and a fine. The offer, provision, or sale of obscene or pornographic material to minors under 16 is punishable with two to five years in prison. International trafficking of minors is punishable with seven to 15 years’ imprisonment.

The government maintained centers in Havana, Santiago de Cuba, and Santa Clara for the treatment of child sexual abuse victims. The centers employed some modern treatment techniques, including the preparation of children to be witnesses in criminal prosecutions.


Anti-Semitism

There were between 1,000 and 1,500 members of the Jewish community. There were no reports of anti-Semitic acts.

 Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

No known law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The Ministry of Labor and Social Security is in charge of the Employment Program for Persons with Disabilities. A ministry resolution accords
persons with disabilities the right to equal employment opportunities and equal pay for equal work. No information was available on compliance with this resolution. The law recommends that buildings, communication facilities, air travel, and other transportation services accommodate persons with disabilities, but these facilities and services were rarely accessible to persons with disabilities, and information for persons with disabilities was limited.

The Special Education Division of the Ministry of Education is responsible for the education and training of children with disabilities. Children with disabilities attended school; no information was available on whether there were patterns of discriminatory abuse in educational facilities or in mental health facilities during the year. Some religious organizations reported they were permitted to help provide educational programs for children with disabilities.

National/Racial/Ethnic Minorities

Although the government’s declared policy favors racial integration and inclusiveness, Afro-Cubans often suffered racial discrimination, including disproportionate stops for identity checks and searches, and some were subject to racial epithets while undergoing unlawful beatings at the hands of security agents in response to political activity. Afro-Cubans also reported employment discrimination, particularly in sought-after positions within the tourism industry and at high levels within the government. Afro-Cubans were represented disproportionately in neighborhoods with the worst housing conditions and were economically disadvantaged.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Nonetheless, societal discrimination based on sexual orientation or gender identity persisted.

Mariela Castro, President Castro’s daughter, headed the National Center for Sexual Education and continued to be outspoken in promoting the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. Throughout the year the government promoted the rights of LGBTI persons, including nonviolence and nondiscrimination in regional and international fora. In May the government sponsored a march and an extensive program of events to commemorate the International Day Against Homophobia and Transphobia.
Several unrecognized NGOs promoted LGBTI issues and faced some government criticism, not for their promotion of such topics, but for their independence from official government institutions. In June several independent organizations attempted to organize an LGBTI march in Havana to celebrate LGBTI Pride Month. According to independent reports, authorities detained several activists to prevent their participation in the march and reportedly asked others not to leave their homes that day, limiting participation to fewer than five activists.

**HIV and AIDS Social Stigma**

There were reports that some persons with HIV/AIDS suffered job discrimination. The government operated four prisons exclusively for inmates with HIV/AIDS; some inmates were serving sentences for “propagating an epidemic.” Special diets and medications for HIV patients were routinely unavailable.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutes, severely restricts worker rights by recognizing only the CP-controlled Workers’ Central Union of Cuba (CTC) as the paramount trade union confederation. All trade groups must belong to the CTC to operate legally. The law does not provide for the right to strike. The law also does not provide for collective bargaining, instead setting up a complicated process for reaching collective agreements. The International Labor Organization continued to raise concerns regarding the trade union monopoly of the CTC, the prohibition on the right to strike, and restrictions to collective bargaining and agreements, including that government authorities and CTC officials have the final say on all such agreements.

The government continued to prevent the formation of independent trade unions in all sectors. The CP chose the CTC’s leaders. The CTC’s principal responsibility is to manage government relations with the workforce. The CTC does not bargain collectively, promote worker rights, or advocate for the right to strike. The CTC led information dissemination regarding the government’s planned large-scale layoffs of government workers and in defending the government’s decision to do so.
Several small, independent labor organizations operated without legal recognition, including the National Independent Workers’ Confederation of Cuba, the National Independent Laborer Confederation of Cuba, and the Unitarian Council of Workers of Cuba; together they comprise the Independent Trade Union Association of Cuba, which was created in October to replace the Coalition of Independent Unions of Cuba. These organizations worked to advance the rights of workers by offering an alternative to the state-sponsored CTC, and by advocating for the rights of small business owners and employees who represent 29 percent of the country’s labor force. The independent unions were reportedly harassed by police and infiltrated by government agents, limiting their capacity to represent workers effectively or work on their behalf.

The government may determine that a worker is “unfit” to work, resulting in job loss and the denial of job opportunities. Persons were deemed unfit because of their political beliefs, including their refusal to join the official union, and for trying to depart the country illegally. The government also penalized professionals who expressed interest in emigrating by limiting job opportunities or firing them.

b. Prohibition of Forced or Compulsory Labor

The law does not appear to prohibit forced labor explicitly. It prohibits unlawful imprisonment, coercion, and extortion, with penalties ranging from fines to imprisonment, but there was no evidence that these provisions were used to prosecute forced labor cases. The use of minors in forced labor, drug trafficking, prostitution, pornography, or organ trade is punishable by seven to 15 years’ incarceration.

Compulsory military service of young men was occasionally fulfilled by assignment to an economic entity controlled by the military or by assignment to other government services. Allegations of forced or coerced labor in foreign medical missions persisted, although the government denied these allegations.

The government continued to use some high school students in rural areas to harvest agricultural products (also see section 7.c.).

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment
The legal minimum working age is 17, although the law permits the employment of children ages 15 and 16 to obtain training or fill labor shortages with parental permission and a special authorization from the municipal labor director. The law does not permit children ages 15 and 16 to work more than seven hours per day or 40 hours per week or on holidays. Children ages 15 to 18 cannot work in specified hazardous occupations, such as mining, or at night.

There were no known government programs to prevent child labor or remove children from such labor. Antitruancy programs, however, aimed to keep children in school. Inspections and penalties appeared adequate to enforce the law, as inspections for child labor were included in all other regular labor inspections. The government reported more than 700 such inspections of state-run and private-sector enterprises during 2015. The government penalizes unlawful child labor with fines and suspension of work permits. There were no credible reports that children under the age of 17 worked in significant numbers.

The government used some high school students in rural areas to harvest agricultural products for government cooperatives during peak harvest time. Student participants were not paid but received school credit and favorable recommendations towards university admission. Failure to participate or obtain an excused absence reportedly could result in unfavorable grades or university recommendations, although students were reportedly able to participate in other activities (instead of the harvest) to support their application for university admission. There were no reports of abusive or dangerous working conditions.

d. Discrimination with Respect to Employment and Occupation

The law prohibits workplace discrimination based on skin color, gender, religious belief, sexual orientation, nationality, “or any other distinction harmful to human dignity,” but it does not explicitly protect political opinion, social origin, disability, age, language, gender identity, or HIV-positive status or other communicable diseases. No information was available on government enforcement of these provisions during the year.

Discrimination in employment and occupation occurred with respect to persons with HIV and members of the Afro-Cuban population. Leaders within the Afro-Cuban community noted that some Afro-Cubans could not get jobs in sectors such as tourism and hospitality because they were “too dark.” Afro-Cuban leaders explained that fairer-skinned citizens filled jobs in sectors that deal with tourists, and these jobs were often among the best-paying positions available. Afro-Cubans
more frequently obtained lower-paying jobs, including cleaning and garbage disposal, which prevented them from interacting with tourists, a major source of hard currency.

There were no statistics stating whether the government effectively enforced applicable laws.

e. Acceptable Conditions of Work

The monthly minimum wage was fixed at 225 CUP ($9). The minimum wage requirement does not apply to the non-state sector, including the self-employed. The government supplemented the minimum wage with free education, subsidized medical care (daily wages are reduced by 40 percent after the third day of a hospital stay), housing, and some food. Even with subsidies, the government acknowledged that the average wage of 600 CUP ($24) per month did not provide a reasonable standard of living.

The standard workweek is 44 hours, with shorter workweeks in hazardous occupations, such as mining. The law provides workers with a weekly minimum 24-hour rest period and 24 days of paid annual holidays. These standards apply to state workers as well as to the non-state sector, but not to the self-employed. The law does not provide for premium pay for overtime or prohibit obligatory overtime, but it generally caps the number of overtime hours at 12 hours per week, or 160 per year. The law provides little grounds for a worker to refuse to work overtime. Refusal to work overtime can result in a notation in the employee’s official work history that could imperil subsequent requests for vacation time. The Ministry of Labor has the authority to establish different overtime caps as needed. Compensation for overtime is paid in cash at the regular hourly rate or in additional rest time, particularly for workers directly linked to production or services, and it does not apply to management. Workers complained that overtime compensation was either not paid or not paid in a timely manner.

The government set workplace safety standards and received technical assistance from the International Labor Organization to implement them. The Ministry of Labor enforced the minimum wage and hours-of-work standards through offices at the national, provincial, and municipal levels, but the government lacked mechanisms to adequately enforce occupational safety and health standards. There was no information available about the number of labor inspectors. Reports from recent years suggested there were very few inspectors and that health and safety standards frequently were ignored or subject to corrupt practices.
According to government statistics, 518,479 workers were self-employed during the year, an increase of 5 percent from 2015; the total workforce in the private sector increased from approximately 25 percent to 29 percent. Self-employed and private-sector workers obtained licenses by applying to the Ministry of Labor and were subject to inspection by the government. The government maintained a list of 201 trades that may be plied privately and allowed the self-employed to hire labor. Despite criminal penalties for doing so, a significant number of workers participated in the informal economy, including individuals who actively traded on the black market and those performing professional activities not officially permitted by the government. There were no reliable reports or statistics about the informal economy.

Foreign companies operated in a limited number of sectors, such as hotels, tourism, and mining. Such companies operated on the basis of a joint venture in which the government contracted and paid company workers in pesos an amount that was a small fraction of what the company remitted to the state for labor costs. Most formal employment took place only through government employment agencies. Employers, including international businesses and organizations, were generally prohibited from contracting or paying workers directly, although many reportedly made supplemental payments under the table. The Ministry of Labor enforces labor laws on any business, organization, or foreign governmental agency based in the country, including wholly owned foreign companies operating in the country, joint-stock companies involving foreign investors operating in the country, the United Nations, international NGOs, and embassies. Cuban workers employed by these entities are subject to a number of labor regulations common to most state and non-state workers, together with some regulations specific for these kinds of entities. Government bodies, including the tax collecting agency, the Ministry of Finance and Prices, enforced regulations. There were no reports about protections for migrant workers’ rights.

Past reports from an independent union cited some violations of health and safety standards at worksites throughout the country, including inadequate and poorly maintained equipment and protective gear. Official government reports cited 3,432 workplace accidents in 2015 (a reduction of 357 compared with 2014) and 70 workplace deaths (the same as 2014). The CTC provided limited information to workers about their rights and at times did not respond to or assist workers who complained about hazardous workplace conditions. It was generally understood that workers could not remove themselves from dangerous situations without
jeopardizing their employment, and authorities did not effectively protect workers facing this dilemma.
CHAPTER IV.B
CUBA

I. INTRODUCTION

1. In exercising its competence to promote and protect human rights in the Americas, the Inter-American Commission on Human Rights ("IACHR" or "the Commission") continued to monitor the human rights situation in Cuba, in particular, events of late 2017 to 2018, which could be relevant to the full enjoyment of human rights.

2. In 2018, the Commission noted significant developments in the socio-political context of Cuba, such as the change in government and the beginning of a constitutional reform process. With respect to both developments, it has come to the attention of the IACHR that several things pose a serious obstacle to the enjoyment of the participatory rights of persons under the jurisdiction of the Cuban State, such as arbitrary restrictions on the right of assembly, the presence of a single political party, a ban on association for political purposes, and a refusal to incorporate proposals from groups opposing the government, among other actions.¹

3. The IACHR is also aware of persistent restrictions on political rights, the rights of assembly and association, and the right to freedom of expression and dissemination of ideas, in addition to mass violations of the rights to liberty, security and personal integrity, protection from arbitrary arrest, the inviolability of the home and transmission of correspondence, the right to residence and movement, minimum fair trial rights and the right to judicial protection. Such restrictions continue to systematically curtail the human rights of the inhabitants of Cuba, in particular, to the detriment of human rights defenders, social and political leaders, and independent journalists, as well as Afro-descendants, women, LGTBI persons, among other historically vulnerable groups.

4. In assessing the human rights situation in Cuba, the IACHR decided to include the country in chapter IV B of its annual report, on the grounds that the country’s situation meets the criteria provided for in Article 59, subsection 6.a.i of its Rules of Procedure, which reads:

   a. A serious breach of the core requirements of representative democracy mentioned in the Inter-American Charter, which are essential means of achieving human rights, including:

      i. There is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority;

5. The IACHR also understood that the foregoing situation meets the criteria set forth in Article 59, subsection 6.c of the same Rules of Procedure, which provides that:

   c. The State has committed or is committing massive, serious and widespread violations of human rights guaranteed in the American Declaration, the American Convention, or the other applicable human rights instruments.

6. Pursuant to Article 59.5 of the IACHR’s Rules of Procedure, in drawing up this report, the Commission has utilized information from international organizations, civil society and the Cuban Government

¹ IACHR, Working Meeting on Transitional Justice in Cuba, held on Saturday December 1, 2018 [in IACHR archives].
itself through the website of the Ministry of Foreign Affairs of Cuba and other official media outlets. It has also
drawn on information obtained through other mechanisms of monitoring and protection available to the
IACHR, such as the system of petitions and cases and precautionary measures, among other ones. Once the
IACHR receives the available information, it examines it in light of Inter-American human rights norms and
standards, identifies sound government practices, and issues recommendations to the Cuban State. It also avails
itself of this opportunity to describe its activities in relation to Cuba in 2018.

7. The Commission is aware of the various changes that are continuously unfolding in the
hemisphere, and the mounting challenges States face when it comes to achieving the ideal in terms of effective
enjoyment of human rights. The IACHR is available to all actors, especially authorities of the Cuban government,
to provide technical support, as necessary, in order to promote the effective enjoyment of human rights for all
persons in Cuba.

8. On January 18, 2019, the Commission forwarded a copy of the preliminary draft of this report
to the Cuban State, in keeping with Articles 59.7 and 59.10 of its Rules of Procedure, with a term of one month
for it to submit its observations. The State did not submit its observations. On March 14, 2019 the IACHR
adopted this report.

II. PRELIMINARY MATTERS

A. Situation of Cuba vis-à-vis the OAS

9. On January 31, 1962, the Government of Cuba was excluded from participating in the Inter-
American System under Resolution VI, adopted at the Eighth Meeting of Consultation of Ministers of Foreign
Affairs, held in Punta del Este, Uruguay. On June 3, 2009, during the 39th Regular Session of the General
Assembly, held in San Pedro Sula, Honduras, the General Assembly of the Organization of American States
(OAS), by means of Resolution No. 2438, annulled that Resolution, and provided: “That the participation of the
Republic of Cuba in the OAS will be the result of a process of dialogue initiated at the request of the Government
of Cuba, and in accordance with the practices, purposes, and principles of the OAS.”

10. As of the date of approval of the instant report, the annulment of the resolution of 1962, which
excluded the Cuban Government from the Inter-American system, has not led to Cuba’s reincorporation into
the OAS, and instead it has remained distant and critical of the organization. For example, in 2018, at the 8th
Summit of the Americas, Cuba sent a delegation, and even though it walked out of the opening session prior to
the remarks delivered by Secretary General Luis Almagro, it announced that it would continue to “exercise [its]
legitimate right to participate at a forum to which it should have been a party for a long time.” At the same
event, Foreign Minister Bruno Rodríguez reiterated the position of the Cuban State with respect to what it views
as the use of the OAS as an instrument of the geopolitical interests of United States. Furthermore, for the second
year in a row, Cuba denied a visa for OAS Secretary General Luis Almagro, who had been invited by civil society
organizations to receive the Oswaldo Payá award on the island.

11. Cuba’s exclusion by the OAS has not impeded the Commission from fulfilling its mandate of
human rights promotion, monitoring and protection, inasmuch as it recognizes Cuba as “juridically
responsible to the Inter-American Commission in matters concerning human rights” because it is “a party to
the international instruments initially established to protect human rights in the American hemisphere” and

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2 The text of Resolution VI can be found in “Eighth Meeting of Consultation of Ministers of Foreign Affairs serving as Organ of
Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, Punta del Este, Uruguay, January 22-31, 1962, Meeting

3 The text of Resolution AG/RES. 2438 (XXXIX-0/09) can be found in the “Thirty-Ninth Regular Session, San Pedro Sula,

4 In 2018, the IACHR sent two letters requesting information from the State and published two press releases: IACHR, Press
Release R152/2018, “La CIDH publica de informe de fondo en caso relacionado con la criminalización de la opinión y la deliberación política
en Cuba,” [IACHR publishes merits report in case related to the criminalization of political opinion and deliberation in Cuba], April 11,
[Office of the Special Rapporteur Expresses Concern over Criminal Convictions for desacato laws in Cuba], July 17, 2018.
because Resolution VI of the Eighth Meeting of Consultation “excluded the Government of Cuba and not the Cuban State from participation in the Inter-American system.”

12. With respect to the States that have not ratified the American Convention on Human Rights, the States conferred on the Commission the power “to pay particular attention to the observance of the human rights referred to in Articles I, II, III, IV, XVIII, XXV and XXVI of the American Declaration of the Rights and Duties of Man,” as established in Article 20(a) of the IACHR’s Statute.

13. In the framework of its mandate, the Commission has written seven country reports on Cuba, the last one in 1983. Cuba was included in Chapter IV, or the equivalent thereof, of the Annual Report in 1984-1985 to 1994, and uninterruptedly from 1996 to 2018; as of the 2013 amendment to the Rules of Procedure, Cuba’s inclusion in annual reports has been based on the criteria under Article 59, section 6, subsections a.i and c of the Rules of Procedure. The IACHR has not conducted a country visit. Over the past ten years, the IACHR has held an average of two public hearings per year on said country. Additionally, pursuant to Article 18.d of the Statute, information has been requested from the State, and in turn, individual petitions, cases and requests for precautionary measures continue to be received, processed and examined. While the Cuban State has not replied to the IACHR’s communications and decisions, civil society organizations report experiencing a cessation or decrease in intensity, temporarily, of the mistreatment, retaliation, harassment and/or assaults to which they were subjected prior to the Commission acting.

**B. Cuba’s Engagement with other Actors**

14. In 2018, Cuba voiced its willingness to cooperate with human rights bodies. Notwithstanding, as of the present date, no visits of human rights situation monitoring bodies have been reported. On the contrary, the IACHR has received information to the effect that State Security agents and National Police allegedly prevented an event of the Citizens’ Committee for Racial Integration (Comité Ciudadanos por la Integración Racial, or CIR from its Spanish language acronym) from taking place.

15. For its part, despite repeated requests for an invitation, the IACHR has not visited the country. It hereby reiterates again its request to the Cuban State to acquiesce to and facilitate the realization of its first country visit to the island to enable it to observe the human rights situation firsthand, as well as the progress and challenges it faces on the subject matter.
**Engagement with the US.**

16. Since the announcement on December 17, 2014 of the reestablishment of relations between Cuba and the United States of America, the Commission has been continually monitoring lifting of the economic blockade by the US Congress.

17. In the wake of the alleged acoustic attacks targeting American diplomatic staff in Cuba and the family members thereof, the Administration of President Trump opted to tighten restrictions on travel and trade, significantly reduce diplomatic staff, and issue travel alerts, which in turn has a deleterious effect on the country’s economic situation. On June 14, 2018, the Cuba-U.S. Bilateral Commission, established in August 2015 to define the focal issues on the agenda for reestablishing relations between the two countries, held its seventh meeting in Washington, D.C. Though to a lesser extent as compared to prior years, both countries continue to conduct high-level official visits, holding technical and political meetings and professional exchanges.

18. On October 31, 2018, the State of Cuba introduced a draft resolution before the UN General Assembly to urge the United States to lift the economic embargo on Cuba. The United Nations member States, with 189 votes in favor and no abstentions, and over the opposition of the US and Israel, decided to back the Cuban text, calling for the end of the “economic, commercial and financial embargo” on the island. Nonetheless, beyond the significance of the act, the only body that is able to lift the economic blockade of Cuba is the Congress of the United States.

**III. HUMAN RIGHTS SITUATION IN CUBA**

**A. Representative Democracy: Lack of Essential Attributes**

19. In adopting the Inter-American Democratic Charter, the OAS member states recognized that representative democracy is the system in which one attains stability, peace and development in the region, which is fundamental for attaining the full exercise of fundamental rights. Article 3 of the Charter provided that:

> Essential elements of representative democracy include, *inter alia*, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.

20. The serious failure to abide by the core requirements of institutions of representative democracy is one of the main criteria for including Cuba in this chapter of the Annual Report, as provided for in Article 59(6)(a)(i) of the IACHR’s Rules of Procedure. Historically, the IACHR has been critical of the absence of conditions allowing for the genuine political participation of sectors with a different line of thinking in Cuba; in particular, it has criticized the holding of elections lacking in plurality and independence, with insurmountable obstacles impeding free access to diverse sources of information. Adverse voices to the government, in an effort to express their views and participate in the conduct of the country’s affairs, end up being suppressed because of the single party system, the ban on association for political purposes and arbitrary restrictions on freedom of expression and the right of assembly, among other fundamental rights.

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11 RCN Radio, *ONU aprueba resolución contra bloqueo a Cuba por EE.UU.*, [‘UN approves resolution against US blockade of Cuba’], November 01, 2018.
1. Right to Vote and Participate in Government and Constitutional Reform

21. In the wake of the election in 2017, Raúl Castro Ruz was relieved on April 19, 2018, by Miguel Díaz-Canel, of the Office of the President of the Council of State and of Ministers of the Republic of Cuba. Mr. Díaz-Canel was ratified with 99.83% of the votes of the 605 deputies of the National Assembly of the People’s Power (ANPP), after being nominated the day before as the sole candidate. Former President Raúl Castro did hold onto the senior post of the Communist Party and the President elect announced: [Castro] will head the decision [making-process] of major significance for the present and the future of the nation,“ and consequently, no significant changes are anticipated in the conduct of the country.

22. As was noted earlier, during the course of the electoral process, persistent conditions standing in the way of genuine political participation of different sectors of society were observed; in the view of the OAS General Secretariat, the election of President Díaz-Canel is an “illegitimate transition,” calling its system of government a “dictatorship.”

23. In turn, the IACHR closely examined the process of constitutional reform, which took place in 2018. By decision of the ANPP, at a special session held on June 2, 2018, it was agreed to embark upon a process of Constitutional Reform and the establishment of a Commission for these purposes was approved as the first step. Said Commission, in charge of writing the draft to amend the Constitution of 1976, which was in effect at the time, was made up of 33 deputies of the National Assembly and was chaired by former President Raúl Castro Ruz. On July 21, 2018, the ANPP debated the draft reform and it was submitted to public comment (‘people’s consultation’) from August 13 to November 15. On December 22, 2018, 583 deputies attending the II Regular Session of the National Assembly of the People’s Power approved in a roll call vote the new Constitution of the Republic of Cuba. At this session of the Assembly, the decision was also made to convene a referendum on February 24, 2019 in order to submit ratification of the new Constitution to the people. The draft consists of a preamble, 224 articles (87 more articles than the current Constitution), with 11 articles of the current constitution remaining as they originally appeared, as of the time of the drafting of this report, with 113 articles undergoing amendments, and 13 articles being fully repealed.

24. Changes set forth in the draft Constitution include that the President of Cuba would cease to be the head of the Council of State and of Ministers and instead, there would a Head of State, represented by the President, and Head of Government, in the position of Prime Minister. The new Constitution would recognize private property and would omit the word ‘communism.’ The legal concept of Habeas Corpus and the principle of the presumption of innocence appear in the draft constitutional text, as do other guarantees and fundamental rights of both a civil and political and economic, social, cultural and environmental nature, including the right to life, to water, to health and free education (from preschool to undergraduate university degree), ban on forced disappearance, ban on torture and cruel, inhuman and degrading treatment or punishment, among other ones. The draft Constitution bases international relations on the defense and protection of human rights, in addition to establishing the State’s obligation to ensure “the inalienable, indivisible and interdependent enjoyment and exercise of human rights, in keeping with the principle of progressive realization and without discrimination.” It stipulates that the rights and duties recognized in the Constitution shall be interpreted in accordance with international human rights treaties ratified by Cuba. The legal wording of the principle of equality is expanded, by including a ban on discrimination on the basis of gender, sexual orientation, gender identity, ethnic origin, and disability.

25. Based on information received by the Commission, the process of dissemination and debate on the Draft Constitution was marred by serious shortcomings. According to claims made by several civil society organizations to the IACHR, despite their efforts to bring about pluralistic dialogue, “political and legal

15 Proyecto de Constitución de la República de Cuba, Introducción al análisis del Proyecto, ['Draft Constitution of the Republic of Cuba. Introduction to the analysis of the draft'.
barriers” existed, which curtailed effective citizen participation. The IACHR observes that despite the reforms incorporated in the constitutional text, there is a persistence of structural problems that block the implementation of normative progress in the light of human rights, as an example, the incorporation of habeas corpus, without the guarantee of judicial independence, is merely rhetoric or formal. In addition, Said draft “does not include the respect of various fundamental rights, among them the existence of political parties, freedom of press, reunion and association”.

2. Independence of the Judicial Branch

26. As provided by the Constitution, the People’s Supreme Court remains subordinate to the National Assembly and the Council of State, which the IACHR has found to be a violation of the guarantee of an independent and impartial judge, in addition to derogating from the principle of separation and independence of the branches of government, another essential attribute of representative democracy.

27. On this point, in April 2017, the United Nations Committee on Enforced Disappearance, in its concluding observations on the report submitted by Cuba, considered the State’s remarks in terms of the judges being bound exclusively by the law, under Article 122 of the Constitution. Nonetheless, it wrote that:

While it takes note of the affirmation by the State of the subordination of the courts to the National Assembly and the Council of State not implying any meddling in the judicial functions or in resolving any particular case, the Committee is concerned that the subordination of the courts to other organs of the State may negatively impact the guarantee of independence of the courts [...].

28. The IACHR understands that the effective observance of the rights to justice (Article XVIII) and due process of law (Article XXVI) of the American Declaration, emanating from the classic separation of powers, is based on the independence of the judicial branch, which is an essential requirement for the practical observance of human rights in general. In the view of the Commission, the subordination of the courts to the Council of State, headed by the Head of State, means that the Judicial Branch is directly subordinate to the directives of the Executive Branch. Accordingly, the lack of independence of the Judicial Branch compromises its ability to provide guarantees for the enjoyment of human rights.

B. Activism and Dissidence

29. In 2018, the IACHR noticed in Cuba the persistence of violations of the right to liberty, security and personal integrity, protection from arbitrary arrest, the inviolability of the home, the inviolability and transmission of correspondence, the rights to residence and movement, and to minimum judicial guarantees and judicial protection for human rights defenders, social and political leaders, and independent journalists, in the practice of their professions.

• Right to liberty, security and personal integrity, to protection from arbitrary arrest, to the inviolability of the home, and the inviolability and transmission of correspondence

30. Since its 1992-1993 Annual Report, the Commission has been observing with great concern the systematic use of summary arbitrary arrests as a method of harassment by Cuban authorities. From January
to November 2018, the Cuban Observatory of Human Rights (OCDH from the initials of its Spanish name: Observatorio Cubano de Derechos Humanos) documented 2,150 arbitrary arrests\(^{21}\) and the Cuban Commission of Human Rights and National Reconciliation (CCDHRN, initials of Comisión Cubana de Derechos Humanos y Reconciliación Nacional) recorded 2,697 of such arrests over the same period\(^{22}\).

31. The Ladies in White (Damas de Blanco), Unión Patriótica de Cuba (UNPACU), Somos Más, Frente Orlando Zapata Tamayo movements continue to be the organizations most often impacted\(^{23}\). The criminal charges most frequently leveled against them are attack (atentado), disrespect of public officials (desacato), pre-criminal dangerousness to society (peligrosidad social pre-delictiva), failure to pay fines, public disturbance (desorden público), resistance or rebellion, and unlawful economic activity. Often, on top of these summary arrests, the victims are physically and verbally assaulted.

32. Once again, the Commission has noted the use of repressive tactics, such as raids of residences and confiscation of property, generally tied to fabricated charges or staged criminal cases; unlawful restrictions on departures from the country and on free movement throughout the territory; and stigmatization and smear campaigns.

33. On February 24, 2018, the IACHR approved precautionary measures on behalf of Eduardo Cardet Concepción, the coordinator of Movimiento Cristiano de Liberación, who on November 30, 2016 was arrested, and subsequently convicted and sentenced to three years of deprivation of liberty for the crime of attack [on psychological integrity] (atentado), after criticizing recently deceased Fidel Castro in a radio interview\(^{24}\). The request for precautionary measures alleged that the beneficiary was recently assaulted by three other inmates and, despite the injuries inflicted on him, he received no adequate medical treatment. Additionally, on March 18, 2018, the IACHR approved precautionary measures on behalf of José Ernesto Morales Estrada, representative of Consejería Jurídica e Instrucción Cívica en Cuba. The request for precautionary measures alleged that the beneficiary was at risk because of his activities as a human rights defender\(^{25}\). In its resolution, the IACHR noted that the State had been attempting to criminalize him since 2012 to put him in jail and, from 2014 to 2017, Morales had been arbitrarily detained approximately 90 times.

34. In response to the lack of effective remedies and due process of law for the protection of their human rights, activists, human rights defenders, independent artists, and their family members, held in custody at detention facilities or on release, have used hunger and/or thirst strikes as a tool to raise their demands with respect to, inter alia, the alleged arbitrariness of their arrests; persecution, threats, harassment and criminalization of their activities, which are perceived as criticism of the government; failure to provide minimum judicial guarantees at trial proceedings, which lead to prison sentences; and serious conditions of detention. As of July 2018, the Commission has documented at least 10 hunger and thirst strikes and, consequently, decided to request information from the State, pursuant to the legal authority set forth in Article 18(d) of its Statute. The State did not respond.

35. At the time of the drafting of this report, the IACHR counted 24 cases of hunger strikes (16 men and 8 women) in 2018. Of this number, seven individuals had stopped and then resumed the strike at least twice\(^{26}\).


\(^{23}\) Infobae, *Advierten sobre el aumento de la represión y las detenciones arbitrarias en Cuba*, [‘Warning issued about increased repression and arbitrary arrests in Cuba’], September 02, 2018; FIDH, Cuba: *actos de represión política registrados en lo que va del año: Enero- Abril 2018* [‘Cuba: Acts of political repression documented thus far this year: January- April 2018’], May 03, 2018.

\(^{24}\) IACHR, Resolution 16/2018, Precautionary Measure Nº 39/18, Matter Eduardo Cardet Concepción with respect to Cuba, February 24, 2018.

\(^{25}\) IACHR, Resolution 22/2018, Precautionary Measure Nº 954-16, Matter José Ernesto Morales Estrada with respect to Cuba, March 18, 2018.

\(^{26}\) IACHR, Matrix/table of hunger strike monitoring in Cuba, December 20, 2018 [in IACHR archives]. By downloading the statistics, you can see that 13 persons were free at the time the strike was carried out, and 11 of them were in custody.
• **Right of Residence and Movement**

36. As regards the right of movement and residence, the Commission has indicated the restrictions that impede full exercise of this right, both within the country and abroad.\(^{27}\)

37. Since 1983, when its seventh report on the human rights situation in Cuba was released, the Commission has spoken out about the lack of constitutional protection of the right of free movement in Cuba, which poses an obstacle to the effective enjoyment thereof.\(^{28}\) The IACHR underscores the importance of ensuring for all persons in Cuba, free of improper interference, the right of residence and movement, as provided for in Article VIII of the American Declaration, which establishes that “Every person has the right to fix his residence within the territory of the state of which he is a national, to move about freely within such territory, and not to leave it except by his own will.”\(^{29}\) The IACHR again issues an urgent appeal to the Cuban State to allow its inhabitants to be able to freely exercise their freedom of movement throughout the territory of Cuba and freedom to depart and reenter the country, and to refrain from continuing to implement the restrictions described above.

38. Decree No. 217 of 1997 on Regulations on Internal Migration to the City of Havana and infractions thereof, originally intended to control the movement of persons to Havana and thereby diminish the very effects of overpopulation in terms of access to housing, stable employment, urban transport, and supply of water, electricity, and fuel, restricted the possibility of becoming domiciled, residing, or living with others on a permanent basis in a dwelling located in the City of Havana.\(^{30}\) That decree was amended by Decree No. 293 of 2011, which provides for some exceptions.\(^{31}\)

39. The IACHR continues to receive information about restrictions on Cuban persons’ departure from the country— including human rights defenders, activists, journalists and broadcasters— who attempted to attend international conferences and events on the subject of human rights, as well as restrictions on movement within the country.\(^{32}\) In this regard, at the close of its 167th Regular Session in Colombia, the Commission publically condemned the Cuban State for prohibiting the departure from the country of members of organizations who were to participate in the hearing on the *Situation of Children’s and Adolescents’ Human Rights in Cuba*.\(^{33}\) According to information collected by the IACHR, at the time of the drafting of this report, the

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\(^{27}\) IACHR, Annual Report 2014, 2015, 2016, Chapter IV, Cuba.


