# INDEX TO DOCUMENTATION OF COUNTRY CONDITIONS REGARDING PERSECUTION OF INDIVIDUALS ON ACCOUNT OF POLITICAL OPINION IN CUBA

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<th>GOVERNMENTAL SOURCES</th>
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• “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.” (P. 5)  
• “Laws banning criticism of government leaders and distribution of antigovernment propaganda carry penalties ranging from three months to 15 years in prison.” (P. 11-12)  
• “There were reports of police assaulting detainees or being complicit in public harassment of and physical assaults on peaceful demonstrators. Ivan Hernandez Carrillo of the Independent Union Association of Cuba reported police severely beat, kicked, and punched him during his arrest on March 25.” (P. 2)  
• “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.” (P. 17)  
• “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.” (P. 5-6)

- “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.” (P. 9)

- “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.’” (P. 9)

- “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.” (P. 3)

- “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.” (P. 3)

- “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.” (P. 11)

- “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.” (P. 11)

- “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.” (P. 14)

- “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.” (P. 15-16)

- “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.’” (P. 8)

- “Many detainees, especially political detainees, reported their attorneys had difficulties accessing case files due to administrative obstacles.” (P. 9)

- “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
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<td>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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- “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... Long-term imprisonment of peaceful government critics, while rare, sometimes occurred.” (P. 5)

- “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.” (P. 12)

- “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.” (P. 12)

- “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.” (P. 9)

- “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.” (P. 10)

- “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.” (P. 15)

- “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.” (P. 7)

- “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.” (P. 11)

- “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” (P. 4)

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- “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. 17-18)


- “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.” (P. 12)

- “There were reports of police assaulting detainees or being complicit in public harassment of and physical assaults on peaceful demonstrators” (P. 2)

- “The government subjected domestic human rights advocates to intimidation, harassment, and periodic short-term detention.” (P. 2)

- “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.” (P. 1)

- “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.” (P. 11)

- “Arbitrary arrests and short-term detentions continued to be a common government method for controlling independent public expression and political activity.” (P. 5)

- “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.” (P. 9)

- “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.” (P. 4)
### SUMMARY

- “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.’” (P. 8)

- “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.” (P. 3)

- “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.” (P. 5-6)

- “In trials where defendants are charged with ‘potential dangerousness’, 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.” (P. 9)

- “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.” (P. 11)

- “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.” (P. 15)

- “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.” (P. 26)


- “Authorities prevent human rights and pro-democracy activists from participating in religious activities, sometimes using force. Almost every Sunday in 2017, the government prevented members of Ladies in White from attending Mass.” (P. 148)

- “Authorities engage in arbitrary, short-term, and politically motivated detentions; assaults against human rights and pro-democracy activists and dissidents; extensive surveillance and intimidation; and organizing “acts of repudiation,” incidents in which government-recruited mobs harass and at times assault activists, religious leaders, and others targeted by the government.” (P. 149)

- “Authorities engage in arbitrary, short-term, and politically motivated detentions; assaults against human rights and pro-democracy activists and dissidents; extensive surveillance and intimidation; and organizing "acts of repudiation," incidents in which government-recruited mobs harass and – at times – assault activists, religious leaders, and others targeted by the government.” (P. 2)
- “As in previous reporting periods, the Cuban government continued to deny pro-democracy and human rights activists their constitutional rights to freedom of religion or belief.” (P. 4)


- “Cuba’s political prisoners are an explicit sign of the repressive nature of the regime and represent a blatant affront to the fundamental freedoms that the United States and many other democratic governments support, and that are enshrined in the Universal Declaration of Human Rights.” (P. 2)
- “A few weeks ago, Cuban President Miguel Diaz-Canel came here to the United Nations and painted a rosy picture of his country as a paragon of solidarity, democracy, and human rights. But to the more than five thousand Cubans who were arbitrarily detained for political reasons in 2017, this is a sick joke.” (P. 1)
- “At the same time, reputable NGOs report that well over 100 Cubans currently languish in jails or under house arrest as political prisoners. The Cuban government tried, convicted, and sentenced many on arbitrary charges like “contempt” of Cuban authorities or “pre-criminal social dangerousness” – bogus legal constructs meant to deny human beings of their most basic rights to free thought and expression.” (P. 1)
- “More and more, Cuban repression relies on raids of activists’ homes and offices, short-term detentions, and public denunciations known as ‘repudio.’” (P. 1)


- “The United States reiterates its deep concern for political prisoners in Cuba. The cases of Dr. Ariel Ruiz Urquiola and Dr. Eduardo Cardet, both of whom a prominent human rights organization has declared ‘prisoners of conscience,’ are just two examples of how the Cuban government continues to silence the peaceful opposition of its own citizens.” (P. 1)
- “We call on the Government of Cuba to release all political prisoners immediately and to stop its arbitrary detention of Cuban activists and independent thinkers who criticize their government through peaceful means. We also call on the Cuban government to cease reprisals against the family members of these activists.” (P. 1)


- “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)

- “…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” (P. 353)

- “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.” (P. 358)

- “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.” (P. 359)

- “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.” (P. 359)

- “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.” (P. 362)

- “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” (P. 363)

**NON-GOVERNMENTAL SOURCES**


- “Cuba is a one-party communist state that outlaws political pluralism, suppresses dissent, and severely restricts basic civil liberties.” (P. 2)

- “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.” (P. 45)

- “The regime’s undemocratic character has not changed despite new leadership in 2018 and a process of diplomatic ‘normalization’ with Washington, which has stalled in recent years.” (P. 2)
• “Systematic repression of independent activists, journalists, and civil society groups continued during the year.” (P. 2)

• “Restrictions on freedom of assembly remain a key form of political control. Security forces and government-backed thugs routinely break up peaceful gatherings or protests by political dissidents and civic activists. The existing constitution limits the rights of assembly and association to prevent their exercise ‘against the existence and objectives of the Socialist State.’” (P. 9)

• “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 difficulties gaining internet access, but they tend to avoid discussing more sensitive political issues such as human rights and civil liberties.” (P. 7)

• “A number of independent civil society organizations suffered repression during 2018, with some activists detained on arbitrary charges, prevented from traveling abroad, or forced into exile.” (P. 8)

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<td>“Just over a year since President Miguel Díaz-Canel took office, the existence of prisoners of conscience in Cuba remains a sharp indicator of how authorities there continue to restrict the fundamental rights to freedom of expression and peaceful assembly, Amnesty International said today.” (P. 1)</td>
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<td>“‘For decades, Cuba has stifled freedom of expression and assembly by locking up people for their beliefs and opposition to the government. Over the years, the names of Cuba’s prisoners of conscience have changed, but the state’s tactics have stayed almost exactly the same,’ said Erika Guevara-Rosas, Americas director at Amnesty International.” (P. 2)</td>
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<td>“The list of prisoners of conscience includes members of political and pro-democracy groups not recognized by the state – all of whom have been imprisoned for crimes that are either inconsistent with international law or that have been used for decades in Cuba to silence critical voices. As the executive continues to tightly control lawyers and the judiciary, there are few ways to challenge such decisions.” (P. 2)</td>
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<td>•</td>
<td>“The Cuban government continues to repress and punish dissent and public criticism…. The government continues to use other repressive tactics, including beatings, public shaming, travel restrictions, and termination of employment against critics.” (P. 1)</td>
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<td>“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 (<em>Damas de Blanco</em>)—a group founded by the wives, mothers, and daughters of political prisoners—before or after they attend Sunday mass.” (P. 2)</td>
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<td>“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.” (P. 3)</td>
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“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 subordinated to the executive and legislative branches, denying meaningful judicial independence.” (P. 3)

“The Cuban government continues to repress and punish dissent and public criticism…. The government continues to use other repressive tactics, including beatings, public shaming, travel restrictions, and termination of employment.” (P. 1)

“The Cuban government continues to employ arbitrary detention to harass and intimidate critics, independent activists, political opponents, and others.” (P. 1)

“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.” (P. 2)

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. 7)

“The misuse of the criminal justice system to target and harass human rights defenders, political activists, journalists and artists critical of the authorities, undue restrictions on the right to freedom of association, and the lack of independence of the judiciary and public lawyers, remain the most visible indicators of how damaged the right to freedom of expression is in today’s Cuba.” (P. 15)

“In a joint press conference with the US President, President Raúl Castro continued to flatly deny that there were any “political prisoners” in Cuba. In contrast, in the past three years, Amnesty International has named 11 prisoners of conscience in Cuba, and there are likely many more. Further, a national human rights organization, not recognized by the Cuban authorities, reported an average of 762 politically motivated and arbitrary detentions a month between 2014 and 2016.” (P. 5)

“People who have been detained for exercising their freedom of expression or peaceful assembly repeatedly told Amnesty International about the difficulties they face in accessing a lawyer of their choice and criticized the lack of independence of public lawyers who often fail to exercise due diligence in their cases. Defence lawyers almost never provide families with copies of court documents, creating significant barriers for victims in accessing justice at the national and international level.” (P. 13)

“The Penal Code provides for a range of sanctions based on the proclivity of an individual to commit a crime, and the perceived likelihood of potential future actions that could be ‘anti-social’, an overly broad and vague provision that could cover almost any activity, breaching the principle of legality and other fair trial guarantees. The Penal Code also provides for sanctions for individuals who have relations with people considered by the authorities as ‘potentially dangerous for society’ or who ‘pose a threat to the social, economic or political order of the socialist state.’” (P. 16)

“Many interviewees said they had refrained from participating in civic or political groups for fear of not being allowed to work again or of creating difficulties for family members still employed by the state.” (P. 32)
• “Those who had participated in peaceful protests had paid a high price. One woman who had been imprisoned for marching with the Ladies in White said that afterwards teachers prevented her six-year-old child from associating with other schoolchildren as if he would have a bad influence on them because of his mother’s activism. Another woman who attended a Ladies in White march had a large scar which she told Amnesty International was a result of a police beating during a march. She had never lodged a complaint as she said there was no independent body to receive it.” (P. 33)

• “Nearly all of those who spoke to Amnesty International believed they were under constant and complex physical and virtual surveillance. Most said there was a Committee for the Defence of the Revolution on every street corner.” (P. 34)

MEDIA SOURCES


• “Cuba’s state security is pressuring dissidents to go into exile in its attempt to weaken opposition on the communist-run island, according to a new report by a non-governmental human rights organization.” (P. 1)

• “State security threatened them with prison or bodily harm if they did not leave and harassed their families, the NGO, which has links to Cuba’s largest opposition group, the Patriotic Union of Cuba (Unpacu), said.” (P. 1)

• “The group said that during an eight-day survey period this month it identified 42 more people whom state security forces were currently pressuring to leave and concluded there were probably many more cases.” (P. 2)

• “The Madrid-based Cuban Prisoners Defenders released a 259-page report that named 35 activists, independent journalists and artists whom authorities had forced to leave the country over the past two years, telling them never to return.” (P. 1)


• “As Cuba prepares for an upcoming final vote on proposed changes to the Constitution, state security agents have cracked down on activists by carrying out multiple arrests and raiding the homes of those who have called for a NO vote on the referendum.” (P. 1)

• “‘During the detention they punched me in the stomach, took me outside with handcuffs put on really tight, shoved me around and hit me on the head a couple of times,’ Ferrer said in a phone interview after he was released later Monday. ‘They told me clearly that it was a response to the campaign against the constitution.’” (P. 2)


• “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)

• “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)
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<td>• “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.’” (P. 2)</td>
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<td>• “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)</td>
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<td>• “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)</td>
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<td>• “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)</td>
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<td>• “A decree tightening control over artistic expression that President Miguel Díaz-Canel signed after taking office in April is among the first signs that Cuba’s first leader not named Castro since the 1959 revolution won’t waiver from the iron-fisted, one-party rule of his predecessors.” (P. 1)</td>
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<td>• “In recent weeks, Cuban authorities have banned concerts by performers who address taboo subjects like racial discrimination. They have detained dissident artists who have staged protests against the decree.” (P. 1)</td>
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<td>• “Ernesto Hernández Busto, a Cuban writer who is exiled in Spain, said authorities will censor art as they see fit no matter what form the new decree takes. ‘Censorship existed, it exists now and will continue to exist,’ he said.” (P. 1)</td>
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<th>Verena Dobnik, “US: Cuba’s political prisoners are ‘affront’ to democracy”, AP News (Oct. 15, 2018), available at: <a href="https://www.apnews.com/dd227f9ee29d4e23b0f6ee7c53548d5">https://www.apnews.com/dd227f9ee29d4e23b0f6ee7c53548d5</a></th>
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<td>• “The United States says Cuba is jailing 130 political prisoners in a ‘blatant affront’ to fundamental democratic freedoms” (P. 1)</td>
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“During Tuesday’s launch of the political-prisoner campaign, Kelley E. Currie, the U.S. representative on the U.N. Economic and Social Council, plans to focus on an estimated 130 Cuban prisoners as ‘an explicit sign of the repressive nature of the Cuban regime,’ said a statement released by the U.S. State Department last week. Those being held ‘represent a blatant affront to the fundamental freedoms that the United States and many other democratic governments support,’ it said.” (P. 3-4)


• “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)

• “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. 3)
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 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 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 Ravnberg, 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, Ravnberg 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. Antitruncancy 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
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.).
Also 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/).

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 Guantanamo 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/](http://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.
TAB 4
KEY FINDINGS

During the reporting period, religious freedom conditions in Cuba remained poor. The Cuban government engaged in harassment campaigns that included detentions and repeated interrogations targeting religious leaders and activists who advocate for religious freedom. Officials threatened to confiscate numerous churches and interrogated religious leaders countrywide about the legal status of their religious properties. The government continues to interfere in religious groups’ internal affairs and actively limits, controls, and monitors their religious practice, access to information, and communications through a restrictive system of laws and policies, surveillance, and harassment. While the Cuban constitution guarantees freedom of religion or belief, this protection is limited by other constitutional and legal provisions. At the end of the reporting period, 55 religious communities were registered; only registered religious communities are legally permitted to receive foreign visitors, import religious materials, meet in approved houses of worship, and apply to travel abroad for religious purposes. The Cuban Communist Party Office of Religious Affairs (ORA) answers only to the Party and so it has broad, largely unchecked power to control religious activity, including approving some religious ceremonies other than worship services, repair or construction of houses of worship, and importation of religious materials. Authorities prevent human rights and pro-democracy activists from participating in religious activities, sometimes using force. Almost every Sunday in 2017, the government prevented members of Ladies in White from attending Mass. In a positive development, officials verbally promised the Assemblies of God that the government would not confiscate 1,400 of their churches as it threatened to do in 2015 and 2016. Based on these concerns, in 2018 USCIRF again places Cuba on its Tier 2 for engaging in or tolerating religious freedom violations that meet at least one of the elements of the “systematic, ongoing, egregious” standard for designation as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA).