\(^{29}\) *Declaración Americana de los Derechos y Deberes del Hombre*, American Declaration of the Rights and Duties of Man, approved at the Ninth International Conference of American States, Bogota, Colombia, 1948, Article VIII.

\(^{30}\) Decree No 217 of 1997 establishes that persons who intend to be domiciled, reside or live [with someone] on a permanent basis in a residence located in the City of Havana, or who live in other municipalities of the City of Havana, but intend to be domiciled, reside or live with someone on a permanent basis in a house located in the municipalities of Old Havana (Habana Vieja), Centro Habana, Cerro and Diez de Octubre, must obtain a permit from the President of the Council of the Municipal Administration, after fulfilling certain requirements, under punishment of being fined or being returned to their location of origin (Decree No. 217, Internal Migratory Regulations for the City of Havana and the infractions thereof, April 22, 1997, available at: http://www.gacetaoficial.cu/html/regulacionesmigratoriasparanC.H.html).


\(^{32}\) According to information provided to the IACHR, Cuban authorities prohibited travels of human rights defenders, including: Dora Leonor Mesa Crespo, Kirenia Yalit Núñez Pérez, Jacqueline Madrazo Luna, José Ernesto Morales Estrada (to Bogota, Colombia, in order to participate at a thematic hearing before the IACHR); Jimmy Roque to Lima, Peru in order to participate in civil society activities during the Summit of the Americas; Juan Antonio Madrazo Luna and Norberto Mesa Carbónell were banned from traveling to Geneva in order to participate as representatives of civil society during the Cuba review by the Committee on the Elimination of Racial Discrimination (CERD). Information submitted by Race and Equality, Instituto Internacional sobre Raza, Igualdad y Derechos Humanos, to the Inter-American Commission on Human Rights, August 10, 2018. Unpublished document.

Likewise, the Commission has noticed similar vagueness in the description of “Dangerous state,” (estado peligroso), as set forth in Article 72 of the Criminal Code and the following articles. As laid out therein, ‘dangerous state’ can be deduced from a special proclivity of the individual to commit criminal offenses, given the observed “manifest contradiction with the norms of socialist morality,” which is demonstrated when any of the “indications of dangerousness,” are present, which are: habitual intoxication and dipsomania, narcomania, and antisocial conduct; the latter is understood as a person who habitually breaks the rules of social interaction by acts of violence, or by other provocative acts, violates the rights of others or by his or her behavior in general undermines the rules of interaction or disturbs the order of the community or lives, as a social parasite, off other people’s work or exploits or engages in socially reprehensible vices.

40. The IACHR continues to be concerned about the death penalty remaining on the books as a punishment for a significant number of criminal offenses in Cuba. Capital punishment is prescribed especially for crimes against the security of the State, which are described with broad or vague language, for which the imposition would be permitted in summary proceedings, wherein the necessary minimum guarantees for the defendant to exercise his right to an adequate legal defense are not provided for. Based on the information available to the Commission, the last time that the death penalty was imposed in Cuba was in 2003. In any case, the IACHR finds that the fact that it is in force in domestic legislation and can be potentially applied constitutes a latent threat. Accordingly, the Commission reiterates its appeal to the Cuban State to abolish the death penalty, inasmuch as this is the trend throughout the hemisphere.

41. The maximum punishment of death is provided for under the categories of crimes against the security of the State; peace and international law; public health; life and corporal integrity; normal course of sexual relations; normal development of childhood and youth and against proprietary rights. Under the category of crimes against the security of the State, the criminal offenses which are subject to the death penalty as the maximum punishment are as follows: Acts against the independence or the Territorial Integrity of the State; Promotion of Armed Action against Cuba; Armed Service against the State; Aiding the Enemy; Espionage; Rebellion; Sedition; Usurping Political or Military Command; Sabotage; Terrorism; Hostile Acts against a Foreign State; Genocide; Piracy; Mercenarism; Crime of Apartheid and; other acts against the security of the State. Additionally, the law provides for punishment by death penalty with the following criminal offenses: Production, Sale, Demand, Trafficking, Distribution and Illicit Possession of Drugs, Narcotics, Psychotropic Substances and Other Ones of Similar Effects; Murder; Rape; Pederasty with Violence; Corruption of Minors; Robbery with Violence or Intimidation on Persons. Likewise, the death penalty remains on the books as punishment for a significant number of broad or vague criminal offenses, such as “State of Dangerousness.”

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36 The Law of Criminal Procedure provides for summary proceedings under Articles 479 and 480 thereof: **Article 479**: In the event that exceptional circumstances so warrant, the Attorney General of the Republic may request of the President of the People’s Supreme Court, and the latter decides, that the criminal acts of the jurisdiction of the Courts of Justice shall be adjudicated through summary proceeding, except for those that are the jurisdiction of the People’s Municipal Courts; **Article 480**: At a summary proceeding, to extent that the competent Court deems necessary, the terms [periods of time] that this Law establishes for the processing of preliminary investigations, the oral trial proceeding and motions and appeals process are reduced. Law of Criminal Procedure. Special Proceedings. Title X. Summary Proceeding. Articles 479 and 480.


**Article 72**: Dangerous state is understood as a special proclivity of a person to commit criminal offenses, as demonstrated by the conduct observed, in manifest contradiction to the norms of socialist morality; **Article 73.1**: Dangerous state is manifested when any of the following indications of dangerousness appears in the individual: a) habitual intoxication and dipsomania; b) narcomania; c) antisocial conduct. 2. A person who habitually breaks the rules of social interaction by acts of violence, or by other provocative acts, violates the rights of others or due to his behavior in general undermines the rules of interaction or disturbs community order or lives, as a social parasite, off other people’s work or exploits or engages in socially reprehensible vices, is considered in a dangerous state.

**Article 74**: The state of mental derangement and of persons with delayed mental development is also considered a dangerous state, if for this reason, they do not possess the faculty to grasp the scope of their actions or of controlling their conduct, when it poses a threat to the security of persons or the social order.

42. As provided in Decree-Law No. 128 of June 18, 1991, in Article 415 thereof and the following articles, a declaration of pre-criminal dangerousness of antisocial conduct also is issued through summary proceeding, and can lead to arbitrary deprivation of personal liberty through trial proceedings that do not have the minimum judicial guarantees set forth in the American Declaration of the Rights and Duties of Man. In this regard, the bodies of the Inter-American human rights system have concurred that “ambiguity in describing crimes creates doubts and the opportunity for abuse of power, particularly when it comes to ascertaining the criminal responsibility of individuals and punishing their criminal behavior with penalties that exact their toll on the things that are most precious, such as life and liberty.”

43. As for military jurisdiction, the Committee on Enforced Disappearance noted with concern the competence of military courts in criminal proceedings where a member of the armed forces was the accused, even when the participants or the victim are civilians, or the events were committed on military premises, regardless of the status of civilian or military that the participants in those acts may have. In this regard, the Committee stressed that:

While note is taken that the military courts have the power to decline jurisdiction and refer matters to the regular courts, the Committee recalls its position that, in principle, military courts do not offer the guarantees of independence and impartiality required by the Convention to hear cases of enforced disappearance (Articles 11 and 12).

44. Accordingly, the Committee recommended to the Cuban State that it adopt the measures necessary to ensure expressly that the military jurisdiction not have the authority to investigate or prosecute any cases of forced disappearances.

C. Topics of Special Concern and Priority Groups for the IACHR

1. Freedom of Expression

45. In 2018, the situation of the right to freedom of expression in Cuba did not change in any substantial way and continued to be subjected to repression and State control. Of particular concern is the persistence of selective and deliberate persecution of independent journalists, media outlets, human rights defenders, political dissidents and organizations, who disseminate information and views on topics of public interest, which the State deems to be at odds with official discourse.

46. In fact, it is still common in Cuba for criminal proceedings to be opened as a means of having a chilling effect on or punishing speech or positions criticizing the official government line. It is also habitual for threatening police summons to be issued or police visits to occur, for pressure to be exerted on family members and for restrictions to be placed on the travels of journalists, human rights defenders, activists and political dissidents. Likewise, the Cuban State uses arbitrary arrests –usually for short periods of time- as a method of harassment of independent journalists, among others.

47. Notwithstanding, the regime introduced for debate this year a constitutional reform to establish the general obligation of the State to recognize, respect and guarantee freedom of thought, conscience and expression, even though the 1976 Constitution does not provide for anything of the kind. However, the IACHR and its Special Rapporteurship notice that said draft does not include any guarantees for effective

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42 UN, Committee on Enforced Disappearance, Concluding observations on the report submitted by Cuba under Article 29, paragraph 1, of the Convention, CED/C/CUB/CO/1, April 19, 2017.
43 The IACHR tasked the Office of the Special Rapporteur for Freedom of Expression with drafting this section. This section is an abridged version of the Report on the Situation of Freedom of Expression in Cuba, issued by the IACHR Office of the Special Rapporteur for Freedom of Expression.
judicial protection of fundamental rights, keeps in place the single party regime and continues to make it impossible to establish media outlets, all of which impedes the functioning of a pluralistic society.

- **Violence for Exercising freedom of Expression and Situation of Impunity**

48. In 2018, non-governmental organizations reported the continuation of a policy of the security agencies of the State harassing journalists, human rights defenders, activists and political dissidents. According to these organizations, there has been “increased repression” in Cuba since 2017, when the government set into motion the process of general elections. According to available information, in order to prevent these individuals from freely practicing their professions, the Cuban State used arbitrary arrests – generally for short periods of time – the criminal justice system as a tool to prosecute them (‘criminalize’ them, that is, charge them on bogus criminal charges), internal deportations, summonses to police facilities, raids of their homes and family pressure, travel restrictions, and confiscation of the tools of their trade and work materials. The information received indicates that those affected are intercepted on the street, State agents often conduct “confiscations” during raid and search operations of their homes, their family is intimidated and the journalist is arrested. In these cases, the authorities have refused to return the confiscated items to the owners and, according to reports, when the work materials and equipment are seized, the police refuse to provide a copy of the list of these items. 44

49. In addition, there were reports of restrictions on the right to demonstrate, for example, through the use of pretrial detention in order to prevent the individual from taking part in protests, excessive use of force in this context and impunity in such cases. The IACHR has also become aware that independent journalists are often interrogated for purposes of intimidation. According to reports, these journalists were directly threatened by agents of the State with being deprived of liberty or other acts of retaliation for practicing journalism. According to one testimony, “the more critical [the media outlet] was, the harsher they would be [referring to the State security agents] in their treatment.” 45

50. The procedures used for summoning journalists are irregular 46 and, often, State Security uses non-police facilities or offices to interrogate journalists. Complaints of these practices were filed by Ileana Álvarez, Adriana Zamora and Ernesto Carralero, who were summoned to the offices of Immigration and Foreign Residency, where political police agents were waiting for them. 47 According to the statements of the Mr. Carralero, when he arrived in Immigration and Foreign Residency, he was received by two officials who introduced themselves as the State Security Lieutenant who handles Diario de Cuba, in charge of “confronting of that platform specifically” and the Chief of the Section of Confronting Digital Platforms of State Security. A similar situation happened to journalists Rafael Gordo Núñez and Laura Rodríguez Fuentes, who claimed to be summons to Immigration, but were interrogated and threatened by agents of State Security. Gordo Núñez contended that he was threatened with, among other things, being held in custody “for up to 30 years” and State Security had gained access to his private conversations. 48
51. Another practice involved interrogations and acts of harassment of women journalists by male officers. Iris Mariño, for example, claimed that she tallied a total of 22 cases of harassment against her, interrogations where no female officer was present. According to her claims, one of these instances took place on May 1, 2018, when she was allegedly arrested for attempting to take a photograph on the street.\footnote{Diario de Cuba, May 1, 2018. \textit{Una periodista independiente es detenida en Camagüey al intentar hacer una foto del Primero de Mayo} ["An independent journalist is arrested in Camagüey when he attempts to take a photograph of May First"]; Diaz, Pablo. \textit{Acerca de la libertad de expresión en Cuba: una represión sin huella jurídica} ["About freedom of expression in Cuba: a repression without a legal footprint"]. Diario de Cuba. Available at: Archives of the Office of the Special Rapporteur for Freedom of Expression.}

Previously, in February 2018, State Security agents are alleged to have threatened Adriana Zamora, Diario de Cuba (DDC) journalist, with making her lose her child in her pregnancy. According to reports, during the police summons, she was told “to think about having another child.”\footnote{Diario de Cuba. February 2, 2018. \textit{"Tu embarazo depende de ti," amenaza la Seguridad del Estado a la periodista de DDC Adriana Zamora} ["'Your pregnancy depends on you,' State Security threatens DDC journalist Adriana Zamora"]; Civicus. February 16, 2018. \textit{Journalistas, human rights defenders and artists persecuted and harassed in Cuba} ["Journalists, human rights defenders and artists persecuted and harassed in Cuba"]; Cuba en Miami. February 2, 2018. \textit{La Seguridad del Estado amenaza a una periodista gestante de 11 semanas: "Tu embarazo depende de ti", le dicen los agentes} ["State Security threatens an 11 month pregnant journalist: ‘Your pregnancy depends on you,’ the agents told her."]}

According to the claims of Carralero, it was asserted that “anything can happen in the maternity room, the wrong medication can be given to you and there you stay.”\footnote{Diario de Cuba, January 30, 2018. \textit{El régimen detiene a Eliécer Palma Pupo, colaborador de DIARIO DE CUBA} ["The regime detains Eliécer Palma Pupo, collaborator of DIARIO DE CUBA"]; Martí Noticias. January 30, 2018. \textit{Confiscan "material subversivo" a periodista y activista de derechos humanos en Cuba} ["Confiscate ‘subversive material’ to journalist and human rights activist in Cuba"]; Knight Center for Journalism in the Americas. June 26, 2018. \textit{Periodistas cubanos informan sobre el aumento de detenciones y otros abusos de poder por parte de las autoridades} ["Cuban journalists report on increased arrests and other abuses of power by authorities"];} Such a threat, made by an official with the ability to act, is of great concern, considering that in Cuba the health care system is exclusively under State control.

52. The IACHR and its Special Rapporteurship also learned of several cases of independent journalists in Cuba, whose homes were raided, and their tools of journalism were confiscated from them by agents of the State. Thus, for example, in January, Eliécer Palma Pupo, collaborating journalist of Diario de Cuba, was allegedly arrested and held for 72 hours. Likewise, his home was searched, and at that time his work tools were confiscated from him, around 100 books – which the agents considered “subversive material” – and documents.\footnote{Diario de Cuba, January 26, 2018. \textit{El régimen detiene a Eliécer Palma Pupo, colaborador de DIARIO DE CUBA} ["The regime detains Eliécer Palma Pupo, collaborator of DIARIO DE CUBA"]; Martí Noticias. January 30, 2018. \textit{Confiscan "material subversivo" a periodista y activista de derechos humanos en Cuba} ["Subversive material’ confiscated from journalist and human rights activist in Cuba"]; Maykel González Vivero of Villa Clara;\footnote{Diario de Cuba. January 30, 2018. \textit{La Seguridad del Estado libera bajo 'amenazas' al colaborador de DDC Eliécer Palma Pupo} ["State Security releases under ‘threats’ DDC collaborator Eliécer Palma Pupo"]; Knight Center for Journalism in the Americas. June 26, 2018. \textit{Periodistas cubanos informan sobre el aumento de detenciones y otros abusos de poder por parte de las autoridades} ["Cuban journalists report on increased arrests and other abuses of power by authorities"];].} Other journalists of the daily newspaper Diario de Cuba, who were allegedly arrested and held in custody or threatened, are: Osmel Ramírez of Holguín;\footnote{Diario de Cuba. February 2, 2018. \textit{Liberado el periodista de DDC Osmel Ramírez tras ‘72 horas de injusta prisión’} ["DDC journalist Osmel Ramírez released after ‘72 hours of wrongful imprisonment’"]; Diario de Cuba. January 30, 2018. \textit{La Seguridad del Estado libera bajo 'amenazas' al colaborador de DDC Eliécer Palma Pupo} ["State Security releases under ‘threats’ DDC collaborator Eliécer Palma Pupo"]; Knight Center for Journalism in the Americas. June 26, 2018. \textit{Periodistas cubanos informan sobre el aumento de detenciones y otros abusos de poder por parte de las autoridades} ["Cuban journalists report on increased arrests and other abuses of power by authorities"];]. Maykel González Vivero of Villa Clara;\footnote{Diario de Cuba, January 26, 2018. \textit{El régimen detiene a Eliécer Palma Pupo, colaborador de DIARIO DE CUBA} ["The regime detains Eliécer Palma Pupo, collaborator of DIARIO DE CUBA"]; Martí Noticias. January 30, 2018. \textit{Confiscan "material subversivo" a periodista y activista de derechos humanos en Cuba} ["Subversive material’ confiscated from journalist and human rights activist in Cuba"];} Frank Correa of Havana;\footnote{Diario de Cuba. January 30, 2018. \textit{La Seguridad del Estado libera bajo 'amenazas' al colaborador de DDC Eliécer Palma Pupo} ["State Security releases under ‘threats’ DDC collaborator Eliécer Palma Pupo"]; Knight Center for Journalism in the Americas. June 26, 2018. \textit{Periodistas cubanos informan sobre el aumento de detenciones y otros abusos de poder por parte de las autoridades} ["Cuban journalists report on increased arrests and other abuses of power by authorities"];] and Manuel Alejandro León of Guantánamo.\footnote{Diario de Cuba. January 30, 2018. \textit{La Seguridad del Estado libera bajo 'amenazas' al colaborador de DDC Eliécer Palma Pupo} ["State Security releases under ‘threats’ DDC collaborator Eliécer Palma Pupo"]; Knight Center for Journalism in the Americas. June 26, 2018. \textit{Periodistas cubanos informan sobre el aumento de detenciones y otros abusos de poder por parte de las autoridades} ["Cuban journalists report on increased arrests and other abuses of power by authorities"];} Additionally, in February, immigration officials allegedly prevented Jorge Enrique Rodríguez from traveling overseas, arguing that a “restriction on departure overseas” was supposedly in effect for him.\footnote{Diario de Cuba, February 19, 2018. \textit{El régimen impide viajar al periodista de DDC Jorge Enrique Rodríguez} ["The regime prevents DDC journalist Jorge Enrique Rodríguez from traveling"]. Moreover, several independent journalists have been expelled
from their State jobs or office. This is the case of Iris Mariño, who lost her job as a professor at an art school in Camagüey and, of Aimara Peña, who was allegedly expelled from the university.  

53. According to available information, repression continues in Cuba against the senior officers and journalists of the Instituto Cubano por la Libertad de Expresión y Prensa (ICLEP). On this score, in January the ICLEP executive Raúl Velázquez was allegedly arrested and held for 24 hours when he was traveling from Artemisa to Pinar del Río. On June 25, ICLEP denounced that over the past 6 days, its community media outlets and journalists were subjected to “abuse of power and theft” by political police, which seized journalists’ equipment and raided several homes. It further claimed that ten journalists “have suffered different types of aggression that range from interrogations, arbitrary detentions and physical and psychological assault.” reported cases include those of Martha Liset Sánchez, Liset Sánchez and Alberto Corzó.  

54. In 2018, detained journalists included: Roberto de Jesús Quiñones – who posts work on the website Cubanet; Manuel Alejandro León Velázquez – a journalist of Diario de Cuba and member of the audiovisual agency Palenque Visión; and Eider Frómeto Allen. In particular, it was reported that in August 2018 alone, at least 13 journalists were allegedly arbitrarily arrested in different parts of Cuba.  

55. In 2018, acts of retaliation and harassment and arrests of journalists, activists and human rights defenders, who exposed the situation of freedom of expression in Cuba at international forums, continued to take place. In this regard, it was reported that members of the Asociación Pro Libertad de Prensa (APLP) – Odalina Guerrero Lara, Manuel Morejón, Amarilis Cortina Rey, Miriam Herrera Calvo – were allegedly
interrogated by State Security after submitting a report on the situation of freedom of expression in Cuba to
the UN Human Rights Council with a view toward the Universal Periodic Review (UPR); as well as after its
Director José Antonio Fornaris and Guerrero Lara participated in December 2017 in an event in Geneva.
Additionally, in February, four of its members were allegedly prevented from departing the country to
participate in a journalism workshop in Trinidad and Tobago. Later, in May, the APLP main office was searched
by police and on that occasion Fornaris was arrested. The agents also expropriated his personal property and
several pieces of work equipment. According to a report by Amarilis Cortina Rey, DSE officers explained to her
that the reason for the search was “to gather information about the activities of the APLP.” 67

56. During the current year, the organization Ladies in White (Damas de Blanco) decried that it
continued to be subjected to aggression, harassment and arrests. In this regard, cases were reported for
members of the Ladies in White Marta Sánchez, 68 Leticia Ramos Herrería, 69 Marisol Fernandez Socorro,70
Micaela Roll Gibert and Aimara Nieto Muñoz.71 At least 24 Ladies in White were also allegedly detained on May
1.72 Additionally, in June, the police arrested Ramos Herrería’s son, Randy Montes de Oca Ramos, charging him
with “disobedience, resistance and disrespecting a public official [descatado].” According to Ramos Herrería,
“this is further retaliation” against her, so she will leave the country and the Ladies in White.73

57. Several journalists reported that criminal proceedings were instituted against them for
the alleged crime of usurpation of public functions.74 Henry Constantin Ferreiro, Iris Mariño García and Sol García
Basulto, journalists from La Hora de Cuba, were allegedly charged with this criminal offense.75 Also reported
were cases against Eliécer Góngora Izaguirre, member of the Unión Patriótica de Cuba (UNPACU);76 and Zaqueo
Báez, Isamel Boris Reñí and María Josefa Acón Sardiñas.77 Isamel Boris Reñí had previously served a year in jail
from 2016 to 2017 for distribution of discs and printed materials on the streets.78 Likewise, in June, Claudio

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67 CubaNet. May 30, 2018. "Policía registra la sede de la Asociación Pro Libertad de Prensa en Cuba" ['Police search the offices of APLP in Cuba'], 14yMedio. May 30, 2018. "La policía incauta los implementos de trabajo de la APLP tras un registro en su sede" ['Police seize work tools of APLP after offices are searched']; "Cuba: La sede de la Asociación Pro Libertad de Prensa sufrió este miércoles en la mañana un registro policial, en un nuevo capítulo de represión contra la prensa independent[e]" ['Cuba: The offices of APLP was subjected to a police search in the morning, in a new chapter of repression against the independent press'], Official Twitter account of @yoanisanschez. May 30, 2018; Inter-American Press Association (IAPA). March 2, 2018. "Cuba: Detenciones y amenazas a la orden del día" ['Cuba: Arrests and threats the order of the day'];

68 Infobae. April 30, 2018. "Al menos 24 Damas de Blanco detenidas en una nueva ola de arrestos y allanamientos del régimen cubano" ['At least 24 Ladies in White arrested in a new wave of arrests and raids by the Cuban regime']. Diario de Cuba. April 30, 2018. "A horas del Primero de Mayo, allanamientos y arrestos de activistas de la UNPACU y las Damas de Blanco" ['Just hours away from May First, raids and arrests of UNPACU activists and Ladies in White'];

69 Infobae. April 30, 2018. "Al menos 24 Damas de Blanco detenidas en una nueva ola de arrestos y allanamientos del régimen cubano" ['At least 24 Ladies in White arrested in a new wave of arrests and raids by the Cuban regime']. Diario de Cuba. April 30, 2018. "A horas del Primero de Mayo, allanamientos y arrestos de activistas de la UNPACU y las Damas de Blanco" ['Just hours away from May First, raids and arrests of UNPACU activists and Ladies in White'];

70 Martí Noticias. May 9, 2018. "Abajo Díaz-Canel!", gritan Damas de Blanco mientras las golpea la policía (VIDEO) ['“Down with Diaz-Canel!”, shout Ladies in White while police beat them (VIDEO)'];

71 Infobae. April 30, 2018. "Al menos 24 Damas de Blanco detenidas en una nueva ola de arrestos y allanamientos del régimen cubano" ['At least 24 Ladies in White arrested in a new wave of arrests and raids by the Cuban regime'];


73 Martí Noticias. June 18, 2018. "Periodismo ciudadano y redes sociales, prohibidos para opositores en Cuba?" ['Citizen journalism and social networks, banned for the opposition in Cuba?'];

74 Martí Noticias. July 5, 2018. "Distribuyó información sobre Cuba Decide and now pays with six months in jail" ['Distributed information about Cuba Decide and now pays with six months in jail'];

75 Martí Noticias. June 18, 2018. "Periodismo ciudadano y redes sociales, prohibidos para opositores en Cuba?" ['Citizen journalism and social networks, banned for the opposition in Cuba?'];

76 Martí Noticias. June 18, 2018. "Periodismo ciudadano y redes sociales, prohibidos para opositores en Cuba?" ['Citizen journalism and social networks, banned for the opposition in Cuba?'];
Fuentes, of the independent project Estado de Sats, was held for 24 hours incommunicado at a police facility for publishing videos criticizing Miguel Díaz-Canel on social networks.79

58. The UNPACU also reported that several of its activists had been arrested as the elections drew closer in Cuba. In February, arrested activists included Gilberto Hernández Lago, Alexander Verdecia Rodríguez, Carlos Alberto Rojas, Yuri Sollet Soto and José Antonio López Piña.80 Subsequently, in April, Zaqueo Báez Guerrero, Ismael Boris Renhi, Alberto de Caridad Ramírez Baró, Alberto Antonio Ramírez Odio and Leonardo Ramírez Odio were arrested.81 According to José Daniel Ferrer, leader of UNPACU, in July, 55 members of the organization were being held under arrest. Ferrer noted that most of the arrested members had been charged with "public disturbance," "pre-criminal social dangerousness" and "desacato" ['disrespecting a public official'].82

59. Additionally, Uruguayan journalist Fernando Ravsberg announced in July 2018 that he would shut down the blog Cartas desde Cuba ['Letters from Cuba'], which he has been writing in Cuba for several years. According to reports, the Ministry of Foreign Affairs did not renew his residency permit and thus his permit to work on the island. The International Press Center, under the MINREX, announced that his accreditation simply expired. For his part, the journalist believed that it was connected UPEC officials calling into question "allowing people opposed the Revolution to criticize it" in his blog. He also denounced that, weeks before the announcement of the shutdown, he received "a thousand [cyber] attacks per day, some generated by robots, searching for our vulnerabilities."83

60. The Inter-American Commission reiterates that Principle 9 of the IACHR’s Declaration of Principles on Freedom of Expression establishes: "The murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation." In addition, as has been established by the United Nations Special Rapporteur on the right to freedom of opinion and expression and the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights of the Organization of American States (OAS), the State "has the duty to ensure that journalists and media workers reporting on public demonstrations are not arrested, threatened, assaulted, or limited in any manner in their rights as a result of practicing their profession. Their work materials and tools must not be destroyed or confiscated by the authorities."84

• Freedom of Expression and Internet

61. In recent years, the use of Internet and the development of digital media have made it possible in Cuba for spaces to open up for the circulation of information and ideas beyond government control. Thanks to these technologies, independent media outlets have emerged in the country, as have blogs, websites of activist groups, campaigns and social denunciation for people to express disapproval and to speak out against things. Notwithstanding, the IACHR and its Special Rapporteurship have received information corroborating that the Cuban people face serious obstacles to connectivity and universal access to Internet. In addition to the

79 Martí Noticias. June 18, 2018. Periodismo ciudadano y redes sociales, ¿prohibidos para opositores en Cuba? ['Citizen journalism and social networks, banned for the opposition in Cuba?']
80 Martí Noticias. February 12, 2018. UNPACU denuncia alza de represión mientras se acercan elecciones en Cuba ['UNPACU denounces increased repression as elections draw near in Cuba']
81 Diario de Cuba. April 30, 2018. A horas del Primero de Mayo, allanamientos y arrestos de activistas de la UNPACU y las Damas de Blanco ['Hours away from May First, raids and arrests of UNPACU and Ladies in White activists']
82 Martí Noticias. July 1, 2018. Denuncian violencia contra miembros de UNPACU en prisión ['Violence against UNPACU members in prison decried']
83 Diario de Cuba. July 13, 2018. El cerco se ha cerrado': Fernando Ravsberg anuncia el fin de su blog 'Cartas desde Cuba' ['Closing in: Fernando Ravsberg announces the end of his blog 'Letters from Cuba']
limited connectivity of the Cuban population, according to several sources, a portion of the content on the worldwide web is not accessible from Cuba, because it is blocked or filtered by government authorities. According to reports, the number of websites censored by the government has grown in recent years, and in order to gain access to them – such as the news sites CiberCuba, 14ymedio and Cubanet –, Cuban citizens have used the services of virtual private networks (VPN) or webpages that operate as anonymous proxies. In some instances, temporary blocking is involved, but in others, it has proven to be impossible to access websites, platforms or social networks, such as Facebook, Twitter, Youtube, Yahoo, MSN or Hotmail. Additionally, the IACHR and its Special Rapporteurship have received information on alleged surveillance of people browsing the Internet, which would run afoul of the right to privacy and protection of data.

62. In July, it was reported that a new messaging app, ToDus, created by the Universidad de Ciencias Informáticas (UCI) and ETECSA, places users’ personal data at risk of falling into the hands of the government. In particular, it was reported that the app asks “in order to connect with friends and family members, and to exchange photos and videos with them, it allows ToDus to be able to access your contacts, photos, multimedia content and files in general, [which are] stored on your device.” It was also noted that, as one of the conditions of use of service, the user pledges to “not make any offensive comments or [comments] contrary to morality, as well as any [comments] that denigrate or offend governments or government policies.”

63. Additionally, in February, the digital magazine El Estornudo, decried that the Cuban government had blocked access to the webpage of the magazine in Cuba. The magazine, which had the second year anniversary of its creation in March, claimed in an editorial titled “Note to Censor: Why can El Estornudo not be read in Cuba?” that Cuba is a “country where printed publications cannot circulate beyond State control, where access to Internet is highly limited, and where the address of your press media will then be blocked so that no one will even manage to read you even through limited access.” More recently, on December 4, 2018, Mayra Arevich, President of Etecsa, announced that, beginning December 6, Cuban citizens would be offered full access to Internet on cell phones. According to the announcement, on this date, Cubans would be able to start to enter into contracts for 3G service.

64. Pursuant to pronouncements of the rapporteurs for Freedom of Expression of the UN, the Organization for Security and Cooperation in Europe (OSCE), the OAS and the African Commission on Human and Peoples’ Rights in their Joint Declaration of 2011, “Mandatory blocking of entire websites, IP addresses, ports, network protocols or types of uses (such as social networking) is an extreme measure—analogous to banning a newspaper or broadcaster —which can only be justified in accordance with international standards, for example where necessary to protect children against sexual abuse.” They also recalled, among other things: “Content filtering systems which are imposed by a government or commercial service provider and which are not end-user controlled are a form of prior censorship and are not justifiable as a restriction on freedom of expression.”

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87 Revista El Estornudo. February 26, 2018. Nota al Censor: ¿Por qué no puede leerse El Estornudo en Cuba? [‘Note to Censor: Why can El Estornudo not be read in Cuba?’].


65. El IACHR further recalls that respect for privacy is a guiding principle of the digital environment. The right to privacy, according to which no one may be the object of arbitrary or abusive interference with his private life, his family, his home or his correspondence, is a prerequisite for the exercise of the right to freedom of expression on-line, which must be protected by law and rigorously promoted in public policy.\(^90\) This point is closely linked to the State’s obligation to create a safe environment for the exercise of the right to freedom of expression, as violation of communication privacy has a chilling effect and hampers the full exercise of the right to communicate.\(^91\) Internet surveillance in any of its forms or nuances constitutes interference in the private lives of people and, when conducted illegally, can also affect the rights to due process and a fair trial, freedom of expression, and access to information.\(^92\) To protect privacy on the Internet, the confidentiality of personal online data must be guaranteed,\(^93\) over any service, whether e-mail, messaging service or other ones.