RECOMMENDATIONS TO THE U.S. GOVERNMENT

• Publicly denounce violations of religious freedom and related human rights in Cuba;
• Press the Cuban government to:
  • Stop harassment of religious leaders;
  • End the practice of violently preventing democracy and human rights activists from attending religious services;
  • End destruction of, threats to destroy, and threats to expropriate houses of worship;
  • Lift restrictions on religious communities buying property, building or repairing houses of worship, holding religious processions, importing religious materials, and admitting religious leaders;
  • Allow unregistered religious groups to operate freely and legally, and repeal government policies that restrict religious services in homes or other personal property;
• Allow registered and unregistered religious groups to conduct religious education;
• Cease interference with religious activities and religious communities’ internal affairs; and
• Hold accountable police and other security personnel for actions that violate the human rights of religious practitioners, including the religious freedom of political prisoners;
• Increase opportunities for Cuban religious leaders from both registered and unregistered religious communities to travel to, exchange aid and materials with, and interact with coreligionists in the United States;
• Apply the Global Magnitsky Human Rights Accountability Act, Executive Order 13818, or other relevant targeted tools, to deny U.S. visas to and block the U.S. assets of specific officials and agencies identified as responsible for violations of the right to freedom of religion or belief, including considering responsible officials from the ORA for such measures;
• Use appropriated funds to advance internet freedom and widespread access to mass media, and protect Cuban activists by supporting the development and accessibility of new technologies and programs to counter censorship and to facilitate the free flow of information in and out of Cuba, as informed by the findings and recommendations of the Cuba Internet Task Force created pursuant to the National Security Presidential Memorandum, “Strengthening the Policy of the United States Toward Cuba”; and
• Encourage international partners, including key Latin American and European countries and regional blocs, to ensure violations of freedom of religion or belief and related human rights are part of all formal and informal multilateral or bilateral discussions with Cuba.
COUNTRY FACTS

<table>
<thead>
<tr>
<th>FULL NAME</th>
<th>Republic of Cuba</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOVERNMENT</td>
<td>Communist State</td>
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<tr>
<td>POPULATION</td>
<td>11,147,407</td>
</tr>
<tr>
<td>GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS</td>
<td>55 registered religious communities</td>
</tr>
</tbody>
</table>

RELIGIOUS DEMOGRAPHY*

- 60–70% Roman Catholic (commonly syncretic, mixed with traditional African religions, especially Santería)
- 5% Protestant
- 25% Unaffiliated

*U.S. Department of State

BACKGROUND

President Raúl Castro and his inner circle rule with absolute authority, and the Communist Party is the country’s only constitutionally recognized party. Despite previous statements that President Castro would leave office in February 2018, the Cuban parliament voted unanimously in December 2017 to extend his mandate until April 2018, citing the need to respond to the devastation wrought by Hurricane Irma.

Authorities engage in arbitrary, short-term, and politically motivated detentions; assaults against human rights and pro-democracy activists and dissidents; extensive surveillance and intimidation; and organizing “acts of repudiation,” incidents in which government-recruited mobs harass and at times assault activists, religious leaders, and others targeted by the government. The Cuban government does not allow human rights organizations to operate legally, and it controls all access to media, printing, and construction materials. The government severely restricts internet access in the country, denying access to many and limiting even approved users to a tightly controlled intranet. While home access became legal in December 2016 in some urban areas, legal restrictions, high prices, and extremely slow connections mean the internet remains unavailable for most Cubans. Internet content relating to human rights, including the site for the Ladies in White, is blocked entirely, and content cannot run contrary to “Cuban society’s moral principles.”

While the Cuban constitution guarantees freedom of religion or belief, this protection is limited by other constitutional and legal provisions. Article 8 affirms that “the State recognizes, respects, and guarantees religious freedom,” and article 55 further guarantees the right to “change religious beliefs or not have any, and to profess, within the confines of the law, the religious worship of his/her preference.” However, article 62 qualifies that all rights can be limited based on the “aims of the socialist State and the nation’s determination to build socialism and communism.” The Cuban penal code’s Abuse of Liberty of Worship clause permits the imprisonment of any person the government determines abuses constitutional religious freedom protections by placing religious beliefs in conflict with other state goals.
The Cuban government controls religious activities through the ORA of the Central Committee of the Cuban Communist Party and the Ministry of Justice (MOJ). The government requires religious communities to register with the MOJ, a process that includes disclosure of funding sources and locations for activities and certification that they are not duplicating the activities of other registered religious communities. The ORA has final authority over registration decisions and is accountable only to the Party itself. It therefore holds broad, largely unchecked power to control legal religious practice in Cuba.

At the end of the reporting period, 55 religious communities were registered, primarily Christian denominations, more than half of which have some form of association with the government-recognized Cuban Council of Churches (CCC). Only registered religious communities are legally permitted to receive foreign visitors, import religious materials, meet in approved houses of worship, and apply to travel abroad for religious purposes. Local Communist Party officials must approve all religious activities of registered groups other than regular worship services, such as repairing or building houses of worship and holding processions or events outside religious buildings.

The government also restricts religious practice by denying independent religious communities access to state media, limits exit visas, requires the registration of publications, limits the entry of foreign religious workers, and restricts bank accounts to one per denomination or religious association. Further, the ORA continues to pressure religious communities to make their financing, internal governing structures, statutes, and constitutions more hierarchical, which aids government efforts to control them. Religious freedom advocates report that community officials discriminate against Christians in employment and schools, including denying some Christian children food in schools.

Non-Christian groups are subject to similar levels of restrictions, including practitioners of the syncretic tradition of Santería, which draws upon Yoruba religion and is among the most populous traditions in the country. In one example of this dynamic of cooptation and resistance, the government-controlled Yoruba Cultural Association of Cuba issues an annual prophecy for the year to come, which is disavowed by independent, unregistered groups like the Free Yoruba Association of Cuba. Cuba’s Jewish population, estimated to number around 1,000 people, generally operates within the restrictions imposed by the ORA.

In 2005, the Cuban government implemented a law to regulate house churches (congregations that gather for worship in private homes). Many Protestant denominations rely on house churches due to government restrictions on new building construction; the State Department reports there are an estimated 2,000–10,000 house churches in Cuba. The law, known as Directive 43 and Resolution 46, requires all house churches to register and submit to the government detailed information on their membership, the house church’s inhabitants, and the schedule of services. It permits no more than three meetings to be held per week, bars foreign citizens from participating in services without government permission, and requires house churches of the same denomination to be at least two kilometers apart.

In January 2015, the Cuban government announced Legal Decree 322, the General Law on Housing, purportedly to regulate private properties and zoning laws. However, Cuban authorities have used Legal Decree 322 to threaten expropriation of churches.

RELIGIOUS FREEDOM CONDITIONS 2017
Detention and Harassment of Religious Leaders and Activists

Throughout 2017, the Cuban government engaged in harassment campaigns against targeted religious leaders and activists who advocate for religious freedom on the island.

In January, Dr. Óscar Elías Biscet, recipient of the U.S. Presidential Medal of Freedom, was briefly detained and then released with a warning to cease
his activism. Dr. Biscet, who served nine years of a
25-year sentence for human rights activities including
opposing the Cuban government’s abortion practices,
was honored in 2016 by the Patmos Institute, which
promotes interfaith dialogue and religious freedom in
Cuba. In June 2016, USCIRF met with Dr. Biscet and his
wife Elsa Morejón.

Over the past year, Church of God in Cuba Pastor
Ramón Rigal endured arbitrary decisions and uncer-
tainty in his prosecution for homeschooling his children
according to his religious beliefs. On February 21, 2017,
Pastor Rigal and his wife Ayda Expósito were arrested
and charged with “acting contrary to the normal devel-
opment of a minor.” They were released the next day and
ordered to report to the police every week in person until
their trial. On April 25, a Cuban court sentenced Pastor
Rigal to a year in prison and his wife to one year of house
arrest. On July 6, a judge reduced Pastor Rigal’s sentence
to six months of house arrest if his children attended a
state school. On July 31, government officials informed
Pastor Rigal he would be prohibited from serving as
pastor of his church and ordered him instead to work
checking local houses’ water supplies for mosquitoes.

In early August, the local courts overturned the ruling,
allowing him to serve. On September 5, a Guantanamo
Province court reversed this decision, barring the pastor
from seeking private employment and forcing him to
take up a low-paying government job.

In April, religious freedom activist and Patmos Insti-
tute member Félix Yuniel Llerena López traveled to the
United States to raise aware-
ness about conditions in
Cuba. During this trip, Ller-
en López met with USCIRF,
as well as Congressional
offices and other U.S. gov-
ernment officials. Upon his
return to Cuba on April 27,
security agents detained him at the Abel Santamaría Airport
in Santa Clara and inspected his luggage. The following
day, police interrogated him and his mother and forced
him to sign a pre-arrest warrant for public disorder. On
May 8, Llerena López was expelled from the Enrique José
Varona Pedagogical University in Havana. On June 17, he
was prevented from leaving the country and was informed
that since April he had been subject to a travel ban. A month
later, he was arrested, released later that day, and told that
charges of possessing pornographic materials would be
brought against him. On October 2, Llerena López was
informed that all charges against him had been dropped
and the travel ban lifted.

Several other individuals associated with the
Patmos Institute also were harassed or expelled from
universities, either as students or professors, due to their
actual or suspected religious beliefs or activities. Central
Cuba coordinator Leonardo Alonso was detained in
November 2017, while his daughter Professor Dalila
Rodríguez was expelled from her teaching position at
the Marta Abreu Central University of Las Villas earlier
in the year. Rodríguez reported that she was questioned
about her father’s religious freedom activities and any
contact with Baptist pastor and activist Mario Félix
Lleonart Barroso, with whom USCIRF met repeatedly in
2017. After having been detained and arrested multi-
ple times over their years of activism, Pastor Lleonart
Barroso and his wife Yoaxis Marcheco have received
asylum in the United States.

The Cuban government continued to try to close
down Reverend Mario Jorge Travieso’s Strong Winds
Church. Although the government demolished the Strong
Winds church in 2016, Reverend Travieso continued to
hold services outside on the grounds. Authorities visited
Rev. Travieso multiple times during the reporting period
to complain about “noise nuisance” during services,
including parishioners praying and singing. In February,
police summoned Rev. Travieso, interrogated him for two
hours, and threatened to confiscate the church
property. On April 3, the government fined him
1,500 Cuban pesos ($57) for building a wall too high.
On May 12, the Department of Physical Planning
interrogated Rev. Travieso for two hours.

In September, security officers disrupted an interdenominational
Christian service held in the city plaza of
El Cristo, Santiago de Cuba Province.

In September, security officers disrupted an interdenominational
Christian service held in the city plaza of
El Cristo, Santiago de Cuba Province. Although the
organizers stated that they had received permission to
hold the service, the officers shut it down and issued
a pre-arrest warrant and a warning to the lead pastor,
Ernesto Lora.
Since 2005, authorities have harassed religious freedom advocate Rev. Alain Toledano Valiente. In 2017, police presented Rev. Toledano with a pre-arrest warrant; no further action was taken by the end of the reporting period.

## Threats to Churches
In 2017, officials used Legal Decree 322 to threaten confiscation of multiple churches; officials offered churches the option to continue to use the buildings in exchange for rent.

Throughout the reporting period, authorities continued to threaten to confiscate or demolish the Fire and Dynamism Church in Camagüey, the Paths of Justice Church in Santiago, the Kingdom of God Church in Santiago, and the Baptist Berean Mission Church in Las Tunas.

Government officials also interrogated religious leaders countrywide about the legal status of their religious properties. In some cases, the officials confiscated property deeds, leaving the religious communities vulnerable to charges of maintaining illegal properties and the risk of such properties being destroyed or confiscated.

On July 6, the building that houses the World Missions Council of the Western Baptist Convention of Cuba was occupied by illegal residents, who remained there at the end of the reporting period. Although the Convention alerted the police and the ORA to the situation, the government has not taken action to return the building.

## Denial of Religious Freedom for Democracy and Human Rights Activists
As in previous reporting years, the Cuban government continued to deny pro-democracy and human rights activists their constitutional and international rights to freedom of religion or belief. Human rights activists detained on their way to religious services, mostly Catholic Mass, were frequently beaten and held for up to 24 hours without charge. Church leaders continued to report that government officials pressured them to expel or shun such activists. Other activists and their family members were denied access to religious materials or practices in detention.

Almost every Sunday during the year, countrywide, the government prevented an average of about 60 members of the Ladies in White from attending religious services. Ladies in White are the wives and relatives of dissidents imprisoned in 2003; they wear white during weekly marches to Sunday Mass to increase attention to the imprisonment of their husbands, sons, or others in Cuba. In the majority of cases, these individuals were detained on their way to Mass and released hours later. Individuals reported being beaten, harassed, subjected to arbitrary fines, and detained for 24 hours or more. In an increasing number of instances, Ladies in White were released in remote areas far from their homes or otherwise publicly humiliated. In particular, Ladies in White leader Berta Soler Fernández is often targeted for violent arrest and strangled by security forces, while others including Daisy Artiles del Sol, María Josefa Acon Sardiñas, and Magda Onelvis Mendoza Díaz reported being beaten during detention.

In July 2017, outspoken critics of the regime, Catholic priests José Conrado Rodríguez and Castor Álvarez Devesa, held a mass at the headquarters of the Ladies in White in protest of the group’s being denied access to church ceremonies and to highlight their concern about religious freedom conditions.