66. Based on the foregoing, the IACHR reiterates that the Cuban State must expand unrestricted connectivity to Internet, thus promoting universal access to Internet to ensure effective enjoyment of the right to freedom of expression. The IACHR reiterates that the Cuban State must ensure that provisions of law regulating Internet access in the country are compatible with international standards, protect the right to freedom of expression and thought, including the right to privacy and to seek, receive and disseminate ideas and information, without unnecessary restrictions. Furthermore, the Cuban State must refrain from conducting any type of surveillance or data processing, including the storage, analysis, and disclosure of personal information, except when it has a legitimate purpose to do so or it has the informed consent of the person affected; and adopt normative measures aimed at banning these practices and establish mechanisms of effective and independent oversight.

- **Constitutional Reform and Freedom Of Expression**

67. The IACHR and its Special Rapporteurship take note that Article 56 of the Draft Constitution, which was released for public comment, recognizes that "all persons have the right to receive from the State truthful, adequate and timely information, pursuant to established regulations."\(^94\) The provision seems to be a step forward, given that the Constitution of 1976 does not recognize the right of access to information. Notwithstanding, the wording does not set forth to the fullest extent the scope and content of the right of access to information. According to Article IV of the American Declaration of the Rights and Duties of Man, "Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever."

68. Likewise, the IACHR and its Special Rapporteurship note that, in said draft, there are two other provisions, which directly address freedom of expression and of the press: Articles 59 and 60. The first one establishes the following:

**ARTICLE 59.** The State recognizes, respects and guarantees freedom of thought, conscience and expression.

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\(^93\)Proyecto de Constitución de la República de Cuba, artículo 56 [Draft Constitution of the Republic of Cuba, Article 56]
Conscientious objection may not be invoked for the purpose of evading compliance with the law or preventing someone else from complying with it or exercising their rights.  

69. The IACHR notices that the draft establishes the State’s general obligation to recognize, respect and guarantee freedom of thought, conscience and expression, while the Constitution of 1976 does not include any such provision. Nonetheless, in order for these rights to become a reality in Cuba, it is necessary to take decisive actions to make them compatible with other constitutional provisions and establish an appropriate legal framework, which does not include arbitrary restrictions on the exercise thereof, but instead becomes the framework to correct the persistent practice of persecution of journalism.

70. In this regard, it worrisome that the introduced draft constitutional reform would keep in place the main restrictions of the current body of law, with respect to freedom of expression, which render the exercise of the right illusory and could render the recognition merely rhetorical. This is connected to Article 60 of the Draft Constitution, which will replace Article 53 of the current constitutional text. This provision reads as follows:

ARTICLE 60. Citizens’ freedom of the press is recognized. This right is exercised in accordance with the law. Fundamental social communications media, in any of their supports, are the socialist property of all the people, which ensures their use at the service of all of society. The State establishes the principles of organization and functioning for all social communications media.

71. According to this wording, even though freedom of the press would no longer be subject to the “purposes of socialist society,” it seems to leave in place the impediment to there being any other media than State media outlets. As the provision expressly sets forth, the media “are the socialist property of all the people.” It is even more worrisome considering that the aforementioned Article 5, which designates the PCC (Cuban Communist Party) as the highest governing body, also remains in the text. The Commission and its Rapporteurship recall that the IACHR’s Declaration of Principles on Freedom of Expression establishes that “monopolies or oligopolies in the ownership and control of the communication media must be subject to anti-trust laws, as they conspire against democracy by limiting the plurality and diversity which ensure the full exercise of people’s right to information.” “The State should not have monopoly control over the media and should promote plurality of the media,” General comment No. 34 of the United Nations Human Rights Committee sets forth, and has also been cited in several decisions of the Commission and the Inter-American Court of Human Rights.

72. The IACHR notes that, on the subject of the economic system, while the Draft Constitution maintains as essential principles socialist ownership by all of the people over fundamental media and planning, it adds the recognition of the role of the market and of new forms of non-State ownership. In this vein of openness, one priority area where private property should to be permitted is the communications media, because of their close link to the enjoyment of a broad range of rights and freedoms. Maintaining the state monopoly over the media is also at odds with the provisions of this draft, which defines Cuba as a democratic State of law. In other words, you cannot speak of the existence of a democratic system without full respect for

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95 Proyecto de Constitución de la República de Cuba, artículo 59 [Draft Constitution of the Republic of Cuba, Article 59]
96 Proyecto de Constitución de la República de Cuba, artículo 60 [Draft Constitution of the Republic of Cuba, Article 60]
98 Proyecto de Constitución de la República de Cuba [Draft Constitution of the Republic of Cuba]
99 Different provisions address the democratic nature of the Cuban State, in particular, Article 96 of the draft reads: The organs of the State are formed and carry out their activity on the basis of the principles of socialist democracy, which are expressed in the following
freedom of expression and for the ability of the people to exchange information, ideas and opinions from a variety of sources without interference.

73. There is no adequate regulation either fulfilling the requirements of freedom of expression in terms of audiovisual communication, regarding both the resources needed to create media outlets (granting, renewal and revocation of licenses to operate radio and television frequencies), and the essential guarantees for media to be virtually open to everyone without discrimination, which is an inherent requirement for the media to function, as held by the Inter-American Court. As for Internet, the draft under consideration does not include any provisions related to guaranteeing accessible, open and neutral Internet.

74. Based on the foregoing, the IACHR urges the Cuban State to bring the “Draft Constitution of the Republic of Cuba” in line with the above-cited standards in the areas of human rights and freedom of expression.

• Other Relevant Situations

75. Recent information indicates that many artists – such as theater directors, musical groups, writers, among other categories- continue to be severely harassed in order to prevent them from expressing their social and political concerns through art. Additionally, Council of Ministers’ Decree No. 349 of April 20, 2018, recently established sanctions for non-compliance with cultural policy. This policy requires, in general terms, that Cuban artists must be deemed qualified by the State in order to practice their profession. Only artists registered in the Registry of the Creator of Fine and Applied Arts can make presentations, provide services in public or have spaces to market their works. They are forced to establish ties with an institution of the State in order to be paid for their work, and only institutions authorized by the Ministry of Culture or the ICRT are permitted to establish working or commercial relationships with artists. They are unable to enjoy productions and shows or develop or exhibit their skills in public without authorization of the State. State officials are empowered to decide whether a work complies with ethical and cultural values or with other broad criteria. In cases of non-compliance, applicable measures range from fines or seizure of property, to immediate suspension of the performance or cancellation of the authorization to practice.

76. On this score, one of the major concerns about this regulation is the limitation it places on equal access to dignified work for all persons regardless of political opinion. It also establishes a system of prior censorship for cultural activities, the arts and other forms of artistic expression, which is at odds with freedom of expression. Additionally, it establishes restrictions that are not based on a legitimate purpose, nor are they strictly necessary in a democratic society. Enabling agents of the State to decide, at their discretion, whether any artistic manifestation promotes values, that are considered contrary to the regime, is also worrisome. According to available information, the Decree was supposed to come into force on December 7, and would be “applied on a ‘consensual basis’ and ‘gradually.’”

77. On December 5, 2018, artist Tania Bruguera was arrested as she headed to a protest in front of the Ministry of Culture against Decree No. 349. This was the third time in one week that Bruguera had been arrested. According to available information, State Security had “warned her that, if she went outside, she would be arrested.” Previously, she had been arrested on December 3 as she left her home and on December 4,
when she participated in a protest across from the Ministry of Culture.\footnote{AFP. December 5, 2018. \textit{Artista Tania Bruguera detenida en Cuba por protestar contra decreto oficial} ['Artist Tania Brugera arrested in Cuba for protesting against official decree']; El Nuevo Herald /AFP. December 5, 2018. \textit{Tania Bruguera detenida por tercera vez en Cuba por protestar contra un decreto oficial} ['Third arrest of Tania Brugera for protesting against official decree']; The Guardian. December 6, 2018. \textit{Cuban artists fear crackdown after Tania Brugera arrest.}\textsuperscript{104}} Other artists who had reportedly been arrested on December 3 were Luis Manuel Otero Alcántara, Yanelays Núñez Leyva, Amaury Pacheco and Michel Matos.\footnote{14yMedio. December 3, 2018. \textit{Arrestados varios activistas que protestaban en el Ministerio de Cultura contra el Decreto 349} ['Several activists who were protesting Decree 349 at the Ministry of Culture arrested']; 14yMedio. December 5, 2018. \textit{"La lucha contra el Decreto 349 continúa", asegura Amaury Pacheco tras ser liberado} ['The struggle against Decree 349 continues, announces Amaury Pacheco after being released'].\footnote{105}

78. Additionally, in the current year, it was reported that the Political Police had prevented a literary event called "\textit{Palabras excluidas}" ('excluded words'), among other events that year as well, from being held. The event, scheduled to be held on February 3, 2018 at the Museum of Dissidence, was not held because State Security had prevented several of the writers from arriving in the venue, such as writer Ángel Santiesteban. According to reports, Santiesteban was arrested as he left his residence to head to the literary event.\footnote{Diario de Cuba. February 4, 2018. \textit{La Seguridad del Estado impide la celebración de un evento literario con escritores censurados} ['State Security prevents a literary event with censored writers from being held']; Martí Noticias. February 4, 2018. \textit{Policía política reprime evento literario contra la censura en Cuba} ['Political police crack down on literary event against censorship in Cuba'].} The IACHR and its Special Rapporteurship take note that this happened to Ángel Santiesteban, despite the fact that he and his son are beneficiaries of precautionary measures granted by the IACHR in September 2014.\footnote{IACHR. Precautionary Measure Resolution Resolución 26/2014, MC 206-13. Matter Ángel Lázaro Santiesteban Prats with respect to Cuba, September 26, 2014.}

79. Additionally, in February 2018, painter Luis Trápaga and activist Lía Villares, artists of the El Círculo gallery, were detained for 24 hours. Villares was also interrogated about her links to the distribution of documents and stickers about the "\textit{Cuba Decide}" ('Cuba decides') campaign. The residence where the gallery operated was reportedly raided and searched and the police seized USB memories, computers, cell phones, video cameras and photos, and hard drives, where all the interviews that Villares had conducted of different censored artists were stored. Said material was to be used for the documentary film she was making titled "Free Art vs. Totalitarian Censorship." According to reports, in late 2017, the El Círculo gallery was the subject of several episodes of censorship, which included the arrest of the artists themselves.\footnote{14yMedio. February 4, 2018. \textit{La policía detiene durante 24 horas a los artistas de la galería El Círculo} ['Police detain for 24 hours the artists of El Círculo gallery'].\textsuperscript{106}} Other artists who were reportedly the subjects of censorship in Cuba are writer and journalist Jorge Enrique Rodríguez, director of the television project \textit{Lente cubano}, Iliana Hernández, and Luis Manuel Otero Alcántara.\footnote{Diario de Cuba. May 13, 2018. \textit{#00Bienal: el régimen responde al arte independiente con represión} ['regime responds to independent art with repression']; Martí Noticias. February 27, 2018. \textit{Creadores buscan espacios fuera de la UNEAC y las instituciones oficiales de Cuba} ['Creators seek spaces outside of UNEAC and official institutions of Cuba'].\textsuperscript{107}} Based on available information, as of September 24, 2018, rap music singer Maikel Castillo Pérez, Mc \textit{El Osorbo}, was being held in custody after holding a concert on September 21, 2018 in Havana, during which he urged several rap music artists to speak out against Decree No. 349.\footnote{Diario de Cuba. September 29, 2018. \textit{Detenido el rapero Maikel Castillo Pérez tras un concierto contra el Decreto Ley 349} ['Rapper Maikel Castillo Pérez arrested after concert against Law Decree 349']; 14yMedio. December 11, 2018. \textit{Crece la preocupación por la salud de rapero en huelga de hambre} ['Growing concern over the health of rapper on hunger strike'].\textsuperscript{110}}

2. \textbf{Afrodescendant Persons}

80. The Commission recognizes certain progress against ethno-racial discrimination in the context of the debate on the draft Constitution of the Republic, which was approved by the National Assembly in 2018. In particular, the IACHR welcomes the inclusion of attributes that expand the legal definition of the principle of equality, preventing discrimination based on sex, gender, sexual orientation, gender identity, ethnic
origin, skin color, religious belief, disability or national origin. Likewise, the IACHR recognizes the creation of the José Antonio Aponte Commission to combat racism and discrimination, which promotes activities of dissemination of history, discussion about the struggle against racism and discrimination.

81. Notwithstanding, the IACHR notes with concern the State's refusal to adopt and use the term “Afrodescendant,” in accordance with the guidelines of the Durban Declaration and Programme of Action, given that the impacts of prejudice and discrimination, as well as economic and social disparities affecting Afrodescendant persons, persists in societies where historic processes of racial mixing (mestizaje) are pervasive. In this regard, the Commission is concerned about the lack of disaggregated statistical information in detention/arrest records, to identify Afrodescendant people being held in prison facilities and correctional institutions.

82. The IACHR has detected some progress in the area of participation of Afrodescendants in decision-making positions; in fact, three of the six Vice Presidents of the Council of State are Afro Cubans, including First Vice President Salvador Valdés Mesa, and two women, Ines María Chapman and Beatris Jhonson Urrutia. In addition, 53.22% of the deputies to the ANPP are women and Afro and mestizo representation has reached 40.49%.

83. The IACHR concurs with the assertion of the Committee on the Elimination of Racial Discrimination that the Cuban Afrodescendant population continues to be the victim of racism and structural discrimination, due to a equality gap in terms of the exercise of economic, social, cultural rights, in comparison with the rest of the population. Lastly, the Commission also reaffirms the concern of the Committee on the Elimination of Racial Discrimination as to the failure to include a gender approach in policies against racial discrimination to address different types of discrimination affecting Afrodescendant women.

3. Children and Adolescents

84. As for the human rights of children and adolescents in Cuba, at a hearing held during the 167th Regular Session, the IACHR received information from civil society organizations that Cuba still does not have a national child protection system that provides for the full institutional framework set forth in Inter-American standards. The Commission recognizes the appointment of the First Vice President as the national authority responsible for the rights of the child and understands that while the designation of a high-ranking authority is important, it is insufficient to address the other dimensions that are viewed as essential to the effectiveness of a protection system. The Commission recalls that the State has the obligation to build the full institutional

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113 ECLAC, Cuba: Informe a la Tercera Reunión de la Conferencia Regional sobre Población y Desarrollo de América Latina y el Caribe ['Cuba: Report to the Third Meeting of the Regional Conference on Population and Development of Latin American and the Caribbean'], Lima, Peru, August 2018.

114 Id.

115 Committee on the Elimination of Racial Discrimination, Observaciones finales sobre los informes periódicos 19º a 21º combinados de Cuba ['Concluding observations on combined periodic reports 19 to 21 of Cuba, September 20, 2018.]

116 Id.


framework to implement policies and strategies to comply with the State’s general obligation to adopt special measures of protection of the child, in accordance with the provisions of different international instruments.\textsuperscript{120}

85. As was noted in the freedom of expression and Internet section, the Commission regards as concerning the restrictions on access to online information, which violates the right to education and curtails the enjoyment of children’s and adolescents’ right to freedom of expression. In accordance with the report published last year by Amnesty International,\textsuperscript{121} and based on tests conducted by the Open Observatory of Network Interference, access to 41 websites were identified as blocked in Cuba. The IACHR recalls that access to information and ideas, regardless of borders, is a right expressly set forth in Article 13 of the Convention on the Rights of the Child (CRC). Thus, pursuant to the aforementioned article of the CRC, it is the State’s duty to facilitate access to open-source information, be it oral or written, online or in print, in artistic form or any other media to ensure the right of children and adolescents to information.\textsuperscript{122}

86. The Commission recognizes the efforts of the State to maintain universal coverage of elementary and secondary school education. In particular, the Commission commends Cuba for achieving 100% literacy among adolescents and youth between ages 15 and 24.\textsuperscript{123} However, the Commission expresses concern over the shortage of teachers and the news that the government plans to address this problem by training adolescents as educators.\textsuperscript{124} Based on the potential effects on the development of the participating adolescents in the training program, the IACHR reiterates that this public policy proposal should undergo a detailed review in light of the principle of the best interests of the child.

87. As for child marriages in Cuba, the Commission voices concern over the statistics released by UNICEF reporting a trend of 26% of marriages before to age 18 years of age.\textsuperscript{125} Even though the statutory minimum age for marriage under Cuban law is consistent with the age set forth under the Convention on the Rights of the Child, domestic law establishes that parents may provide consent for marriage between adolescents.\textsuperscript{126} The Commission stresses that the State must take every measure, including of a legislative nature, to avoid the ability of adolescents to marry.

88. The IACHR recognizes the initiatives of the State with regards to disaster reduction, mainly in light of the natural disaster risk to which the country is exposed, as well as the vulnerability of children and adolescents in this context. The IACHR welcomes the release of the guide to “Cuban Best Practices for the protection of children and adolescents in disaster situations”\textsuperscript{127} which, among other things, highlights the principle of special protection set forth in Article 40 of the Constitution of the Republic of Cuba.\textsuperscript{128} Additionally, community preparedness actions, with broad participation of children and adolescents through tailored procedures and language, is an initiative that serves as an example to replicate in other countries of the region.\textsuperscript{129}

\textsuperscript{120} IACHR, Hacia la garantía efectiva de los derechos de niñas, niños y adolescentes: Sistemas Nacionales de Protección, [‘Toward Effective Fulfillment of Children’s Rights: National Protection Systems’], November 30, 2017, par. 55.


\textsuperscript{122} IACHR, Acceso a la información en materia reproductiva desde una perspectiva de derechos humanos, [Access to information on Reproductive Health from a Human Rights Perspective], November 22, 2011, par. 85.


\textsuperscript{124} IACHR, Hearing on Situation of the rights of children and adolescents in Cuba, 167\textsuperscript{th} Session, February 28, 2018.


\textsuperscript{126} UOL, América Latina avanza en protección a crianzas prohibiendo casamiento infantil, [‘Latin America progresses in child protection by banning child marriage’], August 23, 2017.

\textsuperscript{127} Cuba and UNICEF, Buenas prácticas cubanas para la protección de niños, niñas y adolescentes en situaciones de desastres, [Cuban best practices for the protection of children and adolescents in disaster situations], May 2018.

\textsuperscript{128} Cuba and UNICEF, Buenas prácticas cubanas para la protección de niños, niñas y adolescentes en situaciones de desastres, [Cuban best practices for the protection of children and adolescents in disaster situations], May 2018, pg. 5.

\textsuperscript{129} Cuba and UNICEF, Buenas prácticas cubanas para la protección de niños, niñas y adolescentes en situaciones de desastres, [Cuban best practices for the protection of children and adolescents in disaster situations], May 2018, pg. 16. See also: Cuba Ahora, Cuba por la reducción de riesgo de desastres, [Cuba Now, Cuba for the reduction of disaster risk], October 15, 2017.
4. **LGTBI Persons**

89. The Commission notices that, in the proposed constitutional reform in Cuba, Article 68 thereof defined marriage as “the consensual union between two persons,” without placing any restriction with respect to the gender of the persons. This new wording, in the view of the IACHR, constituted an important advancement for the recognition of the rights of same sex couples.

90. In addition, the Commission obtained information about anti-rights conservative groups in Cuba, who appear to oppose an inclusive reading of the institution of marriage. In this regard, the Commission reiterates that recognition and protection of human rights cannot be conditioned upon social acceptance by majorities; on the contrary, in keeping with the principles of equality and non-discrimination, States must guarantee the same rights and duties for all persons under their jurisdiction.

91. As for access to medical services, the IACHR obtained information that since 2007, 39 sex reassignment surgeries have been performed on trans persons in Cuba, authorized by the Ministry of Health after fulfilling prerequisites, such as minimum age, submission of medical and psychological finding, as well as detailed review of medical protocols for sex affirmation surgeries.

92. The IACHR received information about a case of violence and discrimination against LGBTI persons in Cuba, such as the case of Joan Cristian Campos Guevara, a gay young man, who was murdered in the province of Villa Clara. The Commission also takes note that violence against LGBTI human rights defenders is still present in Cuba.

93. The Inter-American Commission urges the Cuban State to promote laws and policies to ensure LGBTI persons’ human rights to equality and non-discrimination, while moving forward in building more inclusive, egalitarian societies free of every type of violence, discrimination and prejudice. Likewise, it reminds the State of its specific obligation to progressively change social and cultural patterns of behavior in order to counteract prejudice, customs and practices that are harmful to persons of diverse gender identity. The IACHR also calls on Cuba to carry out thorough and impartial investigations into cases of violence against LGBTI persons, adopting effective measures to prosecute, punish and redress cases of violence against those persons.

5. **Persons Deprived of Liberty**

94. The Commission has received information describing the persistence of poor conditions of detention and serious human rights violations faced by persons deprived of liberty in Cuba. In particular, this population faces prison overcrowding, deplorable conditions of detention, mistreatment and acts of violence. With relation to the number of persons deprived of liberty in Cuban jails, the Commission expresses concern over the lack of recent figures. In this regard, the latest official statistics available date back to 2012 and report a total of 57,337 imprisoned persons. With a national population estimated at 11.25 million as of May 2012, this figure makes Cuba the nation with the sixth highest prison population per capita in the world.
detained per 100,000 inhabitants). Nonetheless, civil society organizations estimate the current total number of persons deprived of liberty to range from 60,000 to 70,000 persons. In light of this situation, the Commission recalls that overcrowding generates a series of conditions that are contrary to the very purpose of imprisonment as a penalty and could even amount to, in and of itself, a form of cruel, inhuman or degrading treatment. In this regard, when a prison system collapses or a particular prison facility is materially unable to offer dignified conditions to the inmate population, the State must not continue to increase the number of people deprived of liberty. Should it do so, it is subjecting these persons to a situation that clearly violates their human rights.

95. With respect to the negligent medical care, the Commission notes that cases publically reported in 2018 reflect the lack of provision of medications and delays or total lack of medical assistance. In this regard, one of the well-known cases is that of Yosvany Maragaña, who reported that she was not provided medication for the tuberculosis she suffers from. Also reported was the case of Reidel García Otero, who died in the Valle Grande prison from an alleged lack of medical assistance. As for food and access to potable water, the Commission notices that because of constant short supply, persons deprived of liberty depend on their family members providing them with food and water, or must pay other detainees or the prison guards to eat and drink. Likewise, the IACHR learned that the conditions of the cells housing foreigners are allegedly in worse shape, in terms of overcrowding and lack of potable water.

96. In particular concern to the Commission that persons deprived of liberty continually resort to protesting the violation of rights, to hunger strikes, inoculation themselves with viruses such as HIV and self-assault. In this context, the Commission reminds the Cuban State that, as a guarantor of the rights of persons under its custody, it has the special duty to respect and ensure their lives and safety; and consequently, it must ensure the existence of minimum conditions that are compatible with their dignity. The fact that the persons in the custody

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138 In particular, the IACHR has written that overcrowding increases friction and outbreaks of violence between inmates, fosters the spread of disease, hinders access to basic services and health services of the prisons, increases the risk factor for the occurrence of fires and other disasters, and prevents access to rehabilitation programs, among other serious effects. IACHR, *Informe sobre los Derechos Humanos de las Personas Privadas de Libertad en las Américas*, ['Report on the Human Rights of Persons Deprived of Liberty in the Americas'], OEA/Ser.L/V/II, Doc. 64, December 31, 2011, par. 21.
141 Cibercuba, "Maltrato carcelario en Cuba: sacan a un hombre de prisión en estado de coma" ['Prisoner mistreatment in Cuba: man taken from prison in a comatose state'], September 10, 2018; Gicerca, "Prisionero diabético pierde un pie en una cárcel de Cuba por falta de atención médica" ['Diabetic prisoner loses a foot in a Cuban prison due to lack of medical care'], October 10, 2018.
142 Cibercuba, "NIEGAN ATENCIÓN MÉDICA A REOS CON TUBERCULOSIS EN UNA PRISIÓN DE LA HABANA" ['Medical care denied to convicts with tuberculosis in a Havana prison'], September 4, 2018.
143 Cubanet, "Así perdi a mi hijo" ['That’s how I lost my son'], February 9, 2018.
145 Cubanet, "SOS: en Cuba dejan morir a los presos extranjeros" ['SOS: in Cuba foreign prisoners are left to die'], November 26, 2018.
of the State are in a situation of special vulnerability, together with the lack of adequate public policies on the subject matter, is tantamount to a systematic violation of the human rights of these persons. 147

98. Lastly, the IACHR has consistently received reports that persons deprived of liberty are subjected to mistreatment by the officials guarding them. This mistreatment includes beating, humiliation, judicial retaliation and arbitrary transfers. 148 In this regard, one illustrative case took place in August 2018, when Alejandro Pupo Echemendía, who lost his life while in custody, 149 and whose body, according to his next of kin, presented signs of torture on his corpse. 150 Because international law demands that the State ensure the rights of the persons under their custody, the IACHR reaffirms that one of the most important duties in this regard is to care for the lives and physical and psychological integrity of persons deprived of liberty. 151 The Commission finds that even though every person in any circumstance is entitled to the right to humane treatment, the absolute prohibition of torture and cruel, inhuman and degrading treatment is especially relevant in order to protect persons deprived of liberty, who are also totally defenseless vis-à-vis the agents of the State. 152

6. Persons with Disabilities

99. Regarding the situation of the human rights of persons with disabilities, the IACHR notes that the draft reform of the Political Constitution includes a ban on discrimination based on disability. 153 This represents a significant advance in the recognition of the rights of the population group, which thus far, continues to face many forms of discrimination in Cuba. 154

100. With respect to the political rights of persons with disabilities, on August 10, 2018, the Commission sent the Cuban State a letter requesting information about the right to vote of persons with disabilities in the context of the elections held on April 19, 2018, pursuant to Article 18 of the Rules of Procedure, granting a one-month period for the response. The State did not respond. 155

101. The Commission reminds the Cuban State that persons with disabilities are entitled to the full exercise of all of their human rights without any discrimination. Constitutional recognition of the ban on discrimination based on disability is the first step that must be taken by the State. This step must be followed by institutional and intersectional plans of action to make full inclusion of persons with disabilities in Cuban society a reality. These plans must provide for the participation of persons with disabilities in the political life


148 Jorge Enrique Rodríguez, "Nadie debe estar en circunstancias que debo violar sus derechos" ["No one should be in circumstances that I must violate their rights"]. Diario de Cuba, January 17, 2018; YouTube, Horrores en la cárcel ["Horrors in jail"], April 19, 2017.

149 ABC Internacional, "Muertes bajo custodia policial, el secreto más oscuro del régimen cubano" ["Deaths under police custody, the darkest secret of the Cuban regime"]. September 5, 2018.


154 ABC Internacional, "Muertes bajo custodia policial, el secreto más oscuro del régimen cubano" ["Deaths under police custody, the darkest secret of the Cuban regime"]. September 5, 2018.

155 Letter of request for information sent to Cuba on August 10, 2018, pursuant to Article 18 of the Statute of the Inter-American Commission on Human Rights.
of the country, so that they can jointly draw up adequate public policies for the population with disabilities in Cuba.

7. Older Persons

102. According to figures from the Economic Commission for Latin American and the Caribbean (ECLAC), Cuba ranks number one in the region for the most aging economy. In 2017, it was observed that persons 60 years of age and older accounted for 20% of the total population. Said figure will rise dramatically by 2060 when it is expected to reach 41% of the population.

103. The main issues identified include the way in which homes for the care of older adults function. According to available public information, existing elder care homes in the country face problems of supply of inputs to ensure the wellbeing of the persons admitted to them. That means that as more and more people grow older, the number of homes for the care of older adults has been decreasing, and those already existing do not operate at optimal levels. It should be noted that, in accordance with General Economy Instruction No. 178 of October 23, 1984, from the Ministry of Public Health, older adults are required to hand over almost their entire pension to cover the expenses for the services provided by the home.

8. Women

104. The Commission recognizes that Cuban legislation grants equal rights to women and men and has taken note of the information provided by the state in the framework of its Universal Periodic Review, taking into account the efforts made to adjust legal and state mechanisms for the benefit of equality between women and men; to enhance women’s participation in all spheres of the country’s economic, political, and social development; and to draw up policies and programs aimed at promoting their autonomy and economic, social, and political empowerment.

105. Nevertheless, the Commission recalls that Cuba’s legal framework has not mainstreamed into its legislation a general definition of discrimination against women and that there continues to a legislative loophole in terms of laws on violence and discrimination against women, especially with respect to classifying domestic violence as a crime. Likewise, although Cuba has signed and ratified various universal and regional women’s rights instruments, it is still not party to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará Convention), which is the principal inter-American instrument to defend and guarantee women’s rights in the region, gives the IACHR the authority to receive individual petitions on the basis of its provisions, and requires states parties to submit follow-up reports to regional bodies.

106. As for gender-based violence against women in Cuba, the Commission observes that there are no up-to-date figures or statistical information about complaints or cases brought to court because of crimes related to violence against women. Despite this, the IACHR has taken note of some cases of gender-based violence that have been reported in the media, such as the brutal killing of Misleydis González García, who was hacked with an axe after having filed various complaints to the authorities in Ciego de Avila in the center of the island; the double killing of Tomasa Causse Fabat and her daughter, Daylín Najarro Causse, who was three months pregnant when her former partner slashed her throat in Cienfuegos; or the case of the woman known as “La China,” who was stabbed seven times in the street when she was heading to the police state in Centro Habana to report the threats by her assailant. The Commission recalls that the absence of consolidated, updated, and duly disaggregated data prevents a comprehensive review of the phenomenon of gender-based violence against women in the country, thus concealing additional factors of vulnerability such as ethnic and racial origin, sexual orientation, or gender identity and contributing to the perpetuation of impunity for these crimes in a context of deeply rooted discriminatory gender-based stereotypes and structural discrimination against women.

107. Likewise, the Commission observes with concern the situation of sexual exploitation on the island and its impact on women, girls, and adolescents. In her report on human trafficking, the United Nations...
Special Rapporteur indicated that Cuba is a country of origin and transit for human trafficking, whose victims are mostly women, girls, and adolescents. The Commission observes that the recent authorization for the creation of non-state micro-enterprises in the tourism sector may be contributing to increasingly severe risks of women being sexually exploited on the island. Meanwhile, an adequate legal framework to prevent and combat human trafficking for sexual exploitation, aligned with the Protocol against Trafficking in Persons, continues to be missing. Regarding this, the Commission recognizes the efforts made by the Cuban state to address this kind of violence, in particular by adopting the National Plan of Action to Prevent and Combat Trafficking in Persons and to Protect Victims (2017-2020) adopted in February 2017. The Commission calls upon the Cuban state to boost its efforts to prevent and eradicate sexual violence against women, girls, and adolescents, including sexual exploitation, by reviewing its legal framework and establishing mechanisms for investigation, punishment, and reparations to victims.

9. Economic, Social, Cultural and Environmental Rights (ESCER)

108. The IACHR notes that for this year the unemployment rate in Cuba is 1.3%, in other words, a situation of full employment. In 2014, a labor law reform was carried out to increase opportunity for freelance work. Notwithstanding, there are reports of violations of the freedom to organize, engage in collective bargaining, protection of salaries and violations of the ban on forced labor. Even though the law guarantees the right for independent unions to form, only entities linked to Central de Trabajadores de Cuba (Central Workers of Cuba) have permission to act.156

109. In June 2018, the Committee on Freedom of Association of the International Labour Organization (ILO) examined the complaint filed by the Asociación Sindical Independiente de Cuba (ASIC). The ASIC denounced the practice of attacks, harassment and persecution through detentions, assaults, and dismissals of independent union members, among other acts of discrimination and anti-union interference by public authorities, as well as official recognition of a single central union controlled by the State and the non-existence of collective bargaining and of legal recognition of the right to strike. The Association cited violation of the Conventions on Freedom of Association and Protection of the Right to Organise (Co87), on the Right to Organise and Collective Bargaining (Co98) and the Workers’ Representatives Convention (Co135), all of which were ratified by Cuba.157 After examining the case, the Committee issued its conclusions and the following recommendations: (i) that the Government guarantee recognition of the ASIC and its free functioning; (ii) that the Government conduct an investigation into all of the allegations of anti-union discrimination raised in the complaint, which if proven to be grounded in fact, impose deterrent sanctions and compensatory measures and provide the Committee detailed information in this regard and about the result of the administrative and judicial proceedings carried out in relation to the allegations.158 In that same month, the ILO Governing Body adopted the recommendations of the Committee.159 According to the Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN), it was the first time that the ILO examined a complaint of a non-governmental association of Cuba.160

110. With respect to the right to education, Cuba focused efforts on offering effective and continuous training through teacher, social worker and artist training courses. For example, the TV program

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158 Id. Ibid.