## Positive Developments
In April, officials verbally promised the Assemblies of God that the government would not confiscate or demolish their churches as it threatened to do in 2015 and 2016. The government declared 2,000 Assemblies of God churches “illegal” in 2015, jeopardizing their leaders and congregants, and had slated 1,400 of those for confiscation.

## U.S. Policy
U.S.-Cuban relations deteriorated in 2017. During the reporting period, the State Department confirmed that 24 U.S. diplomats (and some spouses) suffered attacks
leading to such injuries as mild brain trauma, hearing loss, severe headaches, and loss of balance, among other symptoms. The source of the attacks, which started in late 2016, is unknown. The Cuban government has denied involvement in or knowledge of the attacks. In response to the attacks, the U.S. government withdrew 60 percent of its embassy staff, suspended the issuance of visas to Cubans, and required the Cuban Embassy in the United States to reduce its staff by two-thirds.

In 2017, the Trump Administration reversed the Obama Administration’s policies to increase travel to and trade with Cuba, reflecting the Trump Administration’s position that increased trade opportunities should follow demonstrated religious freedom and human rights improvements. President Trump issued a June 2017 National Security Presidential Memorandum entitled “Strengthening the Policy of the United States Toward Cuba.” The memo focused on the need for human rights and free enterprise in Cuba, instructing the federal government to ensure that specific policies, including democracy promotion and travel guidelines, benefit the Cuban people, rather than the government. The policy further instructed the secretary of state to provide a report to the president on the degree to which the Cuban government has fulfilled the requirements of a transition government, as outlined in the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

In January 2018, after the end of the reporting period, the State Department convened a Cuba Internet Task Force, which was mandated by the new policy memo to “examine the technological challenges and opportunities for expanding internet access in Cuba.”

In an October 2017 speech, President Trump named Iran, North Korea, Cuba, and Venezuela as “repressive regimes,” reiterating that “we will not lift the sanctions on [them] until they restore political and religious freedom for their people.” The following month, the Trump Administration announced new regulations that prohibited individual travel to Cuba but permitted group travel for approved specific purposes, barred U.S. citizens from patronizing listed hotels and restaurants that benefit Cuban officials, and restricted commercial exchanges with 180 entities. The new policies do not impact travel or business plans already contracted, only those initiated after the publication of the regulations in the Federal Register. U.S. airlines and cruise ships can continue to operate.
TAB 5
USCIRF Annual Report 2017 - Tier 2 countries - Cuba

Publisher United States Commission on International Religious Freedom
Publication Date 26 April 2017
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KEY FINDINGS

During the reporting period, religious freedom conditions in Cuba continued to deteriorate due to the government's shortterm detentions of religious leaders, demolition of churches, and threats to confiscate churches. In addition, the Cuban government harasses religious leaders and laity, interferes in religious groups' internal affairs, and prevents – at times violently – human rights and pro-democracy activists from participating in religious activities. The Cuban government actively limits, controls, and monitors religious practice through a restrictive system of laws and policies, surveillance, and harassment. Based on these concerns, USCIRF again places Cuba on its Tier 2 in 2017, as it has since 2004.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Convey that changes in policy do not diminish the Cuban government's need to improve religious freedom conditions on the island;
- Denounce – clearly and consistently – violations of religious freedom and related human rights in Cuba;
- Press the Cuban government to:
  - Stop arrests and harassment of religious leaders;
  - End the practice of preventing democracy and human rights activists from attending religious services;
  - End destruction of, threats to destroy, and threats to expropriate houses of worship;
  - Lift restrictions on the building or repairing of houses of worship, holding of religious processions, importation of religious materials, and admittance of religious leaders;
  - Allow unregistered religious groups to operate freely and legally, and repeal government policies that restrict religious services in homes or other personal property;
  - Cease interference with religious activities and religious communities' internal affairs; and
  - Hold accountable police and other security personnel for actions that violate the human rights of religious practitioners;
- Encourage Cuban authorities to extend an official invitation for unrestricted visits by USCIRF and the United Nations Special Rapporteur on freedom of religion or belief;

- Increase opportunities for Cuban religious leaders from both registered and unregistered religious communities to travel to, exchange aid and materials with, and interact with coreligionists in the United States;

- Continue the U.S.-Cuba human rights dialogue and include freedom of religion or belief as part of the dialogue with the Ambassador-at-Large for International Religious Freedom and other relevant participants;

- Use appropriated funds to advance Internet freedom and protect Cuban activists by supporting the development and accessibility of new technologies and programs to counter censorship and to facilitate the free flow of information in and out of Cuba; and

- Encourage international partners, including key Latin American and European countries and regional blocs, to ensure violations of freedom of religion or belief and related human rights are part of all formal and informal multilateral or bilateral discussions with Cuba.

**BACKGROUND**

Religious adherence continues to grow in Cuba, although there are no reliable statistics of Cubans' religious affiliations. Sixty to 70 percent of the population is estimated to be Roman Catholic and 5 percent Protestant. The practice of Catholicism is commonly syncretic, mixed with traditional African religions, especially Santeria. According to the State Department, various religious communities approximate their membership numbers as follows: Assemblies of God, 110,000; Baptists, 100,000; Jehovah's Witnesses, 96,000; Methodists, 36,000; Seventh-day Adventists, 35,000; Anglicans, 22,500; Presbyterians, 15,500; Muslims, 3,000–3,000; Jews, 1,500; Quakers, 300; and The Church of Jesus Christ of Latter-day Saints (Mormons), 50. An unknown number of Greek and Russian Orthodox Christians, Buddhists, and Baha'i's also live in Cuba.

President Raul Castro and his circle rule with absolute authority. The Communist Party is the country's only constitutionally recognized party. Despite increased economic and diplomatic engagement with the United States and Europe, human rights conditions have deteriorated. Authorities engage in arbitrary, short-term, and politically motivated detentions; assaults against human rights and pro-democracy activists and dissidents; extensive surveillance and intimidation; and organizing "acts of repudiation," incidents in which government-recruited mobs harass and – at times – assault activists, religious leaders, and others targeted by the government. In June 2016, USCIRF met with Presidential Medal of Freedom Winner Dr. Oscar Biscet and his wife, human rights activist Elsa Morejon. In January 2017, Dr. Biscet was arrested for his continued advocacy for democracy and freedom; upon his release later that day, government authorities warned him to cease his activism. The Cuban government does not allow human rights organizations to operate legally, and it controls all access to media, printing, and construction materials.

While the Cuban constitution guarantees freedom of religion or belief, this protection is limited by other constitutional and legal provisions. Article 8 affirms that "the State recognizes, respects, and guarantees religious freedom," and article 55 further guarantees the right to "change religious beliefs or not have any, and to profess, within the confines of the law, the religious worship of his/her preference." However, article 62 qualifies that all rights can be limited based on the "aims of the socialist State and the nation's determination to build socialism and communism." The Cuban penal code's Abuse of Liberty of Worship clause permits the imprisonment of any person the government determines abuses constitutional religious freedom protections by placing religious beliefs in conflict with other state goals.

The Cuban government controls religious activities through the Office of Religious Affairs (ORA) of the Central Committee of the Cuban Communist Party and the Ministry of Justice (MOJ). The government requires religious communities to register with the MOJ, including the disclosure of funding sources and locations for activities and certification that they are not duplicating the activities of other registered religious communities.
The ORA has final authority over registration decisions. Currently, 54 religious communities are registered, primarily Christian denominations, more than half of which have some form of association with the government-recognized Cuban Council of Churches (CCC). Only registered religious communities are legally permitted to receive foreign visitors, import religious materials, meet in approved houses of worship, and apply to travel abroad for religious purposes. Local Communist Party officials must approve all religious activities of registered groups other than regular worship services, such as repairing or building houses of worship and holding processions or events outside religious buildings. The government also restricts religious practice by denying independent religious communities access to state media (which they use to broadcast services), limiting exit visas, requiring the registration of publications, limiting the entry of foreign religious workers, and restricting bank accounts to one per denomination or religious association. Further, the ORA continues to pressure religious communities to make their financing, internal governing structures, statutes, and constitutions more hierarchical, which aids government efforts to control them. Morejon and other religious freedom advocates report that local community officials in rural areas discriminate against some Christian children, including denying them food in schools.

In 2005, the Cuban government implemented a law to regulate house churches (congregations that gather for worship in private homes). Many Protestant denominations rely on house churches due to government restrictions on new building construction; the State Department reports there are an estimated 2,000–10,000 house churches in Cuba. The law, known as Directive 43 and Resolution 46, requires all house churches to register and submit to the government detailed information on their membership, the house church's inhabitants, and the schedule of services. It permits no more than three meetings to be held per week, bars foreign citizens from participating in services without government permission, and requires house churches of the same denomination to be at least two kilometers apart.

In January 2015, the Cuban government announced Legal Decree 322, the General Law on Housing, purportedly to regulate private properties and zoning laws. However, Cuban authorities have used Legal Decree 322 to threaten expropriation of churches.

**RELIGIOUS FREEDOM CONDITIONS 2016–2017**

**Destruction of and Threats to Churches**

In 2016, the Cuban government destroyed four Apostolic Movement houses of worship. On January 8, the government razed Rev. Bernardo de Quesada Salomon's Fire and Dynamism Church in Camaguey and Rev. Juan Carlos Núñez Velázquez's Apostolic House-King of Glory Church in Victoria de las Tunas. Both churches were on the pastors' private properties and had legal permits for their construction. On February 5, authorities similarly destroyed the Emanuel Church of the Apostolic Movement in Santiago de Cuba and confiscated its pews, chairs, audio equipment, musical instruments, and cement blocks. Emanuel Church Rev. Alain Toledano's home also was destroyed. On April 9, the Cuban government demolished the Strong Winds Ministry Church in Las Tunas. The church reports the government also confiscated its pews, electrical equipment, and construction material. The church was privately owned by Strong Winds Ministry member Caridad Reyna.

In 2015, the government designated 2,000 Assemblies of God churches as illegal and ordered their closure, confiscation, or demolition. In 2016, the government began the process of expropriating 1,400 of these churches, although at the time of this writing none have been confiscated.

During the reporting period, government officials interrogated religious leaders countrywide about the legal status of their religious properties. In some cases, the officials confiscated property deeds, leaving the religious communities vulnerable to charges of maintaining illegal properties and having said properties destroyed or confiscated.

**Detentions of Religious Leaders**

In 2016, the Cuban government detained dozens of religious leaders and followers. The vast majority of detentions occurred during the church demolitions described above to prevent church members from protesting...
and/or stopping the demolitions and alerting others to the incidents.

On January 8, Rev. de Quesada Salomon, his wife Damaris, and other Apostolic Movement members across the island were detained prior to the destruction of their Fire and Dynamism Church in Camaguey. They were detained at separate police stations and released later that day. The government also shut off cell phone reception in the area during the incident.

On February 5, Rev. Toledano's wife, Marilín Alayo Correa, and 200 other Emanuel Church members were detained across the Santiago de Cuba region; they were released later that day. On February 24, police threatened to arrest Rev. Toledano for alleged illegal possession of chairs and church construction materials.

On March 20, Baptist Convention of Western Cuba pastor and religious freedom advocate Mario Felix Lleonart Barroso was arrested prior to then President Barack Obama's official visit to Cuba. His wife, Yoaxis Marcheco Suarez, was placed under house arrest. Prior to the pair's arrest, the police surrounded their home for hours and cut off their phone lines. After his arrest, Pastor Lleonart Barroso reported constant harassment and surveillance. On August 8, he and his family fled Cuba for the United States.

On April 7, Western Baptist Convention Pastor Leonardo Rodriguez was arrested in Santa Clara and released the next day.

On April 9, state security agents detained Strong Winds Ministry Church Rev. Mario Jorge Travieso for several hours during the church's demolition and threatened him with seven years' imprisonment if he spoke publicly about the incident.

On October 21, Pastor Núñez Velázquez was sentenced to one year of house arrest after neighbors reported noise complaints. Pastor Núñez Velázquez had been holding services outside after his church was demolished on January 8, 2016. He appealed the decision in October, but was unsuccessful. At the time of this writing, the conditions of his house arrest are unknown.

On February 21, 2017, Pastor Ramón Rigal and his wife Adya were arrested and charged with "acting contrary to the normal development of a minor" for homeschooling their child. They were released the next day and ordered to report to the police every week in person until their trial.

**Denial of Religious Freedom for Democracy and Human Rights Activists**

As in previous reporting periods, the Cuban government continued to deny pro-democracy and human rights activists their constitutional rights to freedom of religion or belief. Christian Solidarity Worldwide catalogued more than 200 separate incidents in 2016 of Ladies in White members being prevented from attending religious services; authorities prevented other human rights and pro-democracy activists from attending religious services 55 times. The Ladies in White are the wives and relatives of dissidents imprisoned in 2003; they wear white during weekly marches following Sunday masses to increase attention to human rights conditions in Cuba. In the majority of cases, these individuals were detained on their way to Mass and released hours later. Individuals reported being beaten and harassed during their detentions. Some also reported being prevented from attending Bible study groups and prayer meetings between weekly services. Church leaders continue to report that government officials pressure them to expel or shun such activists.

Religious leaders report exercising self-censorship during services, fearing official reprisals if they directly or indirectly criticize the government. On September 1, nine workers at the Catholic magazine Convivencia were summoned to the local police station, interrogated, and threatened because of the political nature of some of their articles.

**Positive Developments**

Some religious leaders report increased opportunities to import religious literature and religious materials, conduct charitable operations, repair or expand religious buildings, and receive exit visas. The State Department
reports the Catholic Church and some Protestant denominations maintained small libraries, operated their own websites with little censorship, published periodicals, and conducted religious services in prisons.

**U.S. POLICY**

In December 2014, then President Obama announced a "new course on Cuba," starting a process of normalizing diplomatic relations between the countries and significantly lifting trade and travel restrictions. On October 14, 2016, the White House released the Presidential Policy Directive – United States-Cuba Normalization that outlined the Obama Administration's vision for and implementation of normalization of relations.