“para ti, Maestro” is broadcast over the educational television channel and proposes methods for class preparation and professional development of teachers.161

111. It must be noted that the Committee on the Elimination of Discrimination against Women recommended Cuba to ensure equal access of children and women to secondary and tertiary education levels of schooling, including minority and disadvantaged groups. The Committee also recommended Cuba to encourage more women to seek higher-grade positions in the teaching sector. It further brought to the attention of the Committee on the Rights of the Child that children as young as 14 years of age were allowed to sign up in military academies and that the minimum age for entering the superior military training academy was 17 years old.162

112. As to the right to health, the IACHR notes that Cuba has international solidarity and cooperation programs for the promotion of the rights to education, health, culture and sport. We can highlight the dispatching of medical missions and implementing of adult literacy programs in many countries, and assistance provided to other countries, where natural disasters had hit and epidemics had broken out.163

10. Human Rights Defenders

113. The IACHR notes that, in 2018, as was mentioned in the section on violence in response to the exercise of freedom of expression and the situation of impunity, the actual situation of human rights defenders on the ground did not substantially change as compared to previous years. According to the information received164 and the monitoring conducted by this Commission, those who defend human rights in the country continue to face arbitrary violations of the right of free movement, liberty, security and personal integrity, and the guarantees of due process and judicial protection, among other ones. Likewise, the Commission notes with concern the heightened process of criminalization, that is, charging defenders with bogus criminal offenses for simply practicing their profession.

114. As for the right to free movement, as was noted above, the Commission has seen that the State of Cuba has refused on many occasions to allow the departure from the country of members of civil society organizations, who were going to participate in different human rights forums or events. The Commission notices that these denials are used to prevent human rights defenders from participating at different regional and international human rights forums.

115. In this regard, the IACHR has received information about the specific situation of Madelyn Rodríguez Martín, law school graduate and human rights defender belonging to the organization Consejería Jurídica e Instrucción Cívica and the Corriente Agramontista de Abogados independientes de Cuba who, as of February 20, 2018 to the present date, has been under permanent threat and violently treated by officers of State Security, as a result of the human rights activities she engages in on the island. Said infringements have become more intense since she has been participating in human rights training courses outside of Cuba.

116. In this regard, on May 11, 2018, the OACNUDH indicated in a press release to have received complaints about impediments for several human rights defenders and civil society leaders to travel to meetings overseas, under the guise of requiring further identity controls. In this release, it is noted that these

161 UNESCO. Universal periodic review (30th sesión – Apr-May 2018), May 2018.
164 Communication sent to the IACHR, About the situation of human rights defenders in Cuba, 2018. [In IACHR archives].
cases suggest that additional reviews are being used deliberately as a form of intimidation, pressure and harassment of certain individuals and civil society organizations.165

117. The Commission also notes that the process of criminalization of human rights defenders, social leaders and activists has escalated. As has been mentioned earlier in this chapter, and based on information provided by the civil society organizations, the Cuban State uses criminal and administrative law to criminalize activists and human rights defenders, by charging them with common criminal offenses such as attack (atentado), disrespecting a public official (desacato), dangerousness and pre-criminal social dangerousness, failure to pay fines, public disturbance and resistance or rebellion.166

118. Other cases that the Commission has been monitoring include the situation of environmental defender Ariel Ruiz Urquiola.167 The Commission notes that, according to the information it received, on May 3, 2018, two officials from the Forest Rangers Corps of the Ministry of the Interior came to his farm and asked him for his certificates of authorization to work the land. After the environmental defender asked the forest rangers to show him their identification, they refused and went away. The next day, Mr. Urquiola was summoned and detained by the police and five days later, convicted in a summary proceeding and sentenced to a one-year prison term for the offense of disrespecting a public official (desacato) because he had insulted the agents of the forest rangers corps when he referred to them as “rural guards,” a term that has a negative connotation in the country.168 In June 2018, Ariel Ruiz Urquiola began a hunger and thirst strike as a form of protest and a few days later he was transferred to a hospital because his health had seriously deteriorated. On July 3, 2018, Mr. Ruiz Urquiola was released under extra-penal leave.169 The Commission notices that in the past, in 2016, Ruiz Urquiola had been expelled from the Center for Marine Research (CIM) of the University of Havana allegedly for his political opinions and for having spoken out at an academic event in 2008, through the results of his doctoral research, that the government allowed the capture of endangered sea turtles.170

119. In view of this information, the Inter-American Commission understands that the situation of human rights defenders, as compared to the situation reflected in the 2017 Annual Report, has not substantially changed. Therefore, it is essential for the State to adopt measures aimed at ensuring and respecting the human rights of defenders, activists, journalists and other social leaders. The IACHR recalls that it is the obligation of States to prevent threats, assaults and harassment against these groups, and take the necessary measures to safeguard and bring about the conditions to make it possible for them to practice their profession.

IV. CONCLUSIONS AND RECOMMENDATIONS

120. The IACHR reiterates its interest in conducting its first country visit to Cuba in order to reach out and open a respectful dialogue with the Cuban State, and thus provide any technical support in the area of human rights that may be required, in the interest of promoting respect and guarantee of human rights on the island.

121. Additionally, the IACHR again recognizes and appreciates the actions taken to foster rights in Cuba and highlights the international cooperation that is offered by the Cuban people to the countries of the region in the fields of health, education, culture, among other ones.

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167 IACHR, Press Release R152/18, La Relatoría Especial manifiesta preocupación por condenas penales por desacato en Cuba, ['The Office of the Special Rapporteur Expresses Concern over Criminal Convictions for desacato laws in Cuba'], July 17, 2018.

168 BBC. Quién es Ariel Ruiz Urquiola, el científico cubano sentenciado a un año de cárcel por criticar a las autoridades, ['Who is Ariel Ruiz Urquiola, the Cuban scientist sentenced to a year in jail for criticizing the authorities'], June 6, 2018.


170 IACHR, Press Release R152/18, La Relatoría Especial manifiesta preocupación por condenas penales por desacato en Cuba, ['The Office of the Special Rapporteur Expresses Concern over Criminal Convictions for desacato laws in Cuba'], July 17, 2018.
122. However, the IACHR notes with great concern that, in view of the recommendations issued in Chapter IV of the Annual Reports of previous years and in light of the information collected in 2018, the Commission does not observe any improvement in aspects such as violations of the rights to liberty and personal integrity, arbitrary restrictions on the right to vote and to participation in government, freedom of expression and the dissemination of ideas, violations of the due process guarantees, unlawful limitations on the right of residence and movement, among other ones. Moreover, the IACHR finds it unfortunate that the official information available is so limited, and also laments the history of the State distancing itself from this regional human rights body. Therefore, pursuant to its mandate, the Commission urges the Cuban State to:

As regards the right to vote and to participate in government:

1. Adopt the legislative and other measures necessary to ensure an electoral system that is inclusive and guarantees the free circulation of ideas and thought, making possible the free political participation of all Cuban citizens on an equal basis.

As regards the independence of the Judicial Branch:

2. Adopt the measures necessary to ensure the full independence of the Judicial Branch from the other branches of government.

As regards activists and dissidents:

3. Adopt adequate prevention mechanisms to prevent acts of harassment, threats, assaults, stigmatization, persecution and criminalization committed by State authorities, or with their acquiescence, to the detriment of dissidents, activists, human rights defenders, journalists, and other media workers. The following measures are considered necessary: it is recommended that education and training of public officials and especially of police and security force officials include public condemnation of any act of aggression; take the measures necessary to prevent violence in the context of public demonstrations; establish reasonable limits, governed by the principles of legality, necessity, and proportionality, to ensure their peaceful development, as well as undertake serious, impartial and effective investigations into the assaults, threats, and acts of intimidation committed to the detriment of the persons mentioned above;

4. Ensure that in the exercise of the right to movement, human rights defenders, activists, journalists, and social leaders are not subjected to unjustified obstacles, refraining from confiscating or destroying their materials and tools of work;

5. Abolish the death penalty in the Criminal Code and all related provisions, or at least impose a moratorium on its application, and in the meantime adopt the legislative and other measures necessary for ensuring that the death penalty not be imposed in case proceedings in which due process guarantees are not observed and in which no fair trial is held before a competent, independent and impartial court, previously established by law, and on the basis of the alleged commission of criminally punishable conduct as prescribed in ambiguous and vague legal provisions;

6. Eliminate the references to “dangerousness” and “special proclivity of a person to commit crimes,” as set forth in the Criminal Code; and

7. Bring procedural laws in line with applicable international standards on due process, so that persons who come before the courts for a determination of their rights and responsibilities can have minimum legal guarantees for mounting their defense, such as the right to the presumption of innocence; to have a defense; to pursue effective remedies; to learn the
charges or accusation leveled against them; to know the evidence and have to possibility to refute it, among other things.

As regards the right to freedom of expression:

8. Adopt the measures necessary for guaranteeing the free exercise of journalism and the security of those subject to a special risk because of exercising their right to freedom of expression, whether the threats come from state agents or private individuals. Additionally, besides guaranteeing diligent, impartial and effective investigations will be conducted into the events set forth above, the IACHR urges the State of Cuba to guarantee that those responsible be tried by impartial and independent courts, removing the legal obstacles to investigating and punishing such offenses;

9. Promote the repeal of the laws that enshrine the offense of disrespect of public officials (desacato), whatever form they take, as such laws are contrary to Inter-American standards and restrict public debate, which is an essential element for the functioning of a democracy. Furthermore, amend criminal defamation statutes that aim to protect reputation and honor when information is disseminated on matters of public interest, on public officials, or on candidates for public office; encourage democratic debate through declarations, practices, and public policies that promote tolerance and respect for all persons, in equal conditions, whatever their thinking or ideas may be;

10. Expand connectivity to the Internet without restrictions, thereby promoting universal access to Internet to ensure the effective enjoyment of the right to freedom of expression. The IACHR also reiterates to the Cuban government that it should guarantee that the provisions that regulate access to the Internet in the country observe international provisions protecting the right to freedom of expression and thought, including the right to privacy and the right to seek, receive and disseminate ideas and information without unnecessary restrictions. The Cuban State should also refrain from conducting any type of surveillance or data processing, including the storage, analysis and dissemination of personal data, except when it has a legitimate basis to do so or it has the informed consent of the person affected; and adopt normative measures aimed at banning these practices and establish mechanisms of effective and independent oversight.


As regards Afrodescendant persons:

12. Adopt programs aimed at collecting disaggregated statistics, broken down by gender, sexual orientation, age, with respect to the Afrodescendant population, not only through census surveys, but also at all government offices, including those of the police, justice, health and education systems.

13. Adopt the mechanisms necessary to promote self-identification of the Afrodescendant population, especially, through the inclusion of the choice “Afro descent” on all public records and specifically on the population census and household surveys.

14. Carry out sensitization campaigns for civil society and training for census workers, in order to create the necessary conditions to enable all Afrodescendants to be able to identify themselves as such.

15. Adopt effective measures to prevent and combat the stigmatization and criminalization of human rights defenders, in particular when said stigmatization or criminalization may be of a discriminatory nature from an ethno-racial viewpoint.
16. Adopt urgent measures, with a gender-based approach, aimed at overcoming the situation of structural discrimination that affects the Afrodescendant population, as well as positive measures to eliminate racial discrimination and ensure that Afrodescendant persons can exercise their rights on an equal basis with the rest of the population;

As regards children and adolescents:

17. Implement a national child protection system providing for the legal, programmatic and institutional dimensions, while adopting a national children's policy and building the appropriate institutional framework;

18. Eliminate barriers to children's and adolescents' access to every type of open-source information, without consideration of national borders, whether oral or written, online or printed, in artistic form or through any other means;

19. Examine the public policy proposal to train adolescents as educators, taking into consideration their best interests;

20. Adopt a legal framework that is compatible with the Convention on the Rights of the Child to prevent marriage of persons under 18 years of age;

As regards LGBTI persons:

21. Adopt anti-discrimination legislation or amend existing legislation with a view toward banning all forms of discrimination based on sexual orientation, gender identity and expression, or sexual characteristics;

22. Avoid making the recognition and protection of the human rights of LGBTI persons contingent upon social acceptance;

23. Adopt legislative, administrative and policy measures aimed at addressing the underlying causes of violence against LGBTI persons;

24. Conduct thorough and impartial investigations into the cases of violence against LGBTI persons, adopting effective measures to prosecute, punish and redress the violence endured by these persons;

25. Adopt comprehensive measures to ensure that the defenders of LGBTI persons' rights are able to freely practice their profession of defending and promoting the human rights of lesbian, gay, bisexual, transsexual and intersex persons;

As regards persons deprived of liberty:

26. Establish an up-to-date, public, readily accessible register of persons deprived of liberty, updating it on an ongoing basis. In particular, said register should at least include the following information: a) number of persons deprived of liberty at the respective detention facility; b) procedural status or situation; c) gender and age. Specifically, factors such as race, ethnic group, age, sexual orientation, gender identity and expression, interculturality, intersectionality, as well as conditions of disability, should be included.

27. Guarantee dignified treatment of persons under the custody of the State. In particular, ensure that persons held in detention receive the medical assistance they require based on their particular health status, sufficient and high nutritional value food, and are held in sanitary conditions. Additionally, the Cuban State should implement measures with a differential approach in order to be able to guarantee the rights of persons who, in the context of deprivation of liberty, are in a special situation of risk, such as foreign persons.
28. Open ex officio and immediately, effective criminal and administrative investigations to make it possible to identify, try and punish those persons responsible for mistreatment. These investigations must be carried out through all legal means available, aimed at uncovering the truth, and conducted within a reasonable period of time. Likewise, the investigations must be governed by the principles of independence, impartiality, competence, diligence and urgency.

As regards persons with disability:

29. Ban discrimination based on disability in the Constitution and conduct a systematic review of domestic law in order to bring it into line with international principles on the subject matter.

30. Ensure freedom of assembly, association, expression and discussion of ideas for persons with disability, as well as establish mechanisms to ensure their political participation in the design, execution and evaluation of public policies intended for them.

31. Adopt all measures necessary to ensure full accessibility to the health care system, without any discrimination.

As regards older persons:

32. Design, execute and evaluate intersectorial legislative, administrative and policy measures aimed at improving the quality of life of older persons, with a human rights approach.

33. Foster active aging and the development of social services to support older persons, strengthening their participation in society.

34. Coordinate service networks for older persons in situation of vulnerability and/or dependence, while strengthening the pension system.

As regards women:

35. Sign and ratify the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the Belém do Pará Convention.

36. Adopt a general legal definition of all forms of discrimination against women that includes direct and indirect discrimination, in conformity with inter-American and universal standards on the issue.

37. Adopt a specific legal framework that covers gender-based violence against women in the household and domestic sphere, including effective mechanisms for access to justice.

38. Produce complete statistics on violence and discrimination against women, periodically and with information disaggregated by gender, age, race, ethnic group, socioeconomic status, disability, sexual orientation, and gender identity at least, as well as the place where the incident occurred in order to build an accurate picture of the specific ways that violence and discrimination impact women.

39. Officially publish and disseminate the statistics that are produced.

40. Consolidate efforts to prevent and eradicate sexual violence, including human trafficking for sexual exploitation, against women, girls, and adolescents, including sexual exploitation, by reviewing its legal framework and the establishment of mechanisms for investigation, punishment, and reparations to victims.
Economic, social, cultural and environmental rights (ESCER):

41. Continue implementing measures to promote economic, social, cultural and environmental rights, paying particular attention to individuals and groups in especially vulnerable situations, and also consider the possibility of ratifying treaties in this area to which Cuba is still not a party.

As regards human rights defenders:

42. Refrain from imposing arbitrary restrictions on the right to free movement of human rights defenders, allowing them to freely exercise their right to freedom of movement on Cuban territory, as well as to depart and return to the country;

43. Make sure that statutory descriptions of criminal offenses are drafted in a way that is consistent with the principle of legality and, in this regard, revise descriptions of criminal offense that address the protection of public order, disrespect of public officials, social dangerousness or peace or national security, in an effort to narrow their scope of application so that they are not applicable to the legitimate work of human rights defenders in the country.

44. Refrain from arbitrarily depriving of their liberty human rights defenders, who perform their legitimate work of human rights defense in the country.
TAB 5
The Cuban government continues to repress and punish dissent and public criticism. The number of short-term arbitrary arrests of human rights defenders, independent journalists, and others was significantly less in 2018 than in 2017, but still remained high, with more than 2,000 reports of arbitrary detentions between January and August. The government continues to use other repressive tactics, including beatings, public shaming, travel restrictions, and termination of employment against critics.

On April 19, Cuba inaugurated a new president, Miguel Díaz-Canel, who took over from Raúl Castro. Castro remained as the leader of the Communist Party and retained his seat in the National Assembly.

On July 22, the National Assembly unanimously approved a proposal for a new constitution, to be voted on in a national referendum on February 24, 2019. The new constitution, which would replace one adopted in 1976, would eliminate the objective of “achieving a Communist society” but retain the assertion that the Communist Party is the “superior leading force of society and the State.”

**Arbitrary Detention and Short-Term Imprisonment**

The Cuban government continues to employ arbitrary detention to harass and intimidate critics, independent activists, political opponents, and others. The number of arbitrary short-term detentions, which increased dramatically between 2010 and 2016—from a monthly average of 172
incidents to 827—started to drop in 2017, according to the Cuban Commission for Human Rights and National Reconciliation, an independent human rights group that the government considers illegal.

The number of reports of arbitrary detentions continued to drop in 2018, with 2,024 from January through August, a decrease of 45 percent compared to the 3,706 reports during the same period in 2017.

Security officers rarely present arrest orders to justify detaining critics. In some cases, detainees are released after receiving official warnings, which prosecutors can use in subsequent criminal trials to show a pattern of “delinquent” behavior.

Detention is often used preemptively to prevent people from participating in peaceful marches or meetings to discuss politics. Detainees are often beaten, threatened, and held incommunicado for hours or days. Police or state security agents routinely harass, rough up, and detain members of the Ladies in White (Damas de Blanco)—a group founded by the wives, mothers, and daughters of political prisoners—before or after they attend Sunday mass.

In March, a former political prisoner, Ivan Hernández Carrillo, reported having been violently beaten and detained when he intervened to stop the arrest of his mother, Asunción Carrillo, a Ladies in White member, who was leaving her home to attend mass. Hernández said he was charged—after shouting “Down with Raul Castro!”—and fined for “contempt for the figure of the maximum leader.” The Carrillos were released the same day.

On August 3, dissident José Daniel Ferrer, who founded the Patriotic Union of Cuba (UNPACU) in 2011—upon his release from eight years in prison—was arrested along with activist Evert Hidalgo and charged with “attempted murder” when the car he was driving struck a Ministry of Interior official. Activists have said the charges are a farce and witnesses allege that the official threw himself in front of the car intentionally, only to get up and ride off on his motorcycle. Upon his release 12 days later, Hidalgo reported having been psychologically tortured and held in harsh conditions in a dark, dirty cell.

In September, dissident Arianna López Roque was briefly detained after burning a copy of the proposal for new constitution. According to Lopez, she was charged with public disorder, disobedience, resistance, and contempt and an official threatened with retaliating against her husband, who is currently imprisoned.

**Freedom of Expression**

The government controls virtually all media outlets in Cuba and restricts access to outside information. A small number of independent journalists and bloggers manage to write articles for websites or blogs, or publish tweets. The government routinely blocks access within Cuba to these
websites, and only a fraction of Cubans can read independent websites and blogs because of the high cost of, and limited access to, the internet. In September 2017, Cuba announced it would gradually extend home internet services.

Independent journalists who publish information considered critical of the government are subject to harassment, smear campaigns, raids on their homes and offices, confiscation of their working materials, and arbitrary arrests. The journalists are held incommunicado, as are artists and academics who demand greater freedoms. Desacato laws continue to be enforced against opponents.

On January 30, Iris Mariño García, a journalist for La Hora de Cuba, was criminally charged with engaging in journalism without authorization. The manager of the newspaper said a woman accused Mariño of interviewing her on the street and that when police interviewed Mariño they focused on the paper’s opinion surveys, showing the political motivation behind the arrest. Mariño was detained again when attempting to take a picture of a May 1 workers’ parade. Officers took her to a police station and interrogated her.

In July, Roberto de Jesús Quiñones, an independent journalist whose work is published on the news site Cubanet, was detained for 58 hours and held incommunicado. Police raided his home and confiscated computers, phones, and other goods.

In April 2018, President Díaz-Canel signed Decree 349, expected to enter into force in December 2018, establishing broad and vague restrictions on artistic expression. Under the regulation, artists cannot “provide artistic services” in public or private spaces without prior approval from the Ministry of Culture. Those who hire or make payments to artists for artistic services which lacked proper authorization are subject to sanctions, as are the artists themselves. The decree provides different sanctions, including fines, confiscation of materials, cancellation of artistic events and revocation of licenses. Local independent artists have been protesting the decree. On August 11, police detained and beat Luis Manuel Otero Alcántara and at least three other artists when trying to organize a concert to protest the decree, according to press reports.

**Political Prisoners**

In May 2018, the Cuban Commission for Human Rights reported that Cuba was holding 120 political prisoners, including more than 40 members of the Cuban Patriotic Union. The government denies independent human rights groups access to its prisons. The groups believe that additional political prisoners, whose cases they have been unable to document, remain locked up.

Cubans who criticize the government continue to face the threat of criminal prosecution. They do not benefit from due process guarantees, such as the right to fair and public hearings by a competent and impartial tribunal. In practice, courts are subordinate to the executive and legislative branches, denying meaningful judicial independence.
Dr. Eduardo Cardet Concepción, leader of the Christian Liberation Movement, remained in prison at time of writing. Cardet, who had been threatened with jail because of his support for the “One Cuban, One Vote” campaign, was sentenced to three years in prison on March 2017. As of August 2018, he was being held in solitary confinement, and denied visits and any contact with family members, even by phone. Authorities argued that family visits were not “contributing to his re-education.”

In May, Dr. Ruíz Urquiola, a former biology professor and an outspoken environmentalist, was sentenced to a year in prison for disrespecting a park ranger. During his imprisonment he went on a hunger strike. In July 2018, he was granted a conditional release for health reasons. In August 2018, he reported irregularities in the handling of his case, and the imposition of travel restrictions.

**Travel Restrictions**

Since reforms in 2003 to travel regulations, many people who had previously been denied permission to travel have been able to do so, including human rights defenders and independent bloggers. The reforms, however, gave the government broad discretionary powers to restrict the right to travel on the grounds of “defense and national security” or “other reasons of public interest,” and authorities have repeatedly denied exit to people who express dissent.

The government restricts the movement of citizens within Cuba through a 1997 law known as Decree 217, which is designed to limit migration to Havana. The decree has been used to harass dissidents and prevent those from elsewhere in Cuba from traveling to Havana to attend meetings.

In April, dissidents and human rights defenders Dulce Amanda Duran, Roseling Peñalvar, and Wendis Castillo were barred from traveling to Lima for a civil society meeting. Castillo, a human rights defender and member of the Dignity Movement, had also been barred from traveling in November 2017, when she intended to fly to Lima for a conference on corruption and human rights in Latin America.

In July 2018, Rene Gómez Manzano, a prominent dissident who has been imprisoned several times, was intercepted at the airport before boarding a plane to attend a human rights meeting in Montevideo. Agents informed him that he was not authorized to travel.

**Prison Conditions**

Prisons are overcrowded. Prisoners are forced to work 12-hour days and are punished if they do not meet production quotas, according to former political prisoners. Inmates have no effective complaint mechanism to seek redress for abuses. Those who criticize the government or engage in hunger strikes and other forms of protest often endure extended solitary confinement, beatings, and restrictions on family visits, and are denied medical care.
While the government allowed select members of the foreign press to conduct controlled visits to a handful of prisons in 2013, it continues to deny international human rights groups and independent Cuban organizations access to its prisons.

On August 9, Alejandro Pupo Echemendía died in police custody at Placetas, Villa Clara, while under investigation for a crime related to horse racing. Family members say his body showed signs of severe beatings; authorities contend he threw himself against a wall and died of a heart attack. Allegations have surfaced of family members and witnesses being coerced to withdraw their initial statements and to confirm the official version.

**Labor Rights**

Despite updating its Labor Code in 2014, Cuba continues to violate conventions of the International Labour Organization that it ratified, specifically regarding freedom of association and collective bargaining. While the law technically allows the formation of independent unions, in practice Cuba only permits one confederation of state-controlled unions, the Workers’ Central Union of Cuba.

**Human Rights Defenders**

The Cuban government still refuses to recognize human rights monitoring as a legitimate activity and denies legal status to local human rights groups. Government authorities have harassed, assaulted, and imprisoned human rights defenders who attempt to document abuses.

**Sexual Orientation and Gender Identity**

Following public protest, the Cuban government decided to remove language from the proposed new constitution that would have redefined marriage to include same-sex couples.

**Key International Actors**

In November 2017, the US government reinstated restrictions on Americans’ right to travel to Cuba and to do business with any entity tied to the Cuban military, security, or intelligence services. The US also voted against a United Nations resolution condemning the US embargo on Cuba, a sharp break from its 2016 abstention.

In March, former Colombian President Andres Pastrana and former Bolivian President Jorge Quiroga were detained at Havana airport and denied entry. They had flown to Cuba to receive an award on behalf of the Democratic Initiative of Spain and the Americas, a forum of 37 former presidents and heads of state.
In April 2018, Secretary General of the Organization of American States Luis Almagro criticized the election of Díaz-Canel, calling it “an attempt to perpetuate a dynastic-familial autocratic regime. It is called a dictatorship.”

In January 2018, the foreign policy chief of the European Union met in Havana with Cuban authorities to accelerate the implementation of their Political Dialogue and Cooperation Agreement. On May 15, the EU and Cuba held their first-ever ministerial-level Joint Council meeting in Brussels.

Cuba is a current member of the Human Rights Council, having been reelected for the 2017-2019 term.

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Freedom in the World 2018 - Cuba

Freedom Status: Not Free
Aggregate Score: 14 (0 = Least Free, 100 = Most Free)
Freedom Rating: 6.5 (1 = Most Free, 7 = Least Free)
Political Rights: 7 (1 = Most Free, 7 = Least Free)
Civil Liberties: 6 (1 = Most Free, 7 = Least Free)

Quick Facts
Population: 11,200,000
Capital: Havana
GDP/capita: $7,602
Press Freedom Status: Not Free
Net Freedom Status: Not Free

OVERVIEW

Cuba is a one-party communist state that outlaws political pluralism, suppresses dissent, and severely restricts freedoms of the press, assembly, speech, and association. The government of Raúl Castro, who succeeded his brother Fidel as president in 2008, continues to monopolize most economic activity in state enterprises despite recent reforms that permit some self-employment. The regime's repressive, undemocratic character has not been significantly affected by efforts toward a "normalization" of relations with Washington under the administration of former U.S. president Barack Obama.

Key Developments in 2017:

- Systematic repression of independent civil society groups continued during the year, with a number of prominent activists facing prosecution or seeking asylum abroad.

- In August, the government announced a temporary freeze on the issuance of new self-employment licenses in many fields.

- The authorities thwarted an unprecedented effort by 175 opposition candidates to run for office in Cuba's municipal assembly elections in November, and none of them ultimately appeared on the ballot.

- In December, the government postponed national elections by two months to April 2018, giving the leadership more time to prepare for Raúl Castro's expected retirement from the presidency.

POLITICAL RIGHTS: 1 / 40
A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Under the country's one-party political system, the Communist Party of Cuba (PCC) controls all government offices and most civil institutions. Every five years, the National Assembly designates the members of the Council of State. This body in turn appoints the Council of Ministers in consultation with its president, who serves as chief of state and head of government. The overlap between state and party is almost total: All members of the National Assembly are PCC members, and most members of the PCC Political Bureau also serve on the Council of State.

Raúl Castro became president in 2008, succeeding his brother Fidel, who died in 2016. Raúl, who secured a second term in 2013, had long promised to step down as president after the elections due in February 2018. A 2012 law imposed a limit of two five-year terms on all senior officials. However, in December 2017 the government announced that the election process would be postponed until April, citing the effects of Hurricane Irma, which struck the island in September. Castro was expected to remain first secretary of the PCC until at least 2021, having won a new five-year term in that post at a party congress in 2016.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

In the 2013 National Assembly elections, voters were asked to either support or reject a single PCC-approved candidate for each of the 612 seats. All candidates were elected. The two-month delay in elections announced in December 2017 affected both the national and provincial legislatures. Elections for the country’s 168 municipal assemblies were postponed from October to November 2017.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The only Cuban elections that offer a choice of more than one candidate per office are those for municipal assemblies, and no campaigning is allowed. Ahead of the municipal voting held in November 2017, the government worked to discredit or disqualify potential opposition candidates and to intimidate voters. Some candidates were convicted on trumped-up charges in summary trials, or detained to prevent them from attending nomination meetings. In other cases, local residents were never advised of the date and time of the nomination meetings, allowing government supporters to block independent candidacies. A group of 175 activists associated with the opposition coalition Otro18 sought to run in the elections, but none were ultimately able to secure a place on the ballot. Activists also faced detentions and intimidation while attempting to monitor polling places and vote counting.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Political parties other than the PCC are illegal. Political dissent is a punishable offense, and dissidents are systematically harassed, detained, physically assaulted, and frequently imprisoned for minor infractions. Supposedly spontaneous mob attacks, known as "acts of repudiation," are often used to silence political dissidents. The Cuban Commission for Human Rights and National Reconciliation (CCDHRN), a nongovernmental organization, reported 5,155 arbitrary arrests of peaceful opponents during 2017. These brief politically motivated detentions have become a key repressive tactic for the government, with a total of 51,833 cases documented by the CCDHRN since 2010, though the 2017 figure was the lowest since 2011.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through...
The Castro brothers have dominated government and politics in Cuba since 1959, allowing no transfer or rotation of power between rival groups. The attempt by Otro18 to field independent candidates in the 2017 municipal elections was aimed in part at challenging the PCC's monopoly at higher levels of government as well, since many of the candidates submitted for election to the provincial and national legislatures are also municipal assembly members. The authorities' successful campaign to block the dissidents' candidacies helped to ensure that the 2018 elections would again feature no independent candidates for national office.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4**

The authoritarian one-party system in Cuba largely excludes the public from any genuine and autonomous political participation. The military and intelligence agencies play an important role in suppressing dissent, and several members of the extended Castro family hold government positions, though none were granted seats in the PCC's Central Committee during the Seventh Party Congress in 2016.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 0 / 4**

Since political rights are denied to all Cuban citizens, women and members of minority groups are unable to choose their representatives or organize independently to assert their interests in the political sphere. The PCC leadership does exhibit some gender and racial diversity in its ranks. At the 2016 party congress, the proportion of women on the PCC Central Committee rose to 44.4 percent, from 41.7 percent in 2011. Afro-Cubans accounted for 35.9 percent, up from 31.3 percent in 2011. Women hold nearly half of the National Assembly seats, but they are far less well represented in the top decision-making bodies of the party and state.

**C. FUNCTIONING OF GOVERNMENT: 1 / 12**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

None of Cuba's nominally elected officials are chosen through free and fair contests, and major policy decisions are reserved for the PCC leadership in practice. The National Assembly, which the constitution describes as the "supreme organ of state power," has little independent influence and meets for brief sessions only twice a year.

**C2. Are safeguards against official corruption strong and effective? 1 / 4**

Corruption remains a serious problem in Cuba, with widespread illegality permeating everyday life. The state enjoys a monopoly on most business transactions, and there are no independent mechanisms to hold officials accountable for wrongdoing. Raúl Castro has prioritized the fight against corruption, and long sentences have been imposed in various cases involving Cuban officials and foreign businessmen. However, the government has not enacted internal reforms that would make the system more transparent and less prone to abuse, nor does it allow civil society groups, journalists, or courts to serve as external checks on its authority.

**C3. Does the government operate with openness and transparency? 0 / 4**

Cuba lacks effective laws that provide for freedom of information and access to official records. Recent demands by journalists for a new media law that would grant citizens the right to information and offer legal protection for the emerging nonstate media sector have made little headway with the government.

**CIVIL LIBERTIES: 13 / 60 (-1)**
D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16

D1. Are there free and independent media? 1 / 4

The Cuban news media are owned and controlled by the state. The tiny independent press corps is illegal, and its publications are considered "enemy propaganda." Government agents routinely accuse independent journalists of being mercenaries, and many faced charges of "usurpation of legal capacity" or other trumped-up offenses during 2017. Despite these obstacles, a small number of independent digital media outlets have emerged in recent years.

In August 2017, a leaked video from a closed-door PCC gathering showed First Vice President Miguel Díaz-Canel, who was expected to succeed Raúl Castro as president in 2018, threatening both the unlicensed online newspaper 14ymedio and the legally credentialed website OnCuba. He described OnCuba, owned by a Miami-based company, as "very aggressive against the revolution," concluding, "We will shut it down. . . . And let the scandal ensue. Let them say we censor, it's fine."

Only a small percentage of the population has access to the global internet, as opposed to a government-controlled national intranet. Critical blogs and websites are often blocked. In December 2016, Etecsa, the state telecommunications company, began a pilot program to provide some residents of Old Havana with home internet access. The experiment spread gradually to a half-dozen other cities during 2017. Users can also access the internet from hundreds of public Wi-Fi hotspots that have been established across the island since 2015. Initial rates of $5 per hour gradually fell to $1 by late 2017.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Official obstacles hamper religious freedom in Cuba. Churches cannot conduct ordinary educational activities. In the context of its positive role in U.S.-Cuban diplomatic negotiations, the Roman Catholic Church has enjoyed a recent expansion of its pastoral rights, including periodic access to state media and public spaces, as well as the ability to build new churches and distribute its own publications. Smaller Protestant and evangelical groups tend to face greater restrictions, though many have expanded their activities and operated with little interference in recent years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

Academic freedom is restricted in Cuba. While a variety of private supplementary education cooperatives have emerged in recent years, formal private schools and universities remain illegal. Teaching materials commonly contain ideological content, and affiliation with the PCC is generally needed to advance in educational institutions. University students have been expelled for dissident behavior, effectively preventing them from pursuing higher education. Despite the elimination of exit visas in 2013, university faculty must still obtain permission from their superiors to travel to academic conferences abroad. Cuban officials also often prevent dissident intellectuals from traveling abroad and deny entry to prominent exile intellectuals who have been critical of the regime.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Neighborhood-level "Committees for the Defense of the Revolution" assist security agencies by monitoring, reporting, and suppressing dissent. Cubans often engage in robust private discussions regarding everyday issues like the economy, food prices, foreign travel, and the lack of internet access, but they tend to avoid discussing more sensitive political issues such as human rights and civil liberties.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12
E1. Is there freedom of assembly? 0 / 4

Restrictions on freedom of assembly remain a key form of political control. The constitution limits the rights of assembly and association to prevent their "exercise against the existence and objectives of the Socialist State." Security forces and government-backed thugs routinely break up peaceful gatherings or protests by political dissidents and civic activists.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

Based on the 1985 Law on Associations, the government refuses to register any new organization that is not state supervised. Nearly all politically motivated short-term detentions in recent years have targeted members of independent associations, think tanks, human rights groups, political parties, or trade unions.

A number of independent civil society organizations suffered raids and confiscations during 2017, and some activists were also detained on arbitrary charges or forced into exile. For example, 14 members of the CubaLex Center for Legal Information, a pro-bono, public-interest legal consultancy, sought asylum in the United States beginning in May after coming under government pressure.

In the video leaked in August, First Vice President Diaz-Canel denounced "counterrevolutionary" organizations including Cuba Emprende, an entrepreneurial training program supported by the Catholic Church, and the independent think tank Cuba Posible.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Cuban workers do not have the right to strike or bargain collectively, and independent labor unions are illegal.

F. RULE OF LAW: 2 / 16 (-1)

F1. Is there an independent judiciary? 0 / 4

The Council of State has full control over the courts and the judiciary, whose rulings typically conform to the interests of the PCC. Laws on vaguely defined offenses such as "public disorder," "contempt," "disrespect for authority," "pre-criminal dangerousness," and "aggression" are used to prosecute the regime's political opponents.

F2. Does due process prevail in civil and criminal matters? 0 / 4 (-1)

Multiple legal cases against dissidents during 2017 illustrated the systematic violation of due process. These included a three-year prison sentence in March against Christian Liberation Movement activist Eduardo Cardet for criticizing Fidel Castro; the conviction, detention, and subsequent harassment of four family members associated with the Cuban Reflection Movement; and the detention -- from May until August -- of Patriotic Union of Cuba activist Jorge Cervantes on "contempt" charges. In September, Convivencia economist Karina Gálvez was convicted on charges of tax evasion in connection with the purchase of her home, which doubled as the independent think tank's offices. The home was confiscated, and she was sentenced to three years of "deprivation of liberty."

Score Change: The score declined from 1 to 0 due to a pattern of due process violations in multiple cases against political dissidents and civic activists.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurrections? 1 / 4
Opposition activists, human rights defenders, and other perceived enemies of the regime are routinely subjected to public assaults as well as abuse in custody. For example, in October 2017 alone, the CCDHRN documented 13 cases of physical aggression, 27 acts of harassment, and two so-called acts of repudiation against dissidents that were organized or encouraged by state security forces.

Prison conditions are poor, featuring overcrowding, forced labor, inadequate sanitation and medical care, and physical abuse.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4**

Women enjoy legal equality and are well represented in most professions, though their labor force participation rate stands at 41 percent, suggesting persistent economic disadvantages.

While racial discrimination has long been outlawed, Cubans of African descent have reported widespread discrimination and profiling by police. Many lack access to the dollar economy.

Discrimination based on sexual orientation is illegal in areas such as employment and housing, and Mariela Castro Espín, Raúl Castro's daughter and the director of the National Center for Sexual Education (CENESEX), has advocated on behalf of the LGBT (lesbian, gay, bisexual, and transgender) community. However, the advocacy efforts of independent LGBT groups are either ignored or actively suppressed. Independent activists have denounced CENESEX and the government for resisting further legal reforms on issues such as marriage and adoption, among other criticisms.

**G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16**

**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Freedom of movement and the right to choose one's residence and place of employment are restricted. Cubans who move to Havana without authorization are subject to removal. Some dissidents are barred from foreign travel, despite a 2013 migration law that rescinded Cuba's exit visa requirement. Many Cubans working abroad are bound by unfair labor contracts that transfer most of their earnings to the Cuban government.

In November 2017, the government announced that as of January 2018 it would lighten restrictions on visits by Cuban Americans by eliminating their need to periodically "habilitate" their passports, allowing them to visit on yachts, removing the residency requirement for the foreign-born children of Cuban émigrés who want to become citizens, and allowing others who had emigrated illegally to visit. Nevertheless, Cuban émigrés still face large passport fees, and Cuban doctors, diplomats, and athletes who "defected" are barred from visiting for eight years.

**G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4**

While the number of Cubans licensed as "self-employed" reached a record of 579,415 by September 2017, in August the government banned some popular licenses and issued a freeze on the issuance of others in many of the most lucrative occupations in order to curb "illegality" such as tax evasion in the sector. Private employment opportunities remain limited, with most professions unavailable. Moreover, the small businesses of licensed entrepreneurs still lack a legal personality, stunting their growth and often placing them in legal jeopardy.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4**
Violent crime, including personalized forms of violence, is believed to be relatively rare, though official statistics on crime are rarely published, and domestic violence is not treated as a separate legal category. Individuals enjoy broad freedom in their interpersonal, romantic, and sexual relationships. Same-sex marriages and civil unions are not recognized, however. While divorce is common, men and women enjoy equal rights to marital goods and child custody.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

State salaries remain extremely low at about $27 per month, and the national currency is very weak, encouraging an exodus of trained personnel into the private and tourism sectors, where the convertible peso -- pegged to the U.S. dollar -- is used. Cubans employed by foreign firms are often much better remunerated than their fellow citizens, even though most are contracted through a state employment agency that siphons off the bulk of their wages and uses political criteria in screening applicants. Economic opportunity in general is severely constrained by the inefficient and unproductive state sector.

State employees who express political dissent or disagreement with the authorities often face harassment or dismissal. Professionals dismissed from their jobs in the state sector have difficulty continuing their careers, as licenses for professions are not available in the private sector.

Scoring Key: X / Y (Z)

X = Score Received
Y = Best Possible Score
Z = Change from Previous Year

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TAB 7
A New Revolution: The Progression of LGBTQ Rights in Cuba

By: Olivia Marple, Research Associate at the Council on Hemispheric Affairs

Para leer este artículo en español, pulse aquí.

On the morning of April 26, Yosvani Muñoz Robaina, a 24-year-old Cuban transgender woman, was stoned to death at Roberto Amarán Park in the
Cuban city of Pinar del Río. Three teenagers were jailed for their alleged participation in the crime. One of the accused was 13, another 17. While it has not been confirmed why these teenagers reportedly committed this murder, the LGBTQ community in Cuba is indignant about what they call a transphobic hate crime.[1] Local authorities, however, have declared that it was a “crime of passion” that killed Robaina, a sex worker also known as La Eterna.[2] After being found in the park, Robaina was brought to Pedro Borrás General Hospital, where she died shortly after as a result of her wounds. “The only thing I ask is for justice,” said Berta Robaina, the mother of Robaina, in an interview with the Cuban publication 14ymedio, “because today my child was chosen, but tomorrow it could be any person in the community.”[3]

Despite the progress that has been made in Cuba in regard to LGBTQ issues, homophobia and transphobia are still major problems, especially outside of Havana. According to transgender advocate Leodán Suárez Quiñones, transgender people in Pinar del Río are not “able to walk freely” like they are in Havana. “We are very discriminated against,” she told the LGBTQ newspaper the Washington Blade.[4]

Underscoring Suárez's sentiment, Robaina’s mother said that, although other transgender individuals likely witnessed the crime, no one has dared to come forward. Even though these witnesses could help Berta obtain the justice she so desperately desires for her daughter's death, she does not resent them for their silence. “I understand them because all of them are discriminated against and are scared,” she said. “It's the same in their jobs as in the streets or wherever, and that is not fair; that has to change.”[5]

**Cuba's Evolving Perceptions of LGBTQ Individuals**

There is hope for change when one considers how the perception of LGBTQ individuals in Cuba has changed over the past 50 years. Throughout the 1960s and 1970s, Fidel Castro’s government persecuted sexual minorities, sending them to labor camps.[6] Although Cuba finally decriminalized homosexual acts in 1979, persecution persisted.[7] Adela Hernández, an openly transgender city councilor, said in the 1980s she was sent to prison for two years for “dangerousness” after her family publicly accused her of being gay.[8] However, 30 years later, Hernández made history when she became the first known transgender person in public office in 2012.[9] Cuba’s transgender population began to gain other rights in the 2000s when the Cuban government passed a law allowing state-funded gender reassignment surgery and hormone treatment in 2008.[10] In 2013, lawmakers on the
island passed legislation that banned anti-gay discrimination in the workplace.

Indeed, many sexual minorities in Cuba understand that they live in a different world today. Francisco Rodríguez Cruz, a gay journalist and advocate, told the Washington Blade in May that being able to sit on Havana's Malecón with his boyfriend “as a couple like any other is one of those daily acts of love in Cuba that may not have been so easy five or 10 years ago for gay people. It’s not that it was specifically prohibited, but the looks of disapproval and perhaps even some unfounded police action most likely would have been brought against us for this ‘exhibitionism.’”[11]

Many of these changes in LGBTQ rights have resulted from the actions of Mariela Castro, daughter of Cuban President Raúl Castro. While this may seem surprising given the actions of her uncle Fidel Castro, in fact, Fidel took personal responsibility for the injustices committed upon gays and lesbians during his Revolution. “They were moments of great injustice, great injustice!” he told the Mexican newspaper La Jornada in 2010.[12] According to The New York Times, for many years Mariela Castro and her mother, Vilma Espín, “pressed the Castro brothers to soften their attitude toward sexual minorities.”[13]

Today, Mariela uses her organization, Centro Nacional de Educación Sexual (the National Center for Sexual Education; CENESEX) to promote rights for and encourage acceptance of the LGBTQ community. For instance, in 2007 CENESEX began organizing events to celebrate the International Day Against Homophobia and Transphobia, which falls in the middle of May. This year, Mariela led marches through Havana and the central-eastern city of Las Tunas in observation of this holiday.[14]

It was Mariela who helped convince the Cuban government to offer state-paid gender reassignment surgery. Also, when the government passed the law in 2013 that banned anti-gay discrimination in the workplace but did not provide protection for transgender people, she became the first lawmaker to cast a dissenting vote in all of Cuba’s history. This protest on her part was done in hopes to codify “full equality under the law.”[15] Mariela defends her position by saying that she is not “causing a rupture in [the nation’s] unity,” as some Cubans might attest. Rather, she said in an interview with The New York Times that what she is doing is “part of the process of national unity around our principles, the humanistic principles that inspire us... And I’m convinced that the revolution needs to guarantee these rights and that Cuban society needs them... I can’t go backwards.” Looking ahead, then,
Mariela said she will “insist” that the government legalize same-sex marriage. [16]

Despite all of her activism, Mariela has her critics in the LGBTQ community. Other LGBTQ organizations independent from CENESEX have been created because some believe there is not enough room for all ideas in Mariela’s organization. For example, Maykel González Vivero, a gay blogger and member of the independent organization Proyecto Arco Iris (Project Rainbow), asserted, “Clearly, as is frequently the case in Cuba, [Mariela] speaks on behalf of everyone and does not consult with anyone.” [17] This mistrust is reasonable when one considers Cuba’s one-party system that still does not leave much room for alternative voices. Indeed, Tania García Hernández, who works for the LGBTI Help Line, believes CENESEX “is one more office of the government” and only “answers to the government.” [18]

CENESEX’s detachment from the community it attempts to represent is perhaps best illustrated by the organization declining to speak to independent newspaper 14ymedio after a march celebrating the International Day Against Homophobia and Transphobia in the city of Santiago de Cuba on May 14. 14ymedio is one of the few publications not associated with the state, and it says on its website, “Those who contribute to 14ymedio are advocates of the independent journalism effort in Cuba in order to counteract the monopoly of the official media outlets.” [19] Thus, when a journalist from the publication asked the director of Santiago de Cuba’s branch of CENESEX, Ana Guisández, about her opinion on the march, she replied, “I’m not authorized to talk with independent media outlets; all the information is only for local media outlets that you can find here.” [20]

Others, however, do not agree with these critiques of CENESEX and Mariela Castro. Mariette Pathy Allen, an American photographer of the book TransCuba, has spent time interviewing and photographing transgender women in Cuba and believes that Mariela has ultimately done a lot to help these individuals (Allen’s book TransCuba features a contribution from Mariela). In an interview with COHA, Allen asserted, “[Mariela] is making a counterrevolution to what Fidel did. [And critics of the Castros] have to realize that, yeah, Fidel did lots of terrible things, [but] people do evolve and change over time.”

“You Have to Raise Awareness”

According to the article published by 14ymedio journalist Yosmany Mayeta Labrada about the march in Santiago de Cuba, some members of the LGBTQ community were disappointed by the march’s low turn out and doubted that these events would make a notable difference in changing the atmosphere
for sexual minorities in Cuba, as their message does not necessarily reach those that are most biased toward them. One of the participants in the march, Sergio Gómez, said, “The work of increasing sensitivity in regard to this topic should also be brought to workplaces and student centers, because there is a high amount of homophobia in those places and there are many people who are discriminated against.” Another participant, Alexey Duany, agreed, and said that in order for sexual minorities' situation to improve, “you have to raise awareness.”[21]

The necessity to raise awareness and educate the general public is apparent in the lack of knowledge in Cuban society about sexuality and gender and the discrimination that persists. Encounters with police remain a problem for transgender people. Allen did acknowledge that police interaction with transgender individuals used to be more dangerous “under strict communism.” She added, “the police used to automatically pick up [trans people] as soon as they saw them go outside dressed, but they don't do that anymore.” However, transgender women still get stopped without warrant on the streets. In 2012, for example, Allen was walking through the streets of Havana at night with two of the transgender women who are the subjects of her book. A police officer stopped them in the street and asked for the identification numbers of the two transgender women but not Allen. “The police quietly wrote [the numbers] down in [their] book, and I was sort of indignant,” Allen said. After the police left, she asked the two women she was with, “Aren't you angry?” and one responded, “No, we're used to it.”

In addition, perhaps more notably, transgender women on the island face devastating consequences as a result of workforce discrimination. There are still many societal barriers affecting transgender individuals' freedom to get a job. “They're very limited as [far as] what kinds of work they can do,” Allen said, adding that some of the only jobs trans people can get have to do with performance or beautification, such as doing hair or makeup. Allen commented that, because these jobs do not provide a lot of money, many transgender women live in poverty, or are forced into prostitution. As a result, many have contracted AIDS; the lack of sex education among trans people and the influx of foreigners who brought the virus with them over the past decade have exacerbated this problem.

Allen added that transgender individuals are not able to change their birth name, even though they can obtain state-funded gender reassignment surgery. In addition, this right to have surgery comes with some caveats. According to the Washington Blade, many of the independent LGBTQ rights advocates that have spoken with the publication insist, “fewer than 30 trans Cubans have been able to receive” gender reassignment surgery since the
law was implemented in 2008.\[22\] While Allen did not confirm any specific numbers, she did say that only one of the three main subjects of her book has been able to get genital surgery. “It’s a long, long list [to get gender reassignment surgery],” Allen said, adding that the wait can take multiple years. Allen also noted that the surgeries are not even done by Cuban doctors but rather volunteer Belgian doctors who come to the country to perform them once a year.

Continuing discrimination toward LGBTQ people in Cuba is not necessarily the result of a deep-seated devotion to the Catholic Church, as has been the case in many other Latin American countries. In fact, only 27 percent of Cubans identify as Catholic, and 44 percent identify as “not religious.”\[23\] These statistics sharply contrast with the large number of Catholics residing in other Caribbean islands. In the Dominican Republic, for example, 40 percent of its population is practicing Catholic and 29 percent is nonpracticing but still identifies as Catholic, while only 11 percent state that they have no religion.\[24\] In Puerto Rico, Catholics make up between one-half and two-thirds of the population.\[25\]

This paucity of Cubans who identify as Catholic in comparison with surrounding Caribbean countries is most likely a result of religious suppression by the Cuban government. For decades, in order to be a part of the ruling Communist Party, one had to be atheist. Even though Cuba ceased to be officially atheist and allowed religious groups greater freedoms starting in 1992, the originally irreligious ideals of Fidel Castro’s Revolution appear to have had an effect on attitudes regarding religion in the country.\[26\] This gives hope that, while discrimination toward LGBTQ people is still a major issue in Cuban society, Catholic doctrines that traditionally disapprove of the sexuality and identities of LGBTQ individuals will not present the same hurdles to equality that might be found in other Latin American countries that are more intensely grounded in Catholicism.

**The U.S. Factor and the Future of LGBTQ Rights**

On May 9, more than a thousand LGBTQ individuals attended the Mariela Castro-organized march against homophobia held in Havana. Mariela called for the legalization of same-sex marriage, declaring, “Same-sex marriage is already legal in Argentina, Uruguay, and in Mexico City. And we have always celebrated these countries’ achievements,” intimating that Cuba should follow suit.\[27\] (Since then, same-sex marriage has been legalized in all of Mexico). In addition to the procession, 20 same-sex couples participated in symbolic marriages performed by American and Canadian protestant clergy members who blessed the couples as they exchanged unofficial vows.\[28\]
The act of American clergy blessing gay Cubans was symbolic in more ways than one; indeed, the image seemed to exemplify the potentially positive effects of U.S. influence on Cuba as a result of rapprochement between the two countries. On May 22, White House Press Secretary Josh Earnest responded to questions regarding Cuba's human rights record and the treatment of LGBTQ people by saying, “You heard the president say many times that he doesn't believe that people should be treated differently just because of who they love. That means that LGBT Cubans, or Americans, deserve the same rights and protections that everybody else gets.”[29]

Earnest went on to say, “The president is hopeful that through greater engagement that we can open up more economic opportunities both in Cuba and the United States, that through that greater engagement, including economic engagement, that we will be able to apply additional pressure to the Cuban government and support the Cuban people in their aspirations for a government that reflects their will and a government that is willing to respect and even protect their basic human rights.”[30]

There is no doubting that the United States has a certain amount of power to affect change over human rights situations in other countries, as evidenced by the Obama Administration's efforts to promote gay rights around the world through the expenditure of millions of dollars and other pressures. In 2013, the United States sent Wally Brewster, an openly gay man, to be its ambassador in the Dominican Republic and threatened that they would no longer send an American envoy if he was turned down. Dominican officials agreed but, according to The New York Times, asked that Brewster “be discreet about his sexual orientation.” In response, the State Department sent a video of Brewster with his partner in which they expressed “their enthusiasm for the new job,” and U.S. officials insisted that Brewster would indeed be championing gay rights, as all its ambassadors do in the region.[31]

The ability of the United States to influence Cuba is certainly a possibility when considering the economic hardships that Venezuela currently faces, a country that provided Cuba with oil during the presidency of Hugo Chávez. According to an analysis by Joshua Keating from Slate, Raúl Castro most likely agreed to normalize relations with the United States due to the economic uncertainty stemming from his plans to step down and the country's reliance on Venezuela.[32] Cuba's potential future dependence on the United States could lead to changes in the country concerning all human rights, not just for LGBTQ individuals.
However, it should be noted that, despite the Obama Administration's efforts to foster a more accepting environment for sexual minorities, other economic allies of the United States continue to perpetuate homophobic or even deadly atmospheres for LGBTQ individuals. For example, in Saudi Arabia, a country that provides 13 percent of all U.S. oil imports, any married man who commits sodomy can be stoned to death, and all sex outside of marriage is illegal.[33] And in Qatar, a country that has sustained diplomatic relations with the United States since 1972, any Muslim that has sex out of wedlock can be put to death, no matter what his or her sexual orientation is.[34] These draconian forms of punishment for sexual acts in countries that are economic allies with the United States illustrate that the nation may have less sway than Earnest asserts.

In addition, there is much to be desired in the way of LGBTQ rights in the United States itself. One could argue that it is hypocritical to talk down to Cuba when the U.S. Supreme Court only just legalized gay marriage for all American citizens on June 26. Transgender rights in the United States continue to prove inadequate; less than half of all U.S. states have laws clearly prohibiting discrimination against transgender people.[35]

The influx of American tourism in the country, however, may prove to have more influence in the way Cubans see LGBTQ individuals than U.S.-Cuban policy. The number of Americans who visited Cuba between January 1 and May 9 increased 36 percent compared to the same period last year. There was also a 14 percent increase in tourists overall during that period, compared to the same time frame last year. Visitors from Germany went up 22 percent, from the United Kingdom, 26 percent.[36] This tourist invasion undoubtedly will impact Cuban life, but the result of this influence is debatable. Allen is fearful that Cuban culture might become “diluted.” However, she does see the potential for some positive modifications with respect to sex and gender education for Cuban citizens.

Allen said that the only transgender individuals she has ever come across while in Cuba are male to female. In addition, the transgender women she has spoken with have only expressed interest in boys and young men. She said these women “absolutely could not understand how anybody who was trans would want any other romantic configuration. And if I told them, they didn't care; they didn't want to hear about it.” However, she believes that if a full spectrum of sexual minorities comes to Cuba as tourists, this will help to give transgender and questioning Cubans a broader education about what is possible in regard to gender and sexuality. This could also give other Cubans who are not male to female transgender and who might be hiding their true gender identity the ability to come out of the proverbial closet. Indeed, Allen
opined, “I think they’ll have a whole new education about what transgender is.”

It is also important to note that before the easing of Cuban-U.S. relations, European and Canadian tourists had been visiting the island for decades. Therefore, U.S. tourists certainly will not be the answer to every LGBTQ issue on the island. However, it is undeniable that the increase in tourists from all countries over the past year will create a whole new set of parameters for the Cuban people.

Despite outside influence, changes in the situation of LGBTQ individuals will ultimately fall to the Cuban government and people. Indeed, there is evidence that an impending change in power, which is expected to take place in 2018 when Raúl Castro is predicted to step down, could encourage change in the country's treatment of LGBTQ individuals. Miguel Díaz-Canel will most likely succeed him, and while Allen does not believe Díaz-Canel will be much different ideologically speaking, seeing as Raúl Castro handpicked him to be his vice president in 2013, she does believe that since the Castros have “softened” their views, Díaz-Canel “will probably move that way too.”[37]

In fact, the 52-year-old Díaz-Canel was born after the Cuban Revolution, and, according to Christopher Sabatini, senior policy director and chairman of the Cuba Working Group at the Americas Society/Council of the Americas, although Díaz-Canel “is somewhat of a mystery... there is an element of a new generation that recognizes that the country has to change.”[38] Indeed, going forward, it will be up to the Cuban government to continue to create new legislation that supports the LGBTQ community, such as a same-sex marriage law and an anti-discrimination law that includes transgender individuals. Most importantly, educating the general public on these issues will be key to raising awareness and fostering a future where LGBTQ individuals will not be afraid to express their true selves.

By: Olivia Marple, Research Associate at the Council on Hemispheric Affairs

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Featured Photo: Mariela Castro in Hamburg. From: Northside.


[9] Ibid.


[16] Ibid.
[17] Lavers, “LGBT Cubans face lingering challenges.”

[18] Ibid.


[21] Ibid.

[22] Lavers, “LGBT Cubans face lingering challenges.”


Large Turnout in PSUV Primaries Ahead of Parliamentary Elections in Venezuela


[30] Ibid.


[37] Keating, “Re-establish Relations With the U.S.”

[38] Ibid.
TAB 8
HAVANA (Reuters) - Cuban gay rights activists denounced the government’s decision to cancel this year’s parade against homophobia, accusing it of snatching away their main platform at a key moment as the Caribbean nation is set to debate legalizing same-sex marriage.
The state-run National Center for Sex Education (CENESEX), which has spearheaded advances in lesbian, gay, bisexual and transgender (LGBT) rights in recent years, announced on Monday it would not hold its 12th annual conga.

CENESEX, which is headed by Mariela Castro, the daughter of Communist Party leader Raul Castro, said international and regional tensions meant the parade could not be carried out successfully. It did not offer further details, leaving Cubans to speculate the cause — from the country’s cash crunch to its siege by the Trump administration.

“We thought the conga.... was already approved and consecrated - an error,” playwright and LGBT activist Norge Espinosa said in a Facebook post. “To not permit it is a sign that compels us to return to the closet, to know we are not welcome, that hope can be undone, if we do not have what is needed to fight.”

Cuba’s government has long tightly controlled public spaces and allowed few marches other than to express support for the government. Havana says it faces attempts by dissidents, directed by its old Cold War foe the United States, to undermine it.

The conga in Havana was an exception that had become a regular occurrence.
Despite its having sent gays to work camps in the early days of Fidel Castro's 1959 revolution, Cuba has become a regional leader in LGBT rights in recent years, particularly in the Caribbean where some countries still have anti-sodomy laws. It guarantees rights such as free sex-change operations, although it has delayed a decision on others like gay marriage.

Some LGBT activists are seeking to organize an alternative event on Saturday, when the conga was scheduled to take place.

“Let us march for our rights,” Yadiel Cepero wrote on a Facebook event page he created, although it seems unlikely the government would allow an unauthorized march to go ahead.

Some activists speculated that the government canceled the conga because it did not want to allow a public forum that could be diverted to criticize it at a moment when it was facing rising political hostility from the Trump administration.

Many believe the decision was also motivated by the popular backlash last year against the government’s proposal of including a change in the new constitution that would have opened the door to gay marriage.

In a rare non-state Cuban campaign, evangelist churches attacked the proposal, which eventually was removed from the new constitution.

“One of the most likely reasons is perhaps that they are once more ceding to pressure from religious fundamentalism that has shown itself to be quite active recently,” said activist Isbel Diaz Torres.

The government deferred the decision about same-sex marriage to the update of the family code, to be decided on by referendum in the next two years.

Activists say that means they have to work fast on changing views on the LGBT community, although that is difficult when they already cannot mobilize themselves independently of CENESEX and now cannot participate in the parade either.

Reporting by Sarah Marsh; Editing by Leslie Adler
Cuba gay rights activists arrested at pride march in Havana

12 May 2019

People celebrating LGBT rights in Havana are detained
A number of gay rights activists have been arrested after clashing with police at an unauthorised pride march in Cuba's capital, Havana.

Saturday's event followed the unexpected cancellation by the communist authorities of the country's 12th annual march against homophobia.

Activists condemned the move and then organised their own demonstration, largely through social media.

Marching in Cuba without permission can be met with a strong police response.

On Saturday, more than 100 demonstrators took to the streets of the capital. Some said they were subjected to violence after they were stopped by plainclothes security officers.

After setting out on Havana's Paseo del Prado, one of the city's main boulevards, the marchers came up against a large number of police and state security forces.

At least three activists participating in the gay parade in Havana were detained.

Havana's annual gay pride march is an important event for the island's gay and lesbian community, which spent decades in the shadows and under persecution, says the BBC's Cuba correspondent Will Grant.

As such, our correspondent adds, the decision by the government to cancel this year's event was met with disbelief by many of those who had intended to participate.
Last week, the state-run National Centre for Sex Education (CENESEX) said the official Cuban Conga against Homophobia and Transphobia march was cancelled because of "new tensions in the international and regional context".

In response, activists set up Facebook groups calling for a gathering in the capital on Saturday afternoon.

- **Cuban president backs same-sex marriage**

Cuba holds events around this time every year ahead of the International Day Against Homophobia on 17 May.

Other official events celebrating LGBT rights in the country will reportedly be going ahead as planned.

Discrimination due to someone's sex or gender is illegal in Cuba.

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**Related Topics**

- Havana
- Same-sex marriage
- Cuba
- Human rights
- LGBT
TAB 10
Translation of article entitled, “Testimony of a homosexual Cuban who dreams of studying and working without discrimination” CiberCuba (Mar.13, 2019)

Amanda, who prefers to be called a young homosexual person who does not want to reveal their true identity for fear of reprisals, told CiberCuba about the hard moments they have experienced because of their sexual preference, to the point of being discriminated against, even by their own family.

“Since I was a kid, I like to play with dolls and cooking games. I would meet with the girls in the neighborhood and play house, I always wanted to be the mom in the game, although my family didn’t like it. Then, I didn’t understand why they were bothering me,” confessed the youth between sighs.

“I remember a time that my mother caught me with some lipsticks and necklaces in front of a mirror, she hit me so hard that the bruises lasted for weeks, and that was when I was 9 years old,” they added.

Amanda had a childhood full of confusion and thousands of questions without answers that they only understood when they turned 15, when they fell in love with another teenager from their school, but they could never imagine what would come next.

My father found out that my boyfriend was a boy who was studying in the same school as me. I never cared what people said, I was only guided by what I believed and felt.” But after the news their father couldn’t stand it, “one day when I got home, my dad was sitting in a corner of the room, I figured that something wasn’t right, I sat next to him and he asked me what was happening, and that is when I told him.”

Their father, who is an activist of the Communist Party and a loyal follower of the Fidel’s ideas, did not want to hear more, “I hadn’t finished telling him when he got up and threw one first at me, then another, and another; he hit me so hard that he disfigured my face. Only my maternal aunt came to my aid, who at the time lived in the hose next door, and managed to face my dad and save me from that horrible moment;” they recount as they show the marks left on their face from the brutal beating.

They say that, after the incident, they were taken by their aunt to the hospital with a bloody face, where they stitched up the cuts, which healed over time, but the wounds left in their being - they say between tears -, “were never reconstructed.”

It was then that they decided to leave their home without looking back, surviving with what they could “scrape”, as he describes.

“The first days I slept in the street and in any place where I could hide from the rain and the cold,” he says. After the fact that marked his life he began to “do the streets” (prostitution) choosing secluded places and gay centers to survive.

“Sometimes I go to the clubs, because there are many foreigners who are the ones who have the money and pay more, because the Cubans only give you a miserable sum, but only on very few occasions, now that I am very marked by the police in those places."

They have several letters of warnings from the Revolutionary National Police for siege of tourism and has been threatened with imprisonment under charges of Pre-Criminal Social Hazard if they continue prostituting, “I have a pile of letters. I don’t know where the cops come from? But the case is that they always catch you when you try to work at night, if I stop doing the streets, I don’t eat,” they say.
The young person dressed like a woman, thin and somewhat battered, has never been defined as transgender, they just say that they are a homosexual who dresses as a woman to attract more customers on the raw Santiagueras nights.

They say that they have repeatedly contacted the National Center for Sex Education (Cenesex), but has never had results, “the last time I called Cenesex, trying to get my case to have a solution and get a job, I had no answer. I do not want to prostitute myself all my life, it is one thing to do it to survive and another thing to do it for pleasure, which, is not my case. I want to study and work like all of the world, but without being discriminated against,” points out Amanda.
Certificate of Translation

I, Meredith Phipps, declare that I am competent in English and Spanish, and that the attached document is a true and accurate translation from Spanish into English.

[Signature]

[11/20/2019]

Date
Testimonio de un homosexual cubano que sueña con estudiar y trabajar sin que lo discriminen

Actualidad (/actualidad)  Ezequiel Fuentes Morales (/autor/199531)

Publicado el Miércoles, 13 Marzo, 2019 - 17:31 (GMT-4)
“Recuerdo una vez que mi mamá me agarró con unos cuantos pintalabios y algunos collares frente al espejo, me dio tantos golpes que los moretones me duraron semanas (https://www.cibercuba.com/noticias/2019-01-22-u157374-e157374-s27061-golpean-cortan-cara-joven-cuba-ser-homosexual), y eso que tenía 9 años”, añade.