Since December 2014, the United States and Cuba re-established embassies in each other's capitals and in September 2016, then President Obama nominated an ambassador to Cuba, although he was not confirmed before the Obama Administration left office. Although the U.S. trade sanctions and travel embargo on Cuba imposed in 1960 and reinforced by the 1996 Helms-Burton Act remain in place, then President Obama called on Congress to lift the embargo. Beginning in 2009, the Obama Administration eased restrictions on authorized travel to Cuba; increased scholarships and grants for religious, humanitarian, and scientific activities; increased remittance levels; increased opportunities to import Cuban products; allowed for exportation of U.S. telecommunications equipment; provided U.S.-led training opportunities; and allowed the export or sale of goods and services to Cuban private businesses and farmers. U.S. institutions were permitted to open banking accounts with Cuban financial institutions and U.S. credit and debit cards were permitted to be used in Cuba. The U.S. government also removed Cuba from the State Sponsor of Terrorism list, resumed direct flights between the United States and Cuba in 2016, and in January 2017 ended its "wet foot, dry foot" policy, which granted residency to Cubans who reached the United States.

In March 2016, then President Obama became the first sitting president to travel to Cuba since 1928. In his speech in Havana, then President Obama acknowledged commonalities between U.S. and Cuban people, as well as the Cuban government's human rights violations. He called on the Cuban government to respect the freedoms of speech, assembly, and religion or belief and to allow Cubans to choose their own government through free and fair elections. In October, then Ambassador-at-Large for International Religious Freedom David Saperstein joined then Assistant Secretary of State for Democracy, Human Rights, and Labor Tom Malinowski in Cuba for the U.S.-Cuba human rights dialogue. In July, then State Department Special Representative for Religion and Global Affairs Shaun Casey travelled to Cuba.
TAB 6
Remarks at a U.S. Event Launching the “Jailed for What?” Campaign Highlighting Cuba’s Political Prisoners

Ambassador Kelley Currie
U.S. Representative for Economic and Social Affairs
U.S. Mission to the United Nations
New York City
October 16, 2018

AS DELIVERED

On behalf of the U.S. Mission to the United Nations, I welcome you to the UN.

A few weeks ago, Cuban President Miguel Diaz-Canel came here to the United Nations and painted a rosy picture of his country as a paragon of solidarity, democracy, and human rights. But to the more than five thousand Cubans who were arbitrarily detained for political reasons in 2017, this is a sick joke.

More and more, Cuban repression relies on raids of activists’ homes and offices, short-term detentions, and public denunciations known as “repudio.”

At the same time, reputable NGOs report that well over 100 Cubans currently languish in jails or under house arrest as political prisoners. The Cuban government tried, convicted, and sentenced many on arbitrary charges like “contempt” of Cuban authorities or “pre-criminal social dangerousness” – bogus legal constructs meant to deny human beings of their most basic rights to free thought and expression.

In the case of independent journalist Yoennis de Jesus Guerra Garcia, it was the specious charge of illegally slaughtering livestock, which police found after he ran several press accounts critical of local authorities.

However, their real transgression was to protest, criticize the regime, question the irrevocable character of socialism in Cuba, or exercise their freedom of expression as guaranteed by the Cuban constitution.
Cuba's political prisoners are an explicit sign of the repressive nature of the regime and represent a blatant affront to the fundamental freedoms that the United States and many other democratic governments support, and that are enshrined in the Universal Declaration of Human Rights. The urgency of this injustice is exemplified by the grave state of health of Cuban democratic activist Tomas Nunez Magdariaga, who spent 62 days on a hunger strike in protest of his unjust imprisonment. We welcome his long overdue release and return home.

President Trump is taking action to hold the Cuban regime responsible for its human rights violations and supporting the Cuban people’s aspirations to live in freedom.

Today, we come to the United Nations to remind the world that today, in Cuba, there are political prisoners. They come from all over Cuba, these men and women – activists, lawyers, workers, from different faiths and walks of life.

They are united in their quest to speak out for a better, freer, more democratic Cuba for themselves and their children. And their imprisonment is not only a violation of the fundamental freedoms all of us cherish, but it is also a human tragedy.

We are grateful for the participation today of OAS Secretary General Luis Almagro, who has championed the cause of democracy and human rights throughout the Americas, including for Cuba's political prisoners.

We welcome Carlos Quesada, a civil society activist whose organization works side by side with activists in Cuba and other Latin American nations to enhance their ability to promote and protect the human rights of marginalized and vulnerable people.

We are especially honored to have with us today Alejandro Gonzalez Raga, a Cuban journalist and former political prisoner, who will tell us his firsthand experience of the horrors of the Cuban prison and justice system.

And we will hear from Miriam Cardet, whose brother, Eduardo, is currently serving a three-year sentence in a Cuban jail. Eduardo is a leader in the Christian Liberation Movement who criticized Fidel Castro in November 2016. Several days later, he was arrested. Though witnesses at the scene say authorities beat him during his arrest, it is Cardet who was sentenced for assault.

The “Jailed for What” campaign will draw attention to the cases of specific political prisoners.

We urge our partners to join with us in calling on the Government of Cuba to release all political prisoners.
Many Member States in the United Nations call themselves friends of Cuba. The United States is proud to call ourselves friends of the Cuban people.

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This is the official website of the U.S. Embassy in Cuba. External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.
TAB 7
U.S. Department of State
Office of the Spokesperson

For Immediate Release

Statement by Spokesperson Nauert

June 26, 2018

Release of Political Prisoners

The United States reiterates its deep concern for political prisoners in Cuba. The cases of Dr. Ariel Ruiz Urquiola and Dr. Eduardo Cardet, both of whom a prominent human rights organization has declared “prisoners of conscience,” are just two examples of how the Cuban government continues to silence the peaceful opposition of its own citizens.

Human rights activist Dr. Cardet is serving a three-year sentence for allegedly criticizing former Cuban leader Fidel Castro. In May, Cuban authorities told his family they would not be allowed to visit him in jail for six months as punishment for his family's efforts to raise awareness of his case internationally.

Also last month, a court in Cuba sentenced scientist and environmental activist Dr. Ruiz Urquiola to a year in prison for allegedly disrespecting government authority. Cuban government officials have harassed Dr. Ruiz Urquiola for years for speaking out on environmental issues. We are deeply troubled by reports that he is currently on a hunger strike and in a critical medical condition.

We call on the Government of Cuba to release all political prisoners immediately and to stop its arbitrary detention of Cuban activists and independent thinkers who criticize their government through peaceful means. We also call on the Cuban government to cease reprisals against the family members of these activists.

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https://cu.usembassy.gov/21718/
TAB 8
CHAPTER IV.B
CUBA

1. 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."3

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,4 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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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


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.

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6Interviews held at the IACHR headquarters on August 23, 2018 with Omara Ruiz Urquiola, sister of biologist and activist Ariel Ruiz Urquiola, and on June 4, 2018 with Norberto Mesa Carbonell, Cofradía de la Negritud; José Ernesto Morales Estrada, Consejería Jurídica e Instrucción Cívica, Pinar del Río and beneficiary of Precautionary Measure 954/16; Juana Mora, Arco Iris Libre de Cuba/Alianza Manos and beneficiary of Precautionary Measure 236/16; Eorieses González Suárez, Plataforma Femenina Nuevo País; Calixto Gammalame, Asociación Jurídica (independent attorney). See as well: IACHR, Hearing on Síntesis de defensores y defensoras de derechos humanos en Cuba ['Situation of human rights defenders in Cuba'], 149th Regular Session, October 29, 2013.