Amanda tuvo una niñez llena de confusiones y miles de preguntas sin respuestas, que solo al cumplir los 15 años fue entendiendo, al enamorarse de otro adolescente de su misma escuela, pero nunca pudo imaginar lo que vendría después.

“Mi padre se enteró de que mi novio era un chico que estudiaba en la misma escuela que yo. Nunca me importó lo que la gente dijera, solo me guiaba por lo que creía y sentía”, pero tras la noticia su padre no lo soportó, “cuando un día llegué a la casa, mi papá estaba sentado en una esquina de la sala, ya me imaginaba que algo no andaba bien, me sentó junto a él y me preguntó qué estaba pasando, fue entonces que le conté”.

Su padre, quien es militante del Partido Comunista y fiel seguidor de las ideas fidelistas, no quiso escuchar más, “no había terminado de contarlo cuando se levantó y me tiró un puño, de ahí otro, y otro más; me golpeó tanto que me desfiguró el rostro, solo vino en mi ayuda mi tía materna, que
escogiendo los lugares apartados y los centros gay para subsistir.

“A veces me voy para las discotecas, porque ahí van muchos extranjeros que son los que tienen la plata y te pagan más, porque los cubanos solo te dan una miseria, pero solo en pocas ocasiones, ya que estoy muy marcado con la policía en esos lugares”.

Tiene varias cartas de advertencias por la Policía Nacional Revolucionaria (PNR) por asedio al turismo y ha sido amenazado con ser encarcelado bajo cargos de Peligrosidad Social Predelictiva investigada. Es un caso de discriminación y marginación en el ámbito laboral, el cual no debería ser así en una sociedad plural como la nuestra.”
"No quiero prostituirme toda la vida, una cosa es sobrevivir y otra cosa es hacerlo por placer, lo cual, no es mi caso, quisiera estudiar y trabajar como todo el mundo, pero sin que me discriminen."

"Una vez me atendió Manuel Vázquez Seijido, el segundo de Mariela Castro, él me dijo que atenderían el caso, pero como siempre, nunca he tenido ni un mensaje de ellos, parece que estaban enredados con las langostas (https://www.cibercuba.com/noticias/2018-11-27-u157374-e157374-s27061-mariela-castro-disfruta-langosta-cuba-junto-cantante) y no tenían tiempo para un maricón", satirizó el joven santiaguero, quien no alcanza a cumplir los 21 años de edad.

Mariela Castro y Manuel Vázquez Seijido

Como Amanda, miles de homosexuales sufren en Cuba discriminación laboral, familiar y social, debido a los arraigados conceptos machistas en Cuba.
Ezequiel Fuentes Morales (/autor/199531)

Natural de la provincia Artemisa. Graduado en Contabilidad y Finanzas. Se define como incansable luchador por los Derechos Humanos, y es activista por los Derechos LGBTI+.
TAB 11
Cuba has rejected a proposal to legalize same-sex marriage in its new and revised constitution, a move that disappointed some gay rights activists.

An article that would have redefined marriage as a “union between two people” – rather than a “union between a man and a woman” – was eliminated from a proposed new constitution, which was written...
last year by the National Assembly, analyzed and debated in thousands of public meetings across the island and, on Feb. 24, approved by the Cuban people at referendum.

But marriage equality is not totally off the table in Cuba.

Read more: Cuba actualiza su Constitución, expandiendo derechos pero posponiendo cambios radicales

Marriage is now defined in the constitution as “a social and legal institution” and “one form of family organization.” In other words, same-sex marriage is not explicitly permitted – but it’s no longer strictly prohibited, either.

This is how social change works these days in Cuba, my home country and the subject of my academic research. Progress is no longer revolutionary. It comes slowly, and cloaked in moderation.

Slow change

In this way, Cuba has undergone a gradual and dramatic metamorphosis under the governments of Raúl Castro and his successor, President Miguel Díaz-Canel.

Thanks to a thaw in U.S.-Cuba relations under President Barack Obama, American tourists began visiting the communist country for the first time since the Kennedy administration placed a trade embargo on Cuba after Fidel Castro’s 1959 communist revolution.

Starting in 2008, Castro opened the economy to some foreign investment and allowed Cuban workers – once confined to government jobs – to start small businesses.

The new constitution – the fourth such update to Cuba’s founding document – creates official legal standing for Castro’s economic reforms, which had remained in legal limbo under a Cold War-era constitution that did not recognize private property or the business sector.
Many Cubans hoped the reform process would also expand civil liberties, bringing Cuban law more into line with its changing society.

LGBTQ rights groups, in particular, launched public awareness campaigns about sexual diversity. By late 2018, the path seemed to have been paved for gay marriage.

But religious groups fiercely opposed the move, and ultimately the government removed new language defining marriage as a “union between two people.”

**Some hits, some misses**

Still, the newly approved constitution does substantially expand social, political and economic rights in Cuba.

It limits Cuban presidents to two five-year terms. Previously, Cuba had no term limits. It also creates a prime minister position and strengthens local government, shifting power out of the executive. The criminal justice system in Cuba now operates on the presumption of innocence, not guilt.

Freedom of assembly, long restricted on the island, has also been expanded.

Previously, Cubans had the “right to meet, demonstrate and associate, for licit and peaceful purposes,” but only as part of a so-called “organización de masa” – the Cuban term for state-run groups. The new constitution removes the words “organizaciones de masa,” depoliticizing the freedom of assembly.

It remains to be seen whether the government will actually respect Cubans’ new right to form independent organizations – especially if those groups are political in nature.

“Spontaneous gatherings [in Cuba] are not seen positively and are always perceived to be the product of a foreign power,” wrote José Gabriel Barrenechea of La Trinchera, a blog for and by “young Marxists,” in a recent post.
**Greater equality**

Cuba’s prior constitution prohibited discrimination on the basis of race, skin color, sex, national origin and religious belief. Now gender, sexual orientation, gender identity, age, ethnic origin, disability and territorial origin have been added to the list.

The National Assembly stopped short of proposing any affirmative action policies, however, which would have been a more radical step toward equality.

The 1959 Cuban Revolution aimed to abolish all economic and racial differences among the Cubans, at least 36 percent of whom are Afro-Cuban. And Cuba’s inequality levels still remain well below other countries in the region.

But the recent economic reforms that increased prosperity for some have left certain minority groups – namely Afro-Cubans and the elderly – behind. Anti-discrimination statutes do nothing to close the widening wage gap.

The verdict is also mixed on how women fare under new laws.

Abortion, which unlike in the majority of Latin America and Caribbean has long been easily accessible in Cuba, is now officially protected in a provision guaranteeing women’s access to reproductive health services. And all forms of gender-based violence, not just domestic abuse and sexual assault, but also street harassment and workplace intimidation, are criminalized.

However, a popular constitutional guarantee that the government will provide free, universal child care and elder care to all working families women was eliminated.

This shifts the burden of care away from the government and onto the family. In a patriarchal society like Cuba’s, I believe women will inevitably assume these domestic duties.

Cubans evidently feared that other heralded rights would be lost, too.

In last year’s island-wide public meetings, people frequently requested assurances that universal health care and free public education through the post-graduate level would be maintained.

They were.

**Rights deferred**

But some long-hoped-for rights remain elusive.

Independent media is still prohibited, a blow to the blogs and alternative news sites that have cropped up to fill the information vacuum of a country where all news sources are government-owned.
Some analysts have observed that, as in the case of gay marriage, language defining the role of the media in Cuba was loosened somewhat. And in December the government announced it would allow Cubans to access the internet on their smartphones.

This may leave the door open for greater press freedom in the future.

However, in my analysis, regional politics make that unlikely to occur any time soon.

For six decades, the U.S. government has tried to destabilize Cuban society by broadcasting anti-Communist messages on radio and TV broadcasts.

Now, the U.S. Office of Cuba Broadcasting has turned its attention to social media. The Trump administration in 2018 admitted that it tried to create fake Facebook accounts to foment dissent on the island, though it says the project “never got off the ground.”

This revelation will likely only strengthen the Cuban government’s resolve to limit Cubans’ access to information.

The constitutional reform process has confirmed that radical progress in Cuba will have to wait. But Cuba is changing, in zigs and in zags – just perhaps not as fast as some might hope.

This article was originally published in Spanish
Translation of article entitled, “A young man tells what his life with HIV is like in Cuba: ‘The Police want me to work for the State for 200 pesos’” CiberCuba (Feb. 21, 2019)

His name is Juan (fictitious name), he is very young, from Havana and has HIV. He contacted CiberCuba to complain that patients carrying the Human Immunodeficiency Virus spend "tremendous work" in Havana to get tested for viral load and CD4 (lymphocyte count). "It's always a different complication," he comments on the phone to this portal.

Currently, he is worried because the police have threatened to send him to jail if he does not start working for the State for 200-300 Cuban pesos a month.

As if he didn't have enough of what he's living with, the police went through his house four months ago and opened a "prophylactic", accusing him of prostitution "just for being in an area prone to crime."

The areas "prone to crime" are the so-called "potajeras", meeting places of the LGTBI community on the Island.

"The police opened the prophylactic and told me it was for six months. Now they want me to work for the State for 200 or 300 pesos a month. What I do is sell clothes brought by people who come from Panama, Mexico, Russia and Guyana. I was telling the officer who looks after me that I have HIV and that I have low defenses and I am feeling very bad since I get dizzy, vomiting and I feel decayed and without strength, that I can sign every month, but to work, not because I spend two days well and five badly in the house. I barely go out."

Juan also told the police officer that he is having many adverse symptoms to the treatment he is receiving. "It was all for pleasure. This last trip has told me that they will send me to San José, a prison for people with HIV if I don’t start working. As if I were a criminal of those who kill, steal and do different things, among them being in the street and going to the chivateria for them. They do what they want and nothing happens to them."

"They want to lock me up, but I have a good image in my neighborhood; that they verified me in my CDR and my neighbors told them that I am a good boy; I don't even know what to do. I am thinking about getting a self-employed license and getting to work let's see if they leave me alone.”

The Bureaucracy

As he explains, HIV carriers in Cuba are cited before 8 in the morning at their polyclinic to avoid having to travel to the Benefit (Miguel Enríquez Hospital). However, setbacks rain. In fact, this week he had to go twice. "First there was no distilled water and then there was no syringe," he says.

Finally, normal tests could be done, but not those of viral load or those of CD4. "What a lack of respect with us! This is the never seen."

When he was diagnosed with HIV, he insists, "it was a serious problem. There is no confidentiality with patient data. Tremendous bureaucracy and not even talking about giving me three medications."
And that's not all. It took four months to give him "the index case" (that's what the zero patient is called in epidemiology), then the clinical doctor who was to attend him was not in the consultations and he spent two months without reviews. "I had to give my mother a scandal and say that I was going to look for Diaz-Canel and the press to sign the certificate to find the medications," he tells CiberCuba.

The young man confesses that he believed that in Cuba another type of treatment was given to people with HIV, but he has found in his own flesh that they make it very difficult, especially because there are "serophobic" nurses.

"Is this one too?"

"The day I was tested positive for HIV, it is normal to have a common blood test at the time to check how hemoglobin is, etc. We went down to the blood bank, the STI nurse and I, and when I sat down for another nurse who was there to draw my blood she said to the STI nurse softly: "Is this one too?" The other nurse nodded yes."

"I spent two weeks drawing blood. In total it was four times because the blood was always contaminated in the laboratory and I had to go back again."

The thing stopped because he says he protested in a bad way: "I do not get more blood or pinga! What do you do that my blood is always contaminated?"

From that moment on, he didn't have to come back. "Apparently, that was the key," he says reluctantly.

But he lived the worst when he asked for the role of the diet. "It was another show. Actually I am not in need of the four things that they give there, but of the milk, since in the store there is almost never any and in the street it is lucky and true if you find it at 80 pesos the bag, that's why I fought it, as he hears it, I fought it because when that didn't touch us, the treatment was given to me six months after I was diagnosed, the diet was about seven and a half months later. On one of the trips when I managed to see the clinician he told me that diet was not such an important or urgent thing for me, that I could wait. That's when I transformed again and turned that upside down with my mom."

The diet for HIV carriers is three bags of milk, 40 pounds of food, two pounds of beef, eight pounds of fish and 30 eggs per month. "The butcher of the neighborhood says that in the Office where they settle your diet they put 8 pounds but in reality, there are six. I don't know what to tell you there anymore. I didn't take any more fight with any of that. They won't come back to me crazy about two pounds of fish."

At the end of 2017 there were 23,200 people with HIV in Cuba, according to data from the Ministry of Public Health. The majority (81%) are men. Until that year, the disease had a mortality rate of 17%. 
Certificate of Translation

I, Meredith Phipps, declare that I am competent in English and Spanish, and that the attached document is a true and accurate translation from Spanish into English.

Signature

[Signature]

11/22/2019

Date
Un joven cuenta cómo es su vida con VIH en Cuba: "La Policía quiere que trabaje para el Estado por 200 pesos"

Actualidad (/actualidad)  Tania Costa (/autor/192519)

Publicado el Jueves, 21 Febrero, 2019 - 11:04 (GMT-4)
Inmunodeficiencia Humana pasan "tremendo trabajo" en La Habana para hacerse los análisis de carga viral y de CD4 (recuento de linfocitos). "Siempre es una complicación distinta", comenta por teléfono a este portal.

Ahora está preocupado porque la Policía lo ha amenazado con enviarlo a la cárcel si no empieza a trabajar para el Estado por 200-300 pesos cubanos al mes.

Como si no tuviera bastante con lo que está viviendo, la Policía pasó por su casa hace cuatro meses y le abrió un "profiláctico", acusándolo de prostitución "sólo por estar en una zona proclive al delito".
Las zonas "proclives al delito" son las llamadas "potajeras", sitios de reunión de la comunidad LGTBI en la Isla.

"La Policía me abrió el profiláctico y me dijo que era por seis meses. Ahora quieren que trabaje para el Estado por 200 o 300 pesos al mes. Yo lo que hago es vender ropa que traen las personas que vienen de Panamá, México, Rusia y Guyana. Le estuve comentando al oficial que me atiende que yo tengo VIH y que tengo las defensas bajas y me estoy sintiendo muy mal ya que me dan mareos, vómitos y me siento decaído y sin fuerzas, que yo puedo firmar todos los meses, pero trabajar, no porque paso dos días bien y cinco mal en la casa. Apenas salgo a la calle".

Juan también le comentó al oficial de la Policía que está teniendo muchos síntomas adversos al tratamiento que está recibiendo. "Todo fue por gusto. Este último viaje me ha dicho que me van a mandar para San José, una prisión para personas con VIH si no empiezo a trabajar. Como si yo fuera un delincuente de esos que matan, roban y hacen disímiles cosas, entre ellas estar en la calle y dedicarse a la chivatería para ellos. Hacen lo que les da la gana y no les pasa nada".
"Quieren encerrarme a mí, que tengo una buena imagen en mi reparto; que me verificaron en mi CDR y mis vecinos les dijeron que soy un buen muchacho; no sé ni qué hacer. Estoy pensando en sacarme una licencia de cuentapropista y ponerme a trabajar a ver si me dejan en paz".

La burocracia

Según explica, a los portadores de VIH en Cuba los citan antes de las 8 de la mañana en el policlínico que les corresponde para evitar que tengan que desplazarse hasta la Benéfica (Hospital Miguel Enríquez). Sin embargo, los contratiempos llueven. De hecho, esta semana ha tenido que ir dos veces. "Primero no había agua destilada y luego no había jeringa", dice.
Cuando le diagnosticaron el VIH, insiste, "fue un problema serio. No hay confidencialidad con los datos de los pacientes. Tremenda burocracia y ni hablar para que me dieran tres medicamentos".

Y eso no es todo. Tardaron cuatro meses en darle "el caso índice" (así se denomina en epidemiología al paciente cero), luego la doctora clínica que lo debía atender no estaba en las consultas y pasó dos meses sin revisiones. "Tuve que dar con mi mamá un escándalo y decir que iba a buscar a Díaz-Canel y a la prensa para que me firmaran el certificado para buscar los medicamentos", señala a CiberCuba.
sobre todo, porque existen enfermeras "serofóbicas".

"¿Éste también está cogido?"

"El día que me dio positivo la prueba rápida del VIH, lo normal es que al momento le hagan a uno análisis de sangre comunes para comprobar cómo está la hemoglobina, etc. Bajamos al banco de sangre la enfermera de ITS y yo y cuando me senté para que otra enfermera que estaba allí me sacara la sangre le dijo a la de ITS bajito: "¿Éste también está cogido?" La otra le contestó que sí con la cabeza".
La cosa paró porque él asegura que protestó en mala forma: “¡Yo no me saco más sangre ni pingal! ¿Qué hacen ustedes que mi sangre siempre se contamina?”

A partir de ese momento, no tuvo que volver más. “Al parecer, ésa era la clave”, dice con desgana.

Pero lo peor lo vivió cuando pidió el papel de la dieta. “Fue otro espectáculo. En realidad yo no estoy necesitado de las cuatro cosas que dan ahí, pero sí de la leche, ya que en la tienda casi nunca hay y por la calle es a suerte y verdad si te la encuentras a 80 pesos la
fueron como siete meses y medio después. En uno de los viajes que logré ver a la clínica me dijo que la dieta no era una cosa tan importante ni urgente para mí, que podía esperar. Ahí fue cuando nuevamente me transformé y viré aquello al revés con mi mamá”.

La dieta para los portadores de VIH son tres bolsas de leche, 40 libras de viandas, dos libras de carne de res, ocho libras de pescado y 30 huevos mensuales. “Dice el carnicero del barrio que en la Oficoda donde te asientan la dieta ponen 8 libras pero que en realidad son seis.Ya ahí no sé ni qué decirte. No cogí más lucha con nada de eso. Ellos a mí no me van a volver loco por dos libras de pescado”.

A finales de 2017 había 23.200 personas con VIH en Cuba, según datos del Ministerio de Salud Pública. La mayoría (81%) son hombres. Hasta ese año, la enfermedad tenía una tasa de mortalidad del 17%.
TAB 13
Concerns over Homophobic Acts of Violence Surface Again in Cuba

📅 January 26, 2019

An alleged hate crime, that is already being handled by the competent authorities, has once again sparked debate around this problem and the pressing need to finally recognize LGBTI rights.

IPS Cuba

HAVANA TIMES – The report of an alleged violent act of homophobia in Guira de...
Concerns over Homophobic Acts of Violence Surface Again in Cuba - Havana Times

Melena has revived repeated demands on social media to take perpetrators to court as soon as possible and to pass stricter anti-discriminatory laws in Cuba.

Sources from the state-run National Center for Sex Education (CENESEX) have confirmed that on January 21st, the Legal Services Department received a complaint about this case from the victim, actor and set designer Alex Garcia, and passed this information on to the Attorney-General’s office and the National Office of Cuba’s Revolutionary Police Forces.

They also said that they had received a response and are moving ahead with the investigation of this shameful event.

**Background**

Numerous alleged hate crimes have emerged on social media, in a country where there isn’t a framework to specifically identify and condemn crimes motivated by prejudice against a person’s race, sexual orientation, gender identity, etc.

The last reported case emerged in July 2017, when CENESEX announced that it was reviewing a case of homophobic violence against a young man from Moron, in the interior Ciego de Avila province.

The organization then argued that “these displays of violence confirm the need to continue promoting a social, cultural and political debate in Cuba about every individual’s right to live and express their sexual orientation and gender identity without fear of being rejected or even physically assaulted, like they were in this case.”

Ever since 2007, CENESEX has been organizing yearly educational campaigns focused on the prevention of...
homophobic and transphobic violence in different social environments, such as families, the workplace and schools.

Thanks to Riuben Alarcon, a social activist and quick-change artist who plays the popular character Margot Parapar, the news emerged on social media that very same day with photos of the injuries the victim sustained to his face.

Alarcon posted on his Facebook page that a young man, who he said was a friend, was assaulted by three young men in the early morning of January 20th, in Guira de Melena, 40 km south of the Cuban capital.

“They jumped him, for no other reason than him being gay and saying this, they cut his face with a bottle and beat him without mercy,” he wrote.

He also criticized the local police for “still letting the perpetrators run loose and on the fringes of the law, while my friend was sent home and told to come back on Monday so they could decide how serious the attack had been, not knowing or being able to predict if he would be threatened or attacked again.”

Then, Alarcon removed the name of the young man who was beaten claiming that “he was terrified”, but then his real name emerged and campaigns of support for the victim have been created using the slogan “I am Alex”.

Hundreds of comments follow the different posts and news reports about the case, condemning this violence and calling for discrimination related to sexual orientation and gender identity to be tackled, an issue that has been at the heart of Cuba’s current constitutional reform process.

**Context**
This complaint has come at a difficult time, marked by tensions surrounding the possibility that Cuba is paving the way for same-sex marriage or at least a legal union between two people of the same sex.

Ever since the initial constitutional draft included an amended definition of marriage as the “union between two people”, extremist groups joined together to protest against it in its popular consultation phase and have taken the change to this proposal in December (which will now be submitted to a referendum vote on February 24th) as a victory.

The current wording in Article 82 moves the definition of marriage to the Family Code and establishes that this should be redrafted in the next two years and then be submitted to a new referendum vote.

Different peaceful movements and social media platforms have been reporting these clashes ever since, especially between LGBTI activists and neo-Pentecosal extremists, who have been the most visible face against same-sex marriage.

In his Facebook post, Riuber Alarcon said that “some wrongly named “religious pastors” (...) have been promoting some campaigns talking about immoral acts, about stoning or burning people, among other barbaric acts. After these religious campaigns, a series of violent acts have been perpetrated against the gay community.”

Many researchers and LGBTI (lesbians, gays, bisexuals, trans, and intersexuals) activists have drawn people’s attention to what they believe to be an open demonstration of extremist, macho, homophobic and discriminatory positions by these civic society groups.

According to Alarcon, this proves “to what extent and what reach they have by inciting the country to be against the legal
rights of equality as a citizen, but particularly as a human being.”

**Reactions**

In the face of this news, dozens of internet users reacted angrily, demanding that the government take immediate action and bring these perpetrators to justice without any delay.

Aniel Hidalgo, Osvaldo Dumenigo and Andy Rumbaut agreed with them, demanding “that the Law fall with all its might upon these aggressors.”

Gleisy Perez said that “nobody has the right to physically or verbally attack or harass anyone,” while Jancel Moreno believed “it necessary to denounce these acts and take action together.”

Activist Isel Calzadilla believes that “it’s horrible that cases like this one exist and that homophobia has been energetically revived. We all need to come together and demand respect and safety, we are all human beings.

And, Yasiel Alejandro questions the absence of reports of this nature in Cuban state-controlled media and asked if a massacre like the mass shooting in a LGBTI club in Orlando, Florida on June 20th 2016 (which killed 50 people and injured 53) has to happen for the media to finally open its eyes.

Dachelys Valdes believes “that laws regulating any form of discrimination are needed and the State realizing the vulnerable position they are putting us in by not taking a stance.”

Meanwhile, Emilio Marrero summarizes and says: “The first thing the government needs to do is pass a law against Homophobia.”
TAB 14
Cuban bars use right of admission to throw out LGBTI+ people

HAVANA — Recently private bars in Havana have used the “right of admission reserved” to keep the doors closed on LGBTI+ people. Recent incidents expose the lack of Cuban legislation to prevent discrimination and protect victims.

At midnight on July 8, while Brian Canelles and Arian Abreu were having a drink at the Efe Bar in El Vedado, Havana, they decided to take a selfie of themselves giving each other a kiss. The bouncer told them they were not allowed to take the photo and the couple was eventually kicked out because “the bar didn’t want to have a gay image.” The bouncer argued, “We’re not interested in that type of publicity, and we don’t want to get that reputation.”

The Efe Bar is a disco and nightclub in Havana’s Vedado neighborhood. (Photo courtesy of Facebook)

Editor’s note: Tremenda Nota is an independent e-magazine in Cuba that reports on the country’s LGBT and other minority communities and young people. It is a Washington Blade media partner in Latin America.

Tremenda Nota originally published this story on its website in Spanish.
Miami, chose it to meet his friends. One of them, Coco, was refused entry. The supervisor on duty told Coco that he could not come in because “they know him” and they had seen him in “an unacceptable state.” This argument was sufficient under the “right of admission reserved” to refuse him entry. “My friend is known to be gay and I think he should have been kicked out only if he was behaving badly or had a bad attitude at that moment,” José Luis argues. “It was clearly homophobic.”

José Luis asked to see the manager and asked whether they refused his friend entry because he was gay. The unnerved manager told him; “No, no, it’s not about that but we reserve the right of admission,” but gave no further explanation.

Brian Canelles called out the Efe Bar on his Facebook profile, generating reactions from dozens of LGBTI+ activists. The Efe Bar published a response saying that it will “always raise the flag against homophobia.” They also argued that their “policy has been and will always be to respect others as people, regardless of their sex, race, sexual orientation or social status.” According to management, “it’s a shame that a false and damaging opinion is being created about many people based on the opinion of just one.”

An Efe Bar employee who identified himself as Roberto, “one of the managers,” took Tremenda Nota’s call to the bar but refused to offer their version of the incident which led to Brian Canelles and his boyfriend being thrown out.

He revealed, “I was working that day...but I’m not going to make any comment. I’d need the bar owner’s permission.”

Brian says he was not given the opportunity to talk to this manager. “I asked him [the bouncer] to call the supervisor, but he said that he wasn’t going to waste his time and we should leave the bar.”

“I told him that I wasn’t going anywhere, that I had already spent 100 CUC ($100) at the bar, for them to just kick me out without even taking the photo,” Brian added.

His complaints, along with those of his boyfriend and sister, hastened their removal.

“He grabbed me by the arm and took me to the exit,” Brian remembers. “They told me they had the right of admission reserved and they decided who was allowed to enter their bar. We argued back that being a private business didn’t give them the right to treat us like that, but they just shut the door.”

**Homophobia in private bars, with rights?**

KingBar is just a block away from the Efe Bar. Its logo makes a bold reference to anal sex.

Initially it wanted to present itself as a gay-friendly space. Mariela Castro, director of the National Center for Sexual Education and the country’s most famous LGBT activist, even attended the opening.

However, LGBT activists have reported KingBar because of exclusions that seem to be based on sexual orientation, gender identity and class.
On June 27, 2015, to commemorate the Stonewall riots, playwright Norge Espinosa and a dozen gay men and lesbians went to KingBar for a “public kissing” to call attention to discriminatory access to public spaces.

According to Espinosa’s article published on the Proyecto Arcoiris blog, the owners of the bar “didn’t feel comfortable with so many gays and lesbians inside their property” and applied a “selective entry policy.”

The playwright argues that the activists’ visit led to “an argument regarding the house reserving the right to admission.”

A tourism website recently listed KingBar as one of the “seven best gay parties in Havana.”

The majority of legislation recognizes the right to reserve admission for reasons that are outlined and are objective, without compromising the rights of customers to equality and protection against discrimination. There are no laws on this subject in Cuba. Nor are there antidiscrimination laws explicitly regarding the LGBTI community.

However, the Cuban Criminal Code includes the crime against the right to equality, for people who “discriminate against another person or promote and incite discrimination” which can be punished with a fine or up to two years in jail.

In the three decades since the law was established only one person has been charged with this crime. It was used last year when student Yanay Aguirre reported that a driver threw her out of a private taxi because of the color of her skin. The Attorney General’s Office said, “Cuba does not need laws against racism.”

Maykel González Vivero
Translation of article entitled, “The abuse of homosexuals in Cuba was state policy, and those fruits are still collected,” Cibercuba (May 16, 2018)

Yosuán, the hairdresser, was 19 when he arrived in Havana, but his escape began the same day that a neighbor ran scandalized to his home. "I was washing some shoes in the yard, and I heard when she told Mom: 'In the village they are saying that last night they saw your son squeezing with another male near the stadium.' I almost died of shame.”

Then Mariana's choked scream was heard, and Pacheco's long silence began. The village turner, the former internationalist fighter in African lands, the rude and stubborn man, never looked back at his son's face.

"One morning they wrote an offensive sign on the door of the house. A week later I could not stand that," recalls the young man, "Dad left, Mom did not sleep and did not cook, and my sister preferred to stay at the university on weekends. I did not dare to go out, I left economics school, and just kept going to church”

It was precisely in the town's Catholic church that some sympathized with him. An older woman suggested he leave, and told him about a sister of his who lived alone, and needed company in Havana. Then, 23 days after the scandal, he left the room and got on the train.

"Right there I sold a chain, two pants and some brand shoes. I had no money and had never been to Havana. When I arrived, I called Mima from the first phone I found. She thought I had killed myself because they couldn't find me, but she never gave up for it. I know she loves me, but she was glad of my departure, she thought that daddy would come back like that.”

Yosuán wanted to study, but was illegal in Havana; Ophelia, a good old woman, but somewhat grumpy, never allowed him to change the address to her home. Then he started working in a particular broom factory. Eight months after his arrival he fell in love with a teacher and went to live with him in a room at the University of Computer Science (UCI).
"I would go almost at night for work, so that no one would see me go out, and also at night I would come back. There we cooked, washed our clothes, felt as if that place were our home. But one day they ratted us out, Ernesto lost his job, and he was sanctioned by the party. Many of those who agreed with expulsion lived with their girlfriends or women, but we were judged differently. They'll throw us out because we're gay."

Lucky Ophelia, who once again welcomed them both into her home. They first defended themselves by reselling shopping items, until they started a hairdressing course and then Ernesto got a job at a bank in Cerro.

Now they live rented in a house where they also set up a beauty salon. "This happiness costs us $170 a month, but leaves higher profits," says Yosuán, as skilled with scissors as with words.

Everything you've accomplished here, it wasn't possible to get in Las Tunas? Of course not. In the East everything is more difficult, it is twice as complicated to assume yourself as a homosexual. The lack of culture has a lot to do with poverty and the same economic imbalance that exists between the West and the East, is expressed in social and cultural terms. There you close all the doors, they offend you, they attack you. My own father said that for him I was dead. The differences are not understood as here.

In Havana you don't feel marginalized? Marginalization exists everywhere, because in the first place we have no laws to protect us. But here you live differently, people focus more on other things, everyone is in "their struggle" and trying to find the four pesos, and then it doesn't matter so much who they go to bed with.

The homosexual or the transvestite are a source of jokes, but not so much of aggressions and offenses in the street. If an intolerant thinks of offending or yelling at you, it is possible for others to step out and reprimand you for that. Many times common sense indicates that this is not right. But in the east or in the rural areas of the country, if someone attacks you, it is very likely that others will join.

Do you think that in Cuba we are more homophobic than in the rest of the world? I have not traveled. But no, I don't believe. Although, of course, it depends on the country with which we are comparing ourselves. As I said, I believe that poverty implies cultural backwardness and dependence. In other countries when you earn enough to stay, and you have your needs covered, you are not obliged to exchange with your
neighbors, you do not borrow some salt from the woman next door, you do not see who
goes out and who enters your house, Therefore, do not get into the privacy of others,
you are more respectful. And if you add to that a more humanistic education, and a
legal body that supports homosexuals, we are obviously talking about an environment
of greater acceptance.

What laws do you think should be adopted right now in Cuba?
Look, I'm not a lawyer, and I already told you that I couldn't even go to university, but I
like to read, and analyze things thoroughly. I consider that he should recognize us in the
first instance. For example, Ernesto and I have been together for 6 years, our
relationship is more serious than that of many heterosexual marriages, and yet we are
not recognized as husbands, and that affects us, not only from the legal point of view.
It is also important to legislate on family, labor or educational law, so that injustices are
not committed or at least so that injustices do not go unpunished.

What do you think about the work Mariela Castro has developed at the head of the
National Center for Sex Education, CENESEX?
It has been an important job, but very limited in scope.

Do you think it could have gone further?
It has had a lot of opposition within the government. Being Raúl's daughter opened
many doors, but also closed others. It is as if the father himself said to her: "Until here, if
you go beyond this limit they will say then that I have allowed you too much because
you are my daughter". However, I believe that Raúl should have led to these changes
during his tenure, especially to somehow try to remedy the abuses of the past. It cannot
be forgotten that in the sixties and seventies the abuse of homosexuals in Cuba was
state policy, and those fruits are still collected.

Some believe that with Díaz-Canel as president, new possibilities for advancing gender
equality are opened

Perhaps some steps can be taken, perhaps Díaz-Canel, because of being younger,
brings another mentality. But I don't know Mr. President, I don't know how he thinks, nor
what plans he has. In any case, dinosaurs that have opposed in the past any advance
in gender equality are still up there, and they are the ones who decide, despite having a
new president

Dinosaurs?
Leaders of those very square, old-fashioned with power, macho and stubborn homophobic. Those who say that you can't go any further, that you can't pass a law for two women or two men to get married, because the town is simply not prepared to understand that.

And I ask: should we expect the people to be prepared to accept blacks as equals and then adopt the laws that enshrine it in the constitution?

No. Injustices must be terminated, and laws must precede mentality changes.

Nobody would think of adopting a law to respect blondes, because everyone already respects them.

When everyone in Cuba understands that homosexuality is not a disease, nor a moral deviation or degeneration, the law is no longer needed.

When the people see us as equals, and respect us as the blond, the tall or the short, the law is no longer needed.

Laws are needed now, so that no one feels the right to trample on us, to mistreat us, or to prevent us from marrying the person we love, beyond biological sex.

Do you consider then that we are very late in that sense? And the worst part is that many of those who do not accept the differences today call themselves socialist, progressive, when being homophobic in the 21st century is as unfair as being racist, or how it was to deny women the vote at other times of the history. They are backward visions and deeply unfair.

What would you say to those who still see homosexuality as crooked and repudiable? To those who think like my father, I would like to make them understand that being gay is not a disease, nor is it a choice. In the same way that no heterosexual decided one day that he would like the opposite sex, we also did not choose that we would like the same sex. Being gay is as natural as being straight, as some have frizzy hair, and others have straight, blond or black hair.
Certificate of Translation

I, Meredith Phipps, declare that I am competent in English and Spanish, and that the attached document is a true and accurate translation from Spanish into English.

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11/2-21 2019

Date
"El maltrato a los homosexuales en Cuba fue política de estado, y esos frutos se recogen todavía"
Yosuán, el peluquero, tenía 19 años cuando llegó a La Habana, pero su fuga comenzó el mismo día en que una vecina corrió escandalizada hasta su casa. «Yo estaba lavando unos tenis en el patio, y escuché cuando ella se lo dijo a mami: “En el pueblo están diciendo que anoche vieron a tu hijo apretándose con otro macho cerca del estadio”. Casi me muero la de vergüenza».

Entonces se escuchó el grito ahogado de Mariana, y comenzó el largo silencio de Pacheco. El tornero del pueblo, el antiguo combatiente internacionalista en tierras africanas, el hombre rudo y obstinado, jamás volvió a mirarle la cara a su hijo varón.
«Una mañana escribieron un letrero ofensivo en la puerta de la casa. A la semana ya no soportaba aquello —recuerda el joven—, papi se fue, mami no dormía y tampoco cocinaba, y mi hermana prefería quedarse en la universidad los fines de semana. Yo no me atrevía a salir a la calle, dejé la escuela de economía, y solo seguí yendo a la iglesia».

Fue precisamente en la iglesia católica del pueblo donde algunos se solidarizaron con él. Una mujer mayor le sugirió que se marchara, y le habló de una hermana suya que vivía sola, y necesitaba compañía en la Habana. Entonces, a los 23 días del escándalo, dejó el
«Allí mismo vendí una cadena, dos pantalones y unas zapatillas de marca. No tenía dinero y jamás había estado a La Habana. Al llegar llamé a mima del primer teléfono que encontré, ella pensaba que me había suicidado porque no me encontraban, pero a mí jamás me dio por eso. Yo sé que me quiere, pero se alegró de mi partida, pensó que así papi volvería.»

Yosuán quiso estudiar, pero estaba ilegal en La Habana; Ofelia, una anciana buena, pero algo cascarrabias, nunca le permitió cambiarse la dirección para su casa. Entonces comenzó a trabajar en una fábrica particular de escobas. A los ocho meses de su llegada se enamoró de un profesor y se fue a vivir con él a un cuarto de la Universidad de Ciencias Informáticas (UCI).
«Me iba casi de noche para el trabajo, para que nadie me viera salir, y también de noche regresaba. Allí cocinábamos, nos lavábamos la ropa, sentíamos aquel lugar como si fuera nuestra casa. Pero un día nos delataron, Ernesto perdió el trabajo, y lo sancionaron por el partido. Muchos de los que estuvieron de acuerdo con la expulsión vivían con sus novias o mujeres, pero a nosotros nos juzgaban diferente. Nos botaran por ser gays».

Suerte Ofelia, que una vez más los acogió a ambos en su casa. Primero se defendían revendiendo artículos de la shopping, hasta que comenzaron un curso de peluquería y luego Ernesto consiguió trabajo en un banco del Cerro.

Ahora viven rentados en una casa donde además montaron un salón de belleza. «Esta felicidad nos cuesta 170 dólares al mes, pero deja mayores ganancias», asegura Yosuán, tan diestro con la tijera como con las palabras.
¿Todo lo que has logrado aquí, no era posible conseguirlo allá en Las Tunas?

Claro que no. En oriente todo es más difícil, resulta el doble de complicado asumirte como homosexual. La incultura tiene mucho que ver con la pobreza y el mismo desbalance económico que hoy existe entre occidente y oriente, se expresa en términos sociales y culturales. Allá te cierran todas las puertas, te ofenden, te agreden. Mi propio padre dijo que para él yo estaba muerto. No se entienden igual que aquí las diferencias.

“En oriente todo es más difícil, resulta el doble de complicado asumirte como homosexual”

¿En La Habana no te sientes marginado?

La marginación existe en todas partes, porque en primer lugar no tenemos leyes que nos amparen. Pero aquí se vive diferente, la gente se centra más en otras cosas, todo el mundo está en “su lucha” y tratando de buscarse los cuatro pesos, y entonces no importa tanto el hecho de con quién te vas a la cama.

El homosexual o el travesti son fuente de chistes, pero ya no tanto de agresiones y ofensas en la calle. Si a algún intolerante se le ocurre ofenderte o gritarte, es posible que otros le salgan al paso y lo reparden por eso. Ya muchas veces el sentido común indica que eso no está bien. Pero en oriente o en las zonas rurales del país, si alguien te agrede es muy probable que otros se sumen.
¿Crees que en Cuba somos más homofóbicos que en el resto del mundo?

No he viajado. Pero no, no creo. Aunque, claro, depende del país con el que nos estemos comparando. Como te decía, considero que la pobreza implica atraso cultural y dependencia. En otros países cuando ganas lo suficiente para mantenerte, y tienes tus necesidades cubiertas no estás obligado a intercambiar con tus vecinos, no le pides prestada un poco de sal a la mujer de al lado, no ves quien sale y quien entra en su casa, por lo tanto, no te metes en la intimidad de los demás, eres más respetuoso. Y si a eso le
¿Qué leyes consideras que deben adoptarse ahora mismo en Cuba?

Mira, no soy abogado, y ya te dije que no pude ni entrar a la universidad, pero me gusta leer, y analizar a fondo las cosas. Yo considero que debiera reconocérsenos en primera instancia. Por ejemplo, Ernesto y yo llevamos 6 años juntos, nuestra relación es más seria que la de muchos matrimonios heterosexuales y, sin embargo, no se nos reconoce como esposos, y eso nos afecta, no solo desde el punto legal.
“Es importante legislar en materia de derecho familiar, laboral o educativo, para que no se cometan injusticias o al menos para que las injusticias no queden impunes.”

¿Qué piensas acerca del trabajo que ha desarrollado Mariela Castro al frente del Centro Nacional de Educación Sexual, el CENESEX?

Ha sido un trabajo importante, pero de alcance muy limitado.
Ha tenido mucha oposición dentro del gobierno. El hecho de ser la hija de Raúl le abrió muchas puertas, pero igualmente le ha cerrado otras. Es como si el padre mismo le dijera: 'Hasta aquí, si te pasas de este límite dirán entonces que te he permitido demasiado porque eres mi hija'. Sin embargo, creo que Raúl debió haber propiciado esos cambios durante su mandato, sobre todo para, de alguna manera, tratar de subsanar los atropellos del pasado. No se puede olvidar que en los años sesenta y setenta el maltrato a los homosexuales en Cuba fue política de estado, y esos frutos se recogen todavía.

"Raúl debió haber propiciado esos cambios durante su mandato, sobre todo para, de alguna manera, tratar de subsanar los atropellos del pasado. No se puede olvidar que en los años sesenta y setenta el maltrato a los homosexuales en Cuba fue política de estado, y esos frutos se recogen todavía"

Algunos consideran que con Díaz-Canel como presidente se abren nuevas posibilidades de avanzar en materia de igualdad de género.
Quizás se logren dar algunos pasos, quizás Días-Canel, por ser más joven, traiga otra mentalidad. Pero al señor presidente ni lo conozco, no sé tampoco cómo piensa, ni qué planes tiene. De cualquier manera, los dinosaurios que se han opuesto en el pasado a cualquier avance en materia de igualdad de género siguen allá arriba, y son los que deciden, a pesar de tener un nuevo presidente.

¿Dinosaurios?

Dirigentones de esos bien cuadrados, anticuados con poder, machistas y homofóbicos recalcitrantes. Los que dicen que aún no se puede ir más lejos, que no se puede aprobar una ley para que dos mujeres o dos hombres se casen, porque sencillamente el pueblo no está preparado para entender eso.

Y yo pregunto: ¿acaso debimos esperar que el pueblo estuviera preparado para aceptar a los negros como iguales y entonces después adoptar las leyes que así lo consagran en la constitución?

No. Las injusticias hay que acabarlas, y las leyes deben anteceder a los cambios de mentalidad.

A nadie se le ocurriría adoptar una ley para respetar a las rubias, porque todo el mundo ya las respeta.

Cuando todos en Cuba entiendan que el homosexualismo no es una enfermedad, ni una desviación o degeneración moral, ya no hace falta la ley.
“Cuando el pueblo nos vea como iguales, y nos respete como a los rubios, a los altos o a los bajitos, ya no hace falta la ley”

Las leyes se necesitan ahora, para que nadie se sienta con el derecho de pisotearnos, de maltratarnos, o de impedirnos que nos casemos con la persona que amamos, más allá del sexo biológico.

¿Consideras entonces que estamos muy atrasados en ese sentido?

Y lo peor es que muchos de los que hoy no aceptan las diferencias se dicen socialistas, progresistas, cuando ser homófobo en el siglo XXI es tan injusto como ser racista, o como fue el hecho de negarle el voto a la mujer en otros momentos de la historia. Son visiones atrasadas y profundamente injustas.

¿Qué les dirías a aquellos que aún ven el homosexualismo como algo tocido y repudiable?

A esos que piensan como mi padre, me gustaría hacerles entender que ser homosexual no es una enfermedad, y tampoco es una elección. De la misma manera que ningún heterosexual decidió un día que le gustaría el sexo opuesto, nosotros tampoco elegimos que nos gustaría el mismo sexo. Ser homosexual es tan natural como ser heterosexual, como que unos tengan el pelo crespo, y otros lo tengan lacio, rubio o negro.

¿Tienes algo que reportar? Envíalo a CiberCuba:

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Translation of article entitled, “Homophobic and Transphobic bullying in Cuban schools influences school dropouts” CiberCuba (May 9 2018)

Habana, 8 May. – Trans people and lesbian women reported having to drop out of school due to situations of school bullying, revealed a retrospective investigation about homophobia and transphobia in the school environment conducted by the state National Center for Sexual Education (Cenesex).

Conducted by a group of five authors, the retrospective and exploratory study on homophobic and transphobic violence in the school careers of lesbian, gay, bi, trans, and intersex activists (LGBTI) serves as the base for the eleventh edition of the Cuban Days against Homophobia and Transphobia, which for the second year centers its attention on schools.

According to the report to which IPS had access, the Cenesex researchers surveyed 90 adults from the community social networks accompanied by the Cuban state institution, from Havana, Villa Clara and Santiago de Cuba.

The completed schooling of the population studied was concentrated in secondary education and, at the time of the investigation, 25 people were studying higher education, mostly gay men.

School Dropout

However, 22 subjects indicated that they had dropped out of school at some point in their school career and only nine returned to rejoin, most of them were trans people who sought to finish high school.

The average age of dropping out of school was concentrated at 16.6 years, at the end of secondary education, with a majority representation of trans people.

Of the 22 people who reported having dropped out of school, 13 claimed that the decision was linked to situations of violence of which they were victims in the school space, an experience that prevailed among trans people and lesbian women.

The teasing and insults were the most frequent manifestations of harassment that the people surveyed recalled, followed by threats, physical abuse, ignoring them and stealing belongings.

“there is no place in the school setting that escapes this phenomenon,” distinguished the report, which identified, as moments of highest risk, the exit and entrance to the school, the time between classes and the recess in the courtyard.

According to the study, restrooms and shelters were the areas with the highest occurrence of acts of abuse in internal schools, with verbal aggressions that could be accompanied by physical violence.

The response of educational institutions focused on the change of study regime or the isolation of victims, the report said.

The researchers emphasized that the measures implemented could be considered a form of revictimization, as they impacted people who suffered harassment and not those who committed it.
Who are they?

As perpetrators of violence or harassment, the student body itself predominated by a wide margin, followed by the teaching staff, support staff and relatives of the victims.

The networks of support within the school were practically nonexistent, said the investigation, which found a tendency to normalize situations of violence.

The support, when it occurred, came from students who intervened to stop the abuse. The attitude of the teaching staff was aimed at silencing the facts and locating the blame in the victims, said the sample studied.

The affected people decided not to make the complaint when they suffered violence due to homophobia and transphobia, either because they did not feel prepared to make their sexual orientation public, the immobility of teachers and fear of the consequences of double stigmatization.

In the face of violent situations, the mechanisms most used by the victims were to ignore what they were told, isolate themselves, try not to attract attention or respond aggressively.

The homophobic and transphobic violence experienced had an impact on the mental health of the victims, said the study.

Terrors, fear of the reaction of people when they complained, poor school performance and rejection of school, were some of the consequences observed.

However, the report argued that, when research participants reflect upon and evaluate these stages of their lives, they report that such situations influenced them positively over time because they strengthened their character.

Conclusions

The study concludes that homophobic and transphobic violence in the school setting is a reflection of social homophobia and transphobia in Cuba.

The return to studies and the re-composition of the victims' life projects is an indicator of change for society and the Cuban school, the report evaluated.

Raising awareness among youth organizations to function as networks of support in the face of situations of violence in the school environment and enhancing the training of teachers and support staff for the prevention of homophobic and transphobic bullying are recommended by the study.

It also suggests, to educative authorities, to strengthen the supervision of the most prevalent places of homophobic and transphobic violence.

The free and universal access to education and health, as well as the established principles of equality, constitute conquests endorsed in the current Constitution (1976), in articles 39 and 50, the researchers propose in the introduction of the study.
Certificate of Translation

I, Meredith Phipps, declare that I am competent in English and Spanish, and that the attached document is a true and accurate translation from Spanish into English.

[Signature]

[Date: 11/22/2019]
However, the reduction of homophobia and transphobia to which lesbians, gays, bisexuals and trans people are exposed on the Caribbean island is still pending. (2018)
El acoso homo y transfóbico en las escuelas cubanas incide en el abandono escolar

Actualidad (/actualidad)  Agencia IPS (/autor/162416)

Publicado el Miércoles, 9 Mayo, 2018 - 06:51 (GMT-4)

f 99 shares (https://www.facebook.com/dialog/share?...
La Habana, 8 may.- Personas trans y mujeres lesbianas refirieron haber abandonado sus estudios debido a situaciones de acoso escolar, reveló una investigación retrospectiva sobre homofobia y transfobia en el ámbito escolar que realizó el estatal Centro Nacional de Educación Sexual (Cenesex)

Realizado por un colectivo de cinco autoras, el estudio exploratorio y retrospectivo sobre violencia homofóbica y transfóbica en la trayectoria escolar de activistas lesbianas, gays, bi, trans e intersexuales (LGBTI) sirve de base a la oncena edición de las Jornadas Cubanas contra la Homofobia y la Transfobia, que por segundo año centra su atención en las escuelas.
Durante la conferencia de prensa por la 11na Edición de las Jornadas Cubanas contra la Homofobia y la Transfobia, la Dra. C Mariela Castro Espin destacó que de lo que se trata es que la escuela, como institución cultural más importante de la comunidad, tenga herramientas para tratar estas realidades, cultura científica para identificar cuando ocurren y claridad para abordar el tema en cualquier escenario.

#MelIncluyo #JCCHT #CENESEX

De acuerdo con el informe al cual IPS tuvo acceso, las investigadoras del Cenesex encuestaron a 90 personas adultas de las redes sociales comunitarias acompañadas por esa institución estatal cubana, provenientes de La Habana, Villa Clara y Santiago de Cuba.
La escolaridad concluida de la población estudiada estuvo concentrada en la enseñanza media y, en el momento de la investigación, 25 personas se encontraban cursando estudios superiores, en su mayoría hombres gays.

**Abandono escolar**

No obstante, 22 sujetos indicaron haber abandonado los estudios en algún momento de su trayectoria escolar y solo nueve volvieron a reincorporarse, la mayor parte fueron personas trans que buscaron concluir el bachillerato.

La edad promedio del abandono de estudios estuvo concentrada en los 16,6 años, al culminar la enseñanza secundaria, con una representación mayoritaria de personas trans.
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De las 22 personas que refirieron haber abandonado los estudios, 13 alegaron que la decisión estuvo vinculada con las situaciones de violencia de las que fueron víctimas en el espacio escolar, una vivencia que predominó entre personas trans y mujeres lesbianas.

"De las 22 personas que refirieron haber abandonado los estudios, 13 alegaron que la decisión estuvo vinculada con las situaciones de violencia de las que fueron víctimas en el espacio escolar"

Las burlas e insultos fueron las manifestaciones de acoso más frecuentes que rememoraron las personas encuestadas, seguidas por las amenazas, los maltratos físicos, ignorarles y robarles pertenencias.
"No hay ningún lugar del ámbito escolar que escape del fenómeno", distinguió el informe, que identificó como momentos de mayor riesgo la salida y entrada a la escuela, el tiempo entre clases y el receso en el patio.

Según el estudio, los baños y los albergues fueron los espacios de mayor ocurrencia de actos de abuso en escuelas de régimen interno, con agresiones verbales que podían acompañarse de violencia física.

La respuesta de las instituciones educativas se centró en el cambio de régimen de estudios o en el aislamiento de las personas víctimas, apuntó el informe.

Las investigadoras enfatizaron que las medidas implementadas pudieran considerarse una forma de revictimización, pues impactaban en las personas que sufrían el acoso y no en quienes lo cometían.
¿Quiénes son?

Como personas perpetrators de la violencia o acoso, predominaron por amplio margen el propio estudiantado, seguido del claustro docente, el personal de apoyo y familiares de las víctimas.

“Como personas perpetrators de la violencia o acoso, predominaron por amplio margen el propio estudiantado, seguido del claustro docente, el personal de apoyo y familiares de las víctimas.

Las redes de apoyo dentro de la escuela fueron prácticamente inexistentes, precisó la investigación, la cual constató una tendencia a normalizar las situaciones de violencia.
El apoyo, cuando ocurrió, provino de estudiantes que intervenían para que cesara el maltrato. La actitud del profesorado estuvo dirigida a silenciar los hechos y a ubicar la culpa en las víctimas, refirió la muestra estudiada.

Las personas afectadas decidieron no hacer la denuncia cuando sufrieron violencia por homofobia y transfobia, ya fuera por no sentirse preparadas para hacer pública su orientación sexual, el inmovilismo del profesorado y temor a las consecuencias por la doble estigmatización.

Ante las situaciones violentas, los mecanismos más utilizados por las víctimas fueron ignorar lo que les decían, aislarse, tratar de no llamar la atención o responder también con agresividad.
La violencia homofóbica y transfóbica experimentada tuvo un impacto en la salud mental de las víctimas, asegura el estudio.

Temores, miedo ante la reacción de las personas cuando denunciaban, bajo rendimiento escolar y rechazo a la escuela, fueron algunas de las consecuencias observadas.

Sin embargo, adujo el informe que, cuando participantes en la investigación reflexionan y evalúan esas etapas de sus vidas, refieren que tales situaciones influyeron de manera positiva con el paso del tiempo porque robustecieron su carácter.
Conclusiones

El estudio concluye que la violencia homofóbica y transfóbica en el escenario escolar es reflejo de la homofobia y la transfobia social existente en Cuba.

La reincorporación a los estudios y la recomposición de los proyectos de vida de las víctimas es un indicador del cambio para la sociedad y la escuela cubana, evaluó el informe.
Sensibilizar a las organizaciones juveniles para que funcionen como redes de apoyo ante situaciones de violencia en el ámbito escolar y potenciar la formación de docentes y personal de apoyo para la prevención del acoso homofóbico y transfóbico, son recomendaciones del estudio.

También sugiere a las autoridades educativas fortalecer la supervisión de los lugares de mayor prevalencia de la violencia homofóbica y transfóbica.

El acceso universal y gratuito a la educación y la salud, así como los principios de igualdad establecidos, constituyen conquistas que se refrendan en la Constitución vigente (1976), en sus artículos 39 y 50, plantean las investigadoras en la introducción del estudio.
Sin embargo, a su juicio queda pendiente la reducción de la homofobia y la transfobia a la que están expuestas lesbianas, gays, bisexuales y personas trans en la isla caribeña. (2018)
A half-dozen LGBT Cubans arrived in Amsterdam’s Schiphol Airport Saturday, seeking asylum.

Mariela Castro has long been the face of Cuba’s LGBT movement, which is a little unusual given she’s a heterosexual cisgender woman and daughter of president Raul Castro.
A member of the Cuban Parliament and director of the government-sanctioned Cuban National Center for Sex Education, she’s marched at the front of Havana’s Pride parade and has spoken out in support of marriage equality, though she’s claimed it’s not the main goal of the movement. A 2016 HBO documentary, *Mariela Castro’s March: Cuba’s LGBT Revolution*, painted her as something of a Mother Teresa for the LGBT community.

But critics say the situation for gay and trans people is still dire there: on Sunday, a group of LGBT Cubans requested asylum in the Netherlands, claiming they faced persecution in their homeland.
One of them, activist Victor Manuel Dueñas, told the *Washington Blade* he was being targeted by the government for his work advocating same-sex marriage and calling attention to police mistreatment of LGBT people.

On Facebook, Dueñas posted a video indicating he was one of more than a half-dozen LGBT Cubans, including trans women, who booked a flight from Havana to Moscow, but claimed asylum while in Amsterdam’s Schiphol Airport.

The group will reportedly stay in the airport until they are interviewed and processed by Dutch authorities.

Independent journalists and activists who criticize Mariela Castro or her father’s government say they are stymied, harassed, and even detained. Dueñas, who founded an LGBT center in the Cuban town of Santo Domingo, says a Cuban intelligence agent came to his home earlier this month and said he knew he was “going to Holland with the faggots.”

He claims he could face eight years in prison if he is sent back to Cuba.

From the 1960s to the 1990s, Fidel Castro’s regime was marked by stark human rights abuses: Batista supporters were executed, political opponents were imprisoned, and the press was muzzled. Effeminate boys were made to undergo conversion therapy and thousands of gay men were sent to forced labor camps, known as Military Units to Aid Production.
“We would never come to believe that a homosexual could embody the conditions and requirements of conduct that would enable us to consider him a true revolutionary, a true Communist militant,” Castro said in 1965. “A deviation of that nature clashes with the concept we have of what a militant communist must be.”

By the 1990s, Castro had publicly denounced anti-LGBT policies but raids on gay clubs and harassment of homosexuals and trans people continued. People living with HIV/AIDS were quarantined in state-run sanitariums until 1993.
TAB 18
LGBT Cubans seek asylum in the Netherlands

Two Cuban LGBT activists on Sunday asked for asylum in the Netherlands.

Victor Manuel Dueñas, who founded an LGBT community center in the Cuban town of Santo Domingo, and his cousin, bought roundtrip tickets to Moscow from Havana’s José Martí International Airport with a layover at Amsterdam’s Schiphol Airport.

Dueñas and his cousin left Havana on Saturday night and arrived in Amsterdam the next day. Dueñas posted a short video to his Facebook page before he and his cousin formally asked for asylum.

“A group of Cubans have come here,” he said.
Dueñas works independently of Mariela Castro, the daughter of Cuban President Raúl Castro who spearheads LGBT-specific issues on the island as the director of the National Center for Sexual Education.

Dueñas is among the activists who launched “Nosotros También Amamos” — a campaign in support of marriage rights for same-sex couples in Cuba — in 2015. Dueñas is also affiliated with the Babel Sociocultural Project, a group that advocates on behalf of LGBT Cubans and other disadvantaged groups.

Hurricane Irma last September damaged Dueñas’ community center.

Dueñas on Sunday told the Washington Blade during a WhatsApp interview from Schiphol Airport that Cuban authorities began to target him because of the Babel Sociocultural Project’s efforts to raise awareness of police mistreatment of LGBT people in the city of Cárdenas, which is roughly 100 miles east of Havana on the island’s northern coast. Dueñas also said the government “considered” the same-sex marriage campaign that he and other advocates launched “a big mistake.”

“It’s not about the project,” he told the Blade. “It’s about me.”

Dueñas said he and his cousin are currently with more than half a dozen other LGBT Cubans who flew from Havana to Amsterdam last week. They will remain at Schiphol Airport until Dutch authorities interview them and begin to process their asylum requests.

Adriana, a transgender woman from Havana, told the Blade on WhatsApp from Schiphol Airport that Cuban police harassed her and other trans women. She and another trans woman in Dueñas’ group with whom the Blade spoke said authorities prevent them and others from gathering in parks and other public places because they think they are sex workers.
“I feel very good here,” said Adriana.

**Independent activists harassed, detained**

Mariela Castro publicly supports marriage rights for same-sex couples.

She took a picture with Dueñas and his partner last May during an International Day Against Homophobia and Transphobia march that she led in Havana. Mariela Castro’s supporters also note that Cuba provides free sex-reassignment surgeries through its national health care system.

Mariela Castro, daughter of Cuban President Raúl Castro, leads an LGBT march through Havana on May 13, 2017. (Washington Blade photo by Michael Key)

A Havana woman who is raising her late daughter’s three children with her same-sex partner last October received custody of them. Independent activists have nevertheless told the Blade that authorities harass and even detain them if they criticize Mariela Castro or her father’s government.

Maykel González and his partner, Carlos Alejandro Rodríguez, who are independent journalists and activists, were detained last September as they covered Irma preparations in the city of Sagua la Grande. Nelson Gandulla, president of the Cuban Foundation for LGBTI Rights, last May told the Blade that authorities prevented him from meeting with Gender Rights Maryland Executive Director Dana Beyer, Equality Florida CEO Nadine Smith and other American activists in Havana.

The Blade could not immediately confirm Dueñas’ claim that 2,500 LGBT Cubans have asked for asylum in the Netherlands. He said a Dutch diplomat was with him, his cousin and a group of six other LGBT Cubans at the airport in Havana on Saturday.

Dueñas told the Blade that only his cousin and he flew to Amsterdam. He said a Cuban intelligence agent came to his home earlier this month and said he knew he was “going to Holland with the faggots.”

“This was a threat,” said Dueñas.

Dueñas said he faces eight years in prison if he is deported back to Cuba. The Blade has reached out to the Cuban government for comment on this claim.

**BISEXUAL  CUBA  GAY  LESBIAN  MARIELA CASTRO  NETHERLANDS  RAUL CASTRO**

**TRANSGENDER  VICTOR MANUEL DUEÑAS**

Michael K. Lavers
TAB 19
EXCLUSIVE: Cuban LGBT activist faces growing persecution

CUBAN Foundation for LGBTI Rights President Nelson Gandulla speaks exclusively to the Washington Blade at his home in Cienfuegos, Cuba, on May 16, 2017. (Washington Blade photo by Michael K. Lavers)

CIENFUEGOS, Cuba — An independent Cuban activist says the government continues to target him because he publicly criticizes President Raúl Castro's daughter who spearheads LGBT-specific issues on the communist island.

Nelson Gandulla, president of the Cuban Foundation for LGBTI Rights, told the Washington Blade on May 16 during an exclusive interview at his home on the outskirts of the city of Cienfuegos that three security officials interrogated him for two and a half hours last December.

Gandulla told the Blade the interrogation took place on Dec. 10 — International Human Rights Day that commemorates the ratification of the Universal Declaration of Human Rights by the U.N. General Assembly in 1948 — in Cienfuegos, which is roughly three hours southeast of Havana on Cuba’s southern coast.
Gandulla said he had just returned from Switzerland and Spain where he participated in a U.N. forum and met with several officials. Gandulla also criticized Mariela Castro, director of Cuba's National Center for Sexual Education, while he was in Europe.

The interrogation about which Gandulla spoke to the Blade took place 15 days after Mariela Castro's uncle, former Cuban President Fidel Castro, died. His ashes were interred at Santa Ifigenia Cemetery in the city of Santiago on Dec. 4.

Gandulla said the authorities who interrogated him threatened to kill him and told him “something could happen to my family and me.” Gandulla told the Blade the authorities also said they “could take me to prison for contempt for attacking Mariela Castro's authority.”

Gandulla, who is a doctor, said the authorities also threatened to rescind his medical license and prevent him from leaving Cuba.

“I was accused of being a worm, a mercenary,” he told the Blade. “They told me that I was an employee of the CIA and that they could also accuse me of the crime of illicit misappropriation of funds and economic activity.”

**Gandulla accused of having ‘clandestine Internet network’**

Gandulla said he was waiting to pass through immigration at Havana's José Martí International Airport on Jan. 9 in order to board a flight to Panama City's Tocumen International Airport when security agents “pulled me out of the line” and said he was not allowed to leave the country. Gandulla was to have flown from Panama City to the Colombian city of Cartagena in order to attend a workshop organized by Caribe Afirmativo, an LGBT advocacy group, that focused on documenting human rights abuses.

Gandulla told the Blade he and his partner returned to Cienfuegos two days later. He said they were arrested when they asked local immigration officials why he was prevented from leaving Cuba.

Gandulla said authorities took their passports and cell phones and placed his partner in a cell. He told the Blade they accused him of having a “clandestine Internet network” inside his home, even though the only thing he said they found was a DirecTV receiver.

Gandulla said authorities took pictures of his home as they walked through it.

He told the Blade they also had “witnesses” who “showed their discontent” over flyers the Cuban Foundation for LGBTI Rights distributed throughout the country “that talk about the Cuban reality.”
Gandulla had a poster on the outside of his home that described Mariela Castro as a “fraud” when the Blade visited it in 2015.

A poster at the home of Nelson Gandulla, president of the Cuban Foundation for LGBTI Rights, in May 2015 describes Mariela Castro, daughter of Cuban President Raúl Castro, as a “fraud.” (Washington Blade photo by Michael K. Lavers)

He told the Blade those who criticized the Cuban Foundation for LGBTI Rights flyers in January were “prisoners.”

Gandulla told the Blade authorities fined him the equivalent of $60. His salary is roughly $45 a month.

Gandulla prevented from meeting U.S. activists in Havana

Gandulla said police on May 3 detained his partner because he was working as a journalist without official government credentials. He told the Blade agents interrogated him for two hours and took his camera, cell phone and tripod.

“They wanted to send him to prison for illicit economic activities,” Gandulla told the Blade in an email shortly after the alleged incident took place. “They wanted to say that he receives money from abroad, which is not the case. He has never received money. They threatened him that if they saw him on the street filming or with a camera he would go directly to prison without a trial.”

Gandulla also alleges authorities prevented him from traveling to Havana in order to attend a May 12 meeting with Equality Florida CEO Nadine Smith and other U.S. LGBT advocates.

Gandulla told the Blade he received a summons that ordered him to report to police headquarters in Cienfuegos at 8 a.m. on May 12 for an “interrogation.” The meeting began in Havana at the same time.

Gandulla said the police called him on May 11 and told him he “wasn’t able to go to work” the next day because the director of Cienfuegos’ local health office was going to be visiting. He told the Blade the police also told him he could not leave Cienfuegos province.

Gandulla said a police officer came to his home before then-President Obama visited Cuba in March 2016 and asked whether he “was going to move around Cuba or my province in the coming days.” Gandulla told the Blade he was “publicly admonished in front of his colleagues” last October after he traveled abroad and his salary was reduced by 25 percent for three months.
He said he was unable to work for several months. Gandulla told the Blade he has started working in another office and his salary has been restored.

**Persecution ‘worse now’ because group is more visible**

He told the Blade that authorities have repeatedly threatened to send him to prison and regularly harass activists who work with his organization. Gandulla also said the Cuban government has placed him under surveillance.

This reporter on May 16 saw four Cuban soldiers standing along the road on which Gandulla’s house is located. Two men who Gandulla described as security agents drove past in motorcycles shortly after the interview began.

A police officer on a motorcycle stopped this reporter while driving on the highway between Cienfuegos and Cuba’s Autopista Nacional roughly an hour after leaving Gandulla’s home.

The police officer asked for this reporter’s passport, visa, driver’s license and Cuban press credentials. He returned to his motorcycle and began speaking to someone through his radio. The police officer wrote something down on a piece of paper before returning to this reporter’s car less than 10 minutes later and allowing him to drive away after returning his documents.

Gandulla has criticized Mariela Castro in previous interviews with the Blade and other international media outlets. He told the Blade the government’s persecution against him “is worse now because we and the foundation are more visible.”

“We are doing things,” said Gandulla.

“We don’t have any type of legal recognition from the Cuban authorities,” he added, referring to the Cuban Foundation for LGBTI Rights and other groups and advocates who are not affiliated with the National Center for Sexual Education. “They have turned us into illegal people inside of Cuba and describe us as dissidents.”

**Gandulla: Mariela Castro promotes Cuba as ‘LGBT paradise’**

Gandulla spoke to the Blade a day before Mariela Castro led a march in the city of Santa Clara that commemorated the International Day Against Homophobia and Transphobia.
Fidel Castro in the years after the 1959 Cuban revolution that brought him to power sent gay men and others deemed unfit for military service to labor camps, which were known as Military Units to Aid Production or UMAPs in Spanish. The Cuban government forcibly quarantined people with HIV/AIDS in state-run sanitariums until 1993.

Fidel Castro in 2010 apologized for the work camps during an interview with a Mexican newspaper.

Mariela Castro's supporters frequently point out that Cuba offers free sex-reassignment surgery through its national health care system.

Independent LGBT rights advocates have pointed out that only a few dozen transgender women have undergone the procedure since 2008. Mariela Castro told reporters during a press conference in Havana on May 3 that 35 people — roughly half a dozen a year — have undergone sex-reassignment surgery in Cuba.

Gandulla acknowledged there is more public awareness and “more recognition” of LGBT-specific issues in Cuba because of Mariela Castro’s efforts. He said discrimination based on gender identity and a lack of legal recognition for same-sex couples are among the problems that LGBT Cubans continue to face.

“Mariela Castro’s role is to sell a different image of the community to the world,” Gandulla told the Blade.

“She sells Cuba as an LGBT paradise and everyone knows that this is not the case,” he added. “She wants to whitewash the historic homophobia that has sustained the Cuban revolution for more than 50 years.”

The Cuban Foundation for LGBTI Rights was scheduled to commemorate the International Day Against Homophobia and Transphobia in Cienfuegos on May 17. Gandulla told Radio y Televisión Martí, a Miami-based radio and television station that broadcasts into Cuba, the organization decided to postpone the event “in order to protect those who were invited and activists.”

Gandulla told the Blade there are few places where LGBT Cubans can gather and talk openly.

“The LGBT community in Cuba is discriminated against every day,” he said.

A spokesperson for the Cuban government in Havana has not returned the Blade's request for comment on Gandulla's allegations.
Once a prisoner in Cuba, a transgender Cuban woman vows to never return

The World
January 28, 2016 · 12:45 PM EST
By Nadege Green

Listen to the story.

Ana Marrero, a transgender woman, says she was repeatedly thrown in prison in Cuba for wearing makeup and women's clothing.

Credit: Tim Padgett/WLRN

Ana Marrero pulls back her shirt sleeve and holds out her left arm.
Once a prisoner in Cuba, a transgender Cuban woman vows to never return

“In Cuban prisons, I tried on various occasions to kill myself with knives,” she says.

Eight times.

“Uno, dos, tres, quarto, cinco, seis, siete, ocho,” she counts in Spanish. She counts the healed scars on her forearm. They look like horizontal tally marks.

These days, it’s a lot easier to travel between the US and Cuba, but some Cubans have no interest in going back to their homeland.

That’s especially true for transgender Cubans, like Marrero, 54, who lived in Cuba in the '60s and '70s. Back then, the Cuban government had very rigid gender expectations and it regularly sent gay and transgender people to prisons and labor camps for leading a so-called “deviant lifestyle.”

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“It was horrible,” says Marrero, who fled Cuba in 1980 during the Mariel boatlift. “We couldn't have a life. In those days the Cuban government was very backward and cruel about homosexuality.”

She says gay and transgender prisoners were at the mercy of cruel guards.

“I met a gay man who had naturally large breasts and that bothered the prison authorities so much that they operated on him to get rid of those breasts,” she says.

Marrero identified as female from a very young age. In Cuba, she would wear her mother’s clothes and makeup — and she paid the consequences.

“From the age of 10 to the age of 18 I was usually in prison in Cuba. For simply being who I am,” she says.

That Cuba, the Cuba Marrero knew, is changing.

Mariela Castro, President Raul Castro’s daughter, is director of the government’s National Center for Sex Education and she’s a leading advocate for the gay and transgender community in Cuba — even leading anti-homophobia marches in Havana.

In 2013, Cuba’s parliament passed a law forbidding discrimination in the workplace based on sexual orientation. Mariela Castro, who is also a parliament member, voted against the ban because it didn’t include protections for transgender people.

Since 2008, Cuba has offered free sex changes through the public health system.

“In Cuba this is a slow process,” Castro told Daily Xtra, a Canadian website that covers the gay community. “We are trying to create a new society, but changing people’s conscience can be a slow process.”

Castro added that in Cuba, homophobia and transphobia are still widespread.

Mariette Pathy Allen, an American photographer, has been photographing transgender women in Cuba since 2013.
Allen says that for the women she's met, “it’s a very hard life.”

Despite some of the progress happening in the LGBT movement in Cuba, many of the trans women Allen photographs say they’re still harassed and detained by police. They also say they can’t get jobs.

“A lot of them have no choice but to become prostitutes,” says Allen.

And there are the threats of violence, especially outside Havana.

Earlier this year, a trans woman was stoned to death near the western city of Pinar del Rio, according to Cuban media reports. Activists in Cuba called it a hate crime.

Still, many point to Mariela Castro as a beacon of hope and perhaps a sign of long-term change for trans Cubans.

In Miami, Marrero says she knows there’s an evolution happening in Cuba.

“Mariela Castro has changed and opened up a lot of things there,” she says. “If Mariela Castro had been there when I was living there, maybe I wouldn't have had to come here.”

Marrero says the transphobia she experienced living in Cuba, she also experienced here early on in Miami's Cuban exile community.

She says Cuban American police officers used to stop her and accuse her of being a prostitute. They questioned her gender and made unwanted sexual advances toward her.

“I felt very powerless,” she says.

Just as a shift is happening slowly in Cuba, Marrero says she’s also seeing more acceptance of transgender people in Miami.

"Today I can walk more freely. I can go where I want. And I can be who I want to be, without facing so much discrimination,” she says.

And even with US and Cuba relations normalizing now, she still can’t bring herself to ever go back home.
Once a prisoner in Cuba, a transgender Cuban woman vows to never return.

“I suffered too much trauma in Cuba. It would cause me too much panic to return there. I wouldn't go back, even for a short visit."

Her resolve hardens when she looks down at her arm. The self-inflicted scars left from her life in Cuba’s prisons are a permanent reminder of a time when she could not be free — could no be herself.

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Transgender Cubans Struggle for Equal Rights in Macho Cuba

January 15, 2016 | OnCuba Magazine (/publications/oncuba-magazine)

BY TRACEY EATON
HAVANA, Cuba – Just past 4 a.m., most of the bars and clubs have closed down and the party has spilled into the streets.

Yessi Castro, 28, had hoped to find a boyfriend willing to spend some time and money with her that night, but had no luck. Now she has no money for a taxi home, so she’ll have to wait until the buses start running again at 5 a.m.

Castro lives seven miles away in a neighborhood called Arrojo Naranjo. Her concrete block home sits along an unpaved road near the bottom of a hill.

“It will take me more than an hour to get home,” she says. But she’s upbeat and smiling. She spots a friend with a bottle of rum, grabs it from his hands and takes a few swigs.

Two police officers stroll by, bothering no one. Waves ripple along the Malecón, Havana’s famed seawall, just 400 feet away. A buxom transgender wearing a short skirt steps onto the sidewalk at the corner of Infanta and 23rd streets.

“Wow!” Castro says. “She looks divine.”
Castro says she’d love to have a pair of breast implants herself, but the operation can be risky. Some transgender patients acquire implants illegally, paying doctors to operate on them after hours.

“During a shift when the doctor is there, everything’s arranged, the price and everything,” Castro says.

Operations are done with local anesthesia and usually take place “anytime after midnight and before 5 a.m.,” she says.

It’s “very dangerous because you’ve got to go home with that fresh wound. It could open up. It could get infected. Anything could happen.”

The doctor later goes to the patient’s house for follow-up care. Neighbors sometimes report suspicious activity and the authorities investigate.

“For getting a pair of implants, police search your house,” Castro says. “They detain you. They interrogate you to find out where you got your implants and who the doctor was, so they can jail the doctor.”

“Just imagine. That’s a problem. When they find out who the doctor is, they question everyone, everyone who got implants, and they imprison the doctor.”

In 2012, the BBC reported that the director of a Havana hospital and dozens of employees had been arrested for providing breast implants, liposuction and other procedures after hours.

The Cuban government offers free health care, but that generally doesn’t include cosmetic surgery.

The government does provide free sex-reassignment surgery for eligible patients. Belgian doctors travel to Cuba to assist with the operations once per year. More than 200 people are on the waiting list for surgery, but doctors only operate on five patients each year.

Castro says she knows of about 30 transgender Cubans who grew weary of life on the island and emigrated to the U.S. She keeps in touch with them on Facebook.
“They’re doing well,” she says. “They’re very happy there. Besides, they’re fulfilling their dreams. They’ve gotten breast implants. They’ve gotten body hair removed. They do everything over there. They fulfill themselves as people.”

Castro has considered going to Florida herself.

“I’d like to get a pair of breasts. I am almost 30 years old and I would like a pair of breasts, but I haven’t gotten them. In any country in the world, I would already have breasts and I would be working in a normal job.

“In any other country in the world, if I wanted electrolysis to get rid of the hair on the face, my arms, my underarms, I would have done it. Because it can be done. But here in Cuba, you can’t. That is very difficult for us.”

She says she’s also tired of the homophobia she faces in traditionally macho Cuba.

“People always make fun of you. They yell, they throw rocks, bottles, anything.”

Castro acknowledges that things have improved for transgender and gay people on the island. She credits Mariela Castro, daughter of Cuban President Raul Castro and head of Cuba’s National Center for Sex Education.

“Thank God she’s helped us so much and has pushed forward gays, transsexuals, lesbians,” says Castro, who is not related to the president’s daughter.

Each May, Mariela Castro organizes events to mark International Day Against Homophobia and Transphobia (http://oncubamagazine.com/oncuba-media-en/cubans-celebrate-gay-pride-parade/). She has called for equal treatment of gay and transgender people in the workplace. She also supports same-sex marriage, which is not legal in Cuba.

But some rights activists say change isn’t happening quickly enough. In early 2015, they filed a complaint with the sex education center, accusing police of arbitrarily arresting gays. Then in December, activists launched a grassroots campaign to legalize same-sex marriage. They passed out flyers along the Malecón and signed a letter asking Cuban lawmakers to take action.

Daniela Martinez, 25, of Havana, jokes that she will find herself “one or two husbands” if same-sex unions are made legal.
She says she began dressing as a woman seven years ago.

“At 18, I realized that I liked to dress as a woman. So I started to change the way I dress. Little by little, I faced society.”

Martinez agrees that discrimination against gay and transgender people has lessened over the years.

“Now there isn’t as much homophobia,” she says. “We can walk freely...without people attacking us. People are a little more open-minded.”

She supports same-sex marriage. “It would be good because it would be a step forward. We’d be accepted, having the same rights as heterosexual people.”

During the 1960s, gays in Cuba weren’t allowed to attend college, join the military or become teachers. Some gays were sent to government work camps where they picked fruit and vegetables for up to 12 hours a day.

“There were moment of great injustice, great injustice! If someone is responsible, it’s me,” former President Fidel Castro said in a 2010 interview (http://www.jornada.unam.mx/2010/08/31/mundo/026e1mun) with Mexico’s La Jornada newspaper.

“We had so many and such terrible problems, problems of life or death, that we didn’t pay it enough attention,” said Castro, referring to how gays and lesbians were treated.

Even today, some gay and transgender people say life can be difficult in Cuba.

Castro says she endures bullying and "psychological violence" when going out in public.

"Why should I have to get on a bus in my country and be disrespected? I don't bother anyone. I respect all people, their sexual preferences, their diversity, whatever, I respect them. Why do they have to get into it with me? It's very, very painful. Very painful."
“We live in a country that has a lot of taboos...a lot of beliefs in machismo. My grandmother grew up with that. My grandfather, too. My father, too. My mother was different. She always supported me.”

But Castro says her mother was killed in a car accident at age 39. She hasn’t seen her father in 16 years.

She says improved U.S.-Cuba relations has had little impact on her life. She still struggles to put food on the table.

“I have many dreams, but it’s difficult to imagine they will become reality because economically we live in a country that has been beaten down, you understand, by the U.S. regime and this one, and that makes it hard to dream.

“Sometimes dreams are frustrated. Why? Because we have no chance. We have no chance of saying: ‘I can be a store employee.’ Because then comes the rejection, the transphobia, the homophobia, you understand? Because they think that we are not equal human beings. That we do not have an IQ. People think we are ... that we are the bubonic plague.”

Naomi, 28, who is also transgender, says she realized when she was a small child that she was different.

"Since I was very young, I felt like a female, a woman. I carry it inside me. I always felt like a complete woman."

She says she started dressing as a girl when she was 16.

“Well, I've had some bad experiences because I live in a country where there's a lot of homophobia and transphobia,” she says. “So for me it was a shock because I had to face society to be able to be like I had always wanted.

“Society has to accept me because I am like this and I will be like this until I die.”

She says her father does not accept her.

“He disinherited me because he doesn’t want a homosexual son,” she says. “It was difficult for me to accept that because as the daughter that I am, I love him. I adore him.” But once he disinherited her, she says she “also closed her heart” and has
tried to forget about him.

“With much pain, I tried to get him out of my heart.”

She says her mother died of cancer four years ago. Survivors include her brother, 22, and sister, 20.

“They adore me! I am a second mother for them because my mother died and I was left to raise them since they were teen-agers.”

She hopes to eventually have sex-reassignment surgery and adopt two children.

“I feel totally like a woman. I plan to get married, have a family and be happy. That’s my dream.”

She says some Cubans see transgender people as “disgusting,” but says she didn’t choose her sexual orientation. She says she’s transgender “because we feel it in our heart.”

Even so, she says some Cubans harass cross-dressers when they go out at night.

"The streets are dangerous because you have to face society, people. There are people who don't accept you, who see you in the street dressed as a woman and they assault you. They throw rocks at you.

“Well, that has happened to me on occasion and I, because I have very high self-esteem, what I do is to keep walking because if I, if I go to the police, it’s possible they’ll throw the blame on me because here there are big problems with the police and us.”

In April, Cuban authorities arrested two people in connection with the stoning death of Diosvany Muñoz Robaina, 41, in the western city of Pinar del Rio. Some activists described the killing as a hate crime. Diario de Cuba, a news website, later reported that the authorities jailed two gay men in connection with the crime.

The people who hang out at 23rd and Infanta say all they want is a little respect.

“My dream is that society accepts me just as it accepts you,” Daniela Martinez said.
TAB 22
“Homosexuality Isn’t a Danger; Homophobia Is” reads a sign held by an activist from the lesbian, gay, bisexual and transsexual (LGBT) community during a demonstration in the Cuban capital. Credit: Jorge Luis Baños/IPS

HAVANA, May 16 2015 (IPS) - During the events surrounding the eighth annual celebration of the Day Against Homophobia in Cuba, it emerged that a young transsexual had recently been killed in the city of Pinar del Río near the western tip of this Caribbean island nation.

While efforts to combat discrimination against lesbians, gays, bisexuals and transsexuals (LGBT) are stepped up in Cuba, this segment of the population remains vulnerable to harassment and violence – and even death.

The Apr. 26 murder of Yosvani Muñoz, 24, which is under investigation, as the legal advice office of the National Centre for Sex Education (CENESEX) confirmed to IPS, raised questions about a sensitive and little-known issue in Cuba: hate crimes.

IPS asked experts and members of the LGBT community about the causes of killings of “men who have sex with men” (MSM), of which no official statistics have been published, but which have been reported periodically since 2013 by word of mouth, or in blogs or alternative media outlets.

Hate crimes include verbal abuse, threats, physical assaults and homicides motivated by prejudice based on questions like sexual orientation, gender identity, race, ethnic group or religion.

“We are fighting hate crimes together with the Interior Ministry (which the police answers to),” CENESEX director Mariela Castro said in exclusive comments to IPS. Castro is the most visible face of the national campaign in favour of freedom from discrimination based on sexual orientation and gender identity.

“A thorough expert analysis is needed to determine what kind of killing it was because not all crimes involving LGBT persons as victims are motivated by hatred,” Castro, a sexologist, explained during the May 5-16 events surrounding the Day Against Homophobia.
In Havana and the eastern province of Las Tunas, this year’s activities, focused on the right to work, had the support of the first time of Cuba’s trade union federation Central de Trabajadores de Cuba and the blessing of protestant pastors for more than 30 gay and lesbian couples.

The activities involved a festive conga line and demonstration with signs and banners, video clips, and debates on the rights of LGBT persons to information, freedom of thought, access to justice, personal safety, and violence-free lives.

The situation in Latin America

In Latin America only Uruguay specifically mentions hate crimes in its legislation, while Argentina, Chile, Colombia and Mexico have laws against discrimination that take into account aggravating circumstances in certain crimes, and some Brazilian states have anti-discrimination clauses in their local constitutions.

Because of the lack of official figures, non-governmental organisations compile information that is not systematised.

The Centre for AIDS Education and Prevention in Nicaragua documented some 300 hate crimes against the LGBT population, especially trans women, in Central America from 2009 to 2013. In Mexico and Brazil the number of crimes targeting this population group is high.

In Cuba, the Ibero-American and African Masculinity Network is the only organisation that has published the results of investigations, without explaining the methods used to compile the information. It reported that in 2013 it heard about “more than 40 murders of homosexuals” killed in the same circumstances as the cultural figures Velázquez and Díaz.

They preceded the International Day Against Homophobia and Transphobia, which is observed on May 17 because on that date in 1990, the World Health Organisation (WHO) general assembly removed homosexuality from the global body’s list of mental disorders.

Castro said “theft and common crime are more frequent aspects in murders of homosexuals, according to the data presented to us by the DGICO (criminal investigation bureau),” which receives advice from and collaborates with CENESEX.

“There might be a hate crime murder once in a while, but they are very few,” she said.

The sexologist added, however, that “the number of hate crimes is not completely clear because of the lack of a specialised institution dedicated to classifying them….and this classification is important because the old term ‘crime of passion’ hides gender violence, violence between men, and violence between couples.”

Violent crime is generally surrounded by silence in this island nation of 11.2 million people, and killings of LGBT individuals are no exception. The 1987 penal code does not specifically recognise hate crimes, or sexual orientation and gender identity as aggravating circumstances in murders.

The law provides for sentences of 15 to 30 years in cases of homicide, and the death penalty is still on the books, although it has not been applied since 2003.

“MSM are at greater risk of being killed than women,” Castro said, citing the results of DGICO investigations regarding a category of men that includes gays, bisexuals and transsexuals.

“Part of the gay population does not perceive the danger when they irresponsibly choose sexual partners, without information,” she said. “They seek out young men who work as prostitutes, some of whom are criminals and try to rob them, and even kill when they defend themselves.”

Along with its work raising awareness to prevent HIV/AIDS, CENESEX warns of other risks posed by irresponsible sexual practices in gay meeting and recreational places or community social networks.

Oneida Paz, a 59-year-old manager, has not heard of murders or rapes of lesbians, a population group she belongs to. “Violence among women can exist, but it’s not common,” she said.

“I do have friends who have been injured, because they were married to men who beat them when they got into a relationship with another woman.”

CENESEX said the number of murders of MSM in 2013 and 2014 was high. At that time the issue came to the forefront because of the deaths of two high-profile openly gay cultural figures, who died in strange circumstances, according to activists.

The local media, which is entirely state-owned, gave ample coverage to the violent deaths of choreographer Alfredo Velázquez, 44, in September 2013 in the eastern city of Guantánamo, and theatre director Tony Díaz, 69, found dead in his Havana home in January 2014. But they only mentioned their careers in the arts.
"I haven’t seen statistics and I’m no expert, but the murders I know about were ruthless. We’re killed for some reason, like theft or vengeance, but also because we’re gay,” said Leonel Bárázaga, a 33-year-old chemical engineer who told IPS about the murder of his friend Marcel Rodríguez.

Rodríguez, a 28-year-old gay professional, was stabbed 12 times on Jan. 6 in his central Havana home. “The police haven’t shared the results of their investigation yet,” said Bárázaga, who preferred not to discuss the specific motives for the murder.

Veterinarian Manuel Hernández, 41, said “I haven’t heard of murders of gays. But verbal attacks are definitely common in small towns, and in the workplace there’s a lot of discrimination,” above all in the rural town where he lives, Quivicán, 45 km south of Havana.

“It wouldn’t be crazy to talk about ‘hate crimes’ against LGBT persons in Cuba,” said Jorge Carrasco, a journalist who investigated gay gathering places in the capital in 2013. "That’s a term used by the Cuban police, in fact, and it’s not a product of paranoia. But I know as little about them as any other Cuban.”

Based on his interviews conducted in lonely outlying parts of the city, like the Playa del Chivo, a beach frequented by MSM to talk, arrange meetings and have sex with strangers, Carrasco explained by email that “many criminals go to those places to steal, and there have been murders. That’s why the police patrol them.”

Edited by Estrella Gutiérrez/Translated by Stephanie Wildes
TAB 23
Cuba Wants You To Think It’s a Gay Paradise. It’s Not.

Cuba has come a long way on LGBT rights since putting gays in labor camps. But don't believe the Castro family’s gay-friendly PR.

By Justin Rohlich | July 3, 2014, 3:50 PM

TRINIDAD, Cuba — I’m surprised to see a rainbow flag outside a tiny bar called Gats Loco in Trinidad, an old sugar town on Cuba’s Caribbean coast. With a population of just under 75,000 and a reputation for well-preserved colonial architecture, not cruising, a gay bar seems an improbable niche-filler.

As of 1979, being gay is no longer a crime in Cuba, although under Article 303a of the country’s Penal Code, “publicly manifested” homosexuality remains illegal, as does “persistently bothering others with homosexual amorous advances.” While I wonder whether or not Gats Loco’s conspicuous signage qualifies as a violation of Cuban law, I watch a stray dog’s legs collapse underneath it in the withering midday heat. Gats Loco is the only bar in the area and they claim to have cold beer. I head inside.

I sit down at the small counter, getting the impression that I am the first customer they’ve had in a while. I ask the bartender for a Bucanero Fuerte, the watery lager that is Cuba’s go-to brew. He hands me a cold one and sits down beside me. He says his name is Osmel, but everyone calls him SiSi.

SiSi is an English professor who moonlights at the bar for extra cash. He sharpens his grasp of American idioms by listening to heavy metal and writing out the lyrics every night when he gets home. I figure he’ll love the copy of the Atlantic that I’m carrying in my backpack, which features a headline across the cover reading, “What Straights Can Learn From Same-Sex Couples.” But when I hand it to him with a conspiratorial wink, he looks perplexed. Then he breaks into a wide grin.

“Are you gay?” SiSi asks.

I tell him I am not. Neither is he. Nor is the owner. Nor are any of the employees. Though incongruity is practically an art form in Cuba — a place where cabdrivers...
outearn cardiologists and Fidel Castro’s son is a golf champion — I’m too curious not to ask how Gats Loco came to be.

“You know our president, yes?” SiSi asks, seeming to make a point of not saying “Raúl Castro” out loud. “In 2010, he changed the rules and we were allowed to open our own businesses. So, a friend of mine, he opened this place.”

He can see that he hasn’t answered my question.

“Okay, so, this rainbow flag outside — we are the only place in Cuba with this flag in front,” SiSi says. “I think it is European, and means ‘inclusiveness.’ Some people, I guess, know it as the gay flag, too. I think the owner figured it might be good for business.”

The gambit has already started to pay dividends. Not because Gats Loco offers something unique to Cuba’s gay community. Rather, it’s because Mariela Castro, daughter of Raúl, niece to Fidel, and the director of the state-run National Center for Sex Education (CENESEX), has emerged as Cuba’s leading voice for the LGBT community in recent years. As the story goes, when the straight, married mother of three heard about Gats Loco and its rainbow flag, a representative sent word that Mariela would be making an official visit to “sponsor” the bar. SiSi isn’t sure what the sponsorship entails beyond something about uniforms and logoed aprons for the staff. There are other gay bars on the island, but a gay bar willing to work with the regime rather than against it is unusual. For Mariela, it’s a ready-made propaganda opportunity. And Gats Loco’s owner wasn’t going to pass up a chance to ingratiate himself with a Castro.

There are other gay bars on the island, but a gay bar willing to work with the regime rather than against it is unusual.

The island is undoubtedly evolving, experiencing its first glimmers of free enterprise in 55 years, but one thing has remained very much the same: In Cuba, the regime is your ultimate customer. LGBT rights have undeniably improved in Cuba over the past 50-odd years. But while there have been some gains, many problems remain. The social stigma attached to being gay in predominantly Catholic Cuba is present in the same ways it is everywhere else in the world. Though the Castro family is no longer sending LGBT people to labor camps as they did in the 1960s and 1970s, the only permitted
LGBT movement in Cuba is the official, state-run one that Mariela Castro has created. To that end, while the rest of the world was celebrating Pride Week over the past several days, Cubans weren’t. The government in Havana refuses to recognize the international week of LGBT rights celebrations, allowing only an officially sanctioned gathering on May 17 — under Mariela’s patronage — to mark International Day Against Homophobia, which commemorates the day the World Health Organization decided to remove homosexuality from its classification of diseases.

With Cuba essentially having been run as a family business since the Castros took over in 1959, it’s only natural that 52-year-old Mariela ended up working for her dad. Daughter of President Raúl and niece to “Maximum Leader” Fidel, Mariela, known pretty much exclusively by her first name, occupies an interesting place in the Cuban zeitgeist, a sign of a liberalizing society — but only so far. “Brokeback Mountain” may have aired on Cuban state television in 2008, but the control Mariela and CENESEX wield over the LGBT agenda doesn’t give many Cubans a sense of ownership in their own cause.

On paper, Mariela is perfectly qualified to run CENESEX, where she has been since 1990. She has degrees in psychology and human sexuality from two of Cuba’s premier universities. However, the LGBT Cubans I spoke to almost universally described Mariela as a creation of the state propaganda machine, a benevolent face the world can see calling for tolerance while the regime’s usual brand of everyday totalitarianism continues. After all, Cuba’s biggest industry is tourism, with more than 2 million visitors last year. Western tourists prefer a “friendly Cuba” to a notorious human rights violator.

The state announced in 2008 that, per Mariela’s direction, the national health-care system would begin providing free gender-reassignment surgeries to those who qualified. In May 2013, Mariela traveled to Philadelphia to receive the Equality Forum’s International Ally for LGBT Equality Award, followed by a trip in October to Montreal, where she was honored by the Conseil Québécois LGBT. This past December, the Cuban parliament passed a new labor code that included a clause outlawing employment discrimination based on sexual orientation. (It can’t hurt Cuban Communist Party legislators to keep the boss’s daughter happy.) On its face, it would seem that Mariela has tried — and continues to try — valiantly to move the LGBT agenda forward.

But not everyone’s buying it.

“The reality for the LGBT community in Cuba is very different from that described by the international media,” Ignacio Estrada, a 33-year-old gay man from Santa Clara, tells
me. “We live under constant government surveillance and harassment, while at the same time being manipulated for their political purposes.”

Ignacio is married to Wendy Iriepa, 40, a transgender Havana native who once worked very closely with Mariela Castro at CENESEX. Under a 2007 pilot project, after pledging loyalty to the Revolution, she became the first Cuban to receive government-sponsored sex-reassignment surgery and underwent a full male-to-female transition.

Wendy may have been in Mariela’s good graces, but as the founder of the independent, and thus illegal, Cuban League Against AIDS, Ignacio was considered a dissident. When Wendy marched with Ignacio and about 20 others in a small, unauthorized Pride Day parade in Havana in June 2011, Mariela confronted Wendy, asking how she “could live, in bed and in a home, with an enemy of the revolution.” Wendy resigned from her position at CENESEX immediately. Two months later, she and Ignacio were married in Havana. The nuptials took place on August 13, 2011 — Fidel Castro’s 85th birthday. The guest list also sent a powerful message. Opposition bloggers Yoani Sánchez and her husband, Reinaldo Escobar, were there. Mariela wasn’t invited.

“Mariela is a chameleon; she can change her character very easily,” says Ignacio. “She is very sociable with the people who work for her, but never does anything for anyone without expecting something back in return.”

Mario Jose Delgado is a gay activist and independent journalist in Havana who also believes the outside world is being duped by Mariela. He and other LGBT Cubans are “very unhappy about the awards and recognition” she has received abroad, insisting, “It does not reflect the feelings of the gay community on the island.” Delgado says the realities of LGBT life in Cuba are much uglier.

Last November, Delgado was headed home to the Alamar section of Havana when three men in civilian clothes threw him into the backseat of a car. They drove him to the outskirts of town, where he was beaten in the face with a rock.

Delgado says the men, who have never been identified, were interested only in the information he was carrying, which included names of members of a Christian LGBT group Delgado belonged to called Divine Hope. The attackers took his cellphone and USB drive, as well as his notes and calendar, where the details of a demonstration Divine Hope was planning to hold the next month were stored. They also took his baseball cap for good measure.
Delgado is certain his attackers were state security agents, though it is impossible to know for sure what exactly prompted the beating. He’s gay, he’s Christian, and he’s a blogger who is outspokenly anti-regime. It’s a volatile combination in Cuba, where activists of all stripes who dare to organize independently are regularly targeted by the security services.

Delgado doesn’t have much to lose by speaking to reporters. But there are plenty of LGBT Cubans who have settled into relatively comfortable lives by not calling too much attention to themselves.

In Havana, I rent a room in a private home (the Cuban government legalized this in 1997). Two men live here and it is obvious they are a couple, though they never say it. One of them has carved out a successful career working for the state theater, something that doesn’t happen by making waves on social issues. The dial-up connection in their duplex apartment is a luxury in Cuba, but looks like an antique to me. What also seems oddly outdated is the way they refer to one another as “friends,” something I haven’t heard since the 1970s.

They obviously feel awkward about their situation. But living in relative peace like this is a quantum advance from the era when same-sex couples lived in fear of being rounded up and sent to a labor camp.

Even Fidel has come a long way. In a 2010 interview with the Mexican newspaper La Jornada, he placed the blame for Cuba’s historical persecution of gays squarely on his own shoulders, calling it “a great injustice.”

“If anyone is responsible, it’s me,” he said. “We had so many and such terrible problems, problems of life or death. In those moments, I was not able to deal with the matter of homosexuals.”

Mariela, on the other hand, tends to adopt an oddly casual, even defensive, tone when discussing Cuba’s history of homophobia. She seems to view the people sent away by her father and uncle as some sort of accidental by-catch, human turtles mistakenly caught in tuna nets. In May 2012, Mariela was questioned by a Cuban-American audience member about her uncle Fidel’s “concentration camps for gay men” during an appearance at the New York Public Library. Mariela quickly corrected her interlocutor, taking exception to the term and insisting they were segregated “training camps.”

The exchange between Mariela and her audience brings to mind a Cuban saying: Cada cual habla de la feria según le va en ella. “Everybody experiences reality in a different
way.” The reality Mariela packages and sells may not be anyone else’s but her own. Similarly, the reality of Cuba’s LGBT population is unknowable to the rest of the island.

“As a country, we are so isolated and lost that we don’t even know what is going on in the neighboring town,” says Mabel Cuesta, a lesbian who left Cuba in 2006 and is now a professor of Hispanic Studies at the University of Houston.

Cubans are prevented from fully communicating with one another. Internet access is scarce, expensive, and slow. Mobile phone penetration is the lowest in Latin America, at 11 percent. Vehicle ownership has been described by analysts as “exceptionally low,” and the public transportation system is a disaster, hampering intercity travel.

This explains a lot about life on the island, Cuesta says — including some misperceptions about Gats Loco. “The first bar in Cuba with a rainbow flag was actually El Mejunje, an LGBT center in Santa Clara that opened in the early ’90s,” she says.

Like Gats Loco, Cuesta says, El Mejunje also began as an independent operation. And, like Gats Loco, they also quickly found themselves being offered “assistance” by the government. “Following the usual practice that the Cuban regime has always had toward anything powerful and out of their control, they made it official very soon.”

Correction, Feb. 28, 2019: This story has been updated to clarify that International Day Against Homophobia is not organized by the World Health Organization. 