7Prensa Latina, Cuba reitera voluntad de cooperar con órganos de derechos humanos ['Cuba reiterates willingness to cooperate with human rights bodies'], October 29, 2018.

8Communication sent to the IACHR “Memorando. Síntesis de defensores de DDHH en Cuba” ['Memorandum. Situation of HR Defenders in Cuba'], December 10, 2018 [in IACHR archives].
Engagement with the US.

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.

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.

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

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.

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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10 IACHR, Press Release 156/2014: CIDH saluda anuncio de restablecimiento de relaciones entre los Estados Unidos y Cuba, [IACHR Welcomes Announcement to Reestablish Relations between the United States and Cuba], December 18, 2014.
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

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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 arrests21 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

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23 Infobae, Advierten sobre el aumento de la represión y las detenciones arbitrarías 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.
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 – when they 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 publicly 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/regularacionesmigratoriasparaC.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 Carbonell 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.

Commission had counted 112 cases (54 men and 58 women) of arbitrary restrictions on departures from Cuba in 2018.34

- **Minimum Due Process Guarantees**

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.35 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,36 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.37

41. 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.38 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.39

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34 IACHR, Matrix/Table of monitoring of arbitrary restrictions on departures in Cuba, December 20, 2018 [in IACHR archives].
35 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 the 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.”
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 prodigity 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, of 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.

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.”

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).

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

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.

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.

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
judicial protection of fundamental rights, keeps in place the single party regime and continues to makes 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 irregular46 and, often, State Security uses non-police facilities or offices to interrogate journalists. Complaints of these practices were filed by Ileana Alvarez, 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

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44 Diario de Cuba. May 9, 2018. *Activistas y periodistas independientes denuncian a la CIDH prácticas represivas que esquivan la 'huella legal' ['Activists and independent journalists denounce to the IACHR repressive practices that get around legal footprints']*


46 According to the testimony of Ernesto Carralero Burgos, he was summoned to be interviewed the next day at the Department of Immigration and Foreign Residency. He claimed that the summons had been dropped off by police agents dressed in plain clothes and was not directly delivered to him, but instead was delivered through the president of the committee for the defense of the revolution of his building. Testimony of *Diario de Cuba* journalist Ernesto Carralero Burgos. Díaz, Pablo. *Acerca de la libertad de expresión en Cuba: una represión sin huella jurídica. ['About freedom of expression in Cuba: repression without a legal footprint']*, Diario de Cuba. Available at: Archives of the Office of the Special Rapporteur for Freedom of Expression.


48 Diario de Cuba. July 8, 2018. *No queremos que estés del lado equivocado, dice la Seguridad del Estado a un periodista independiente ['We don't want you to be on the wrong side,' says the State Security to an independent journalist*], CiberCuba. Undated.
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.\(^49\) 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 summon, she was told “to think about having another child.”\(^50\) 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.”\(^51\) 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, Elíezer 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.\(^52\) Other journalists of the daily newspaper Diario de Cuba, who were allegedly arrested and held in custody or threatened, are: Osmel Ramírez de Holguín;\(^53\) Maykel González Vivero of Villa Clara;\(^54\) Frank Correa of Havana;\(^55\) and Manuel Alejandro León of Guantánamo.\(^56\) Additionally, in February, immigration officials allegedly prevented Jorge Enrique Rodríguez from traveling overseas, arguing that a “restriction on departure overseas” was supposed in effect for him.\(^57\) Moreover, several independent journalists have been expelled

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\(^{51}\) Diario de Cuba. February 2, 2018. *Tu embarazo depende de ti, amenaza la Seguridad del Estado a la periodista de Diario de Cuba Adriana Zamora* [‘Your pregnancy depends on you,’ State Security threatens Diario de Cuba journalist Adriana Zamora’].


\(^{57}\) Diario de Cuba. February 19, 2018. *El régimen impide viajar al periodista de DDC Jorge Enrique Rodríguez* [‘The regime prevents DDC journalist Jorge Enrique Rodríguez from traveling’].
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 Corzo.

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.

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


55. Instituto Cubano por la Libertad de Expresión y Prensa (ICLEP). June 25, 2018. NOTA DE PRENSA #4: Cuando pensábamos que terminaba, la onda represiva contra los periodistas del ICLEP se extendió a Matanzas [‘When we thought that it was ending, the repressive wave against ICLEP journalists expanded to Matanzas’], Knight Center for Journalism in the Americas. June 26, 2018. 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’].

56. Instituto Cubano por la Libertad de Expresión y Prensa (ICLEP). February 7, 2018. NOTA DE PRENSA: Aumenta represión contra directivos del ICLEP [‘PRESS CLIPPING: increased repression against ICLEP senior officers’].


60. Diario de Cuba. July 8, 2018. El régimen detiene al periodista de DIARIO DE CUBA Manuel Alejandro León Vázquez [‘The regime arrests DIARIO DE CUBA journalist Manuel Alejandro León Vázquez’].

61. The detained journalists included Mario Echeverría Driggs, of the Dos Mundos agency; Osiel Carmona Breijo, of Cubameida Press; Adriana Zamora and Ernesto Corralero, and Boris González Arenas, collaborators of Diario de Cuba; Henry Constantin and Iris Mariño, of La Hora de Cuba; Dagoberto Valdés, director of the project and magazine Convivencia; Alejandro Hernández Cepero, Roberto Rodríguez Cardona and Luis Cino Álvarez, of Cubanet; Oscar Padilla Suárez, of Red de Periodistas Comunitarios; Odalina Guerrero Lara, legal counsel of APLP, and José Antonio Fornaris Ramos, journalist of APLP. Cubanet. September 17, 2018. Denuncian “terrorismo de estado” contra periodistas independientes en Cuba [‘State terrorism against independent journalists in Cuba decried’]. Asociación Pro Libertad de Prensa (APLP). August 2018. Available at: https://www.cubanet.org/wp-content/uploads/2018/09/Agresiones-a-periodistas-agosto-2018.pdf
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 Herrera, 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 [descacato]." 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 Constantín 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 Eliecer Góngora Izaguirre, member of the Unión Patriótica de Cuba (UNPACU);76 and Zaqueo Báez, Isamel Boris Reñí and Maria 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

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'].
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'].
69 Marti 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)'].
70 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'].
71 Martí Noticias, April 8, 2018. Dama de Blanco Martha Sánchez sigue detenida, policía rodea sede del grupo opositor ['Lady in White Martha Sánchez continues in custody, police surround the offices of the opposition group'].
72 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 Marti Noticias. April 19, 2018. "La Policía detiene al hijo de Leticia Ramos y lo acusa de ‘desobediencia, resistencia y desacato’ ['The police arrest Leticia Ramos’s son and charge him with ‘disobedience, resistance and disrespecting a public official’'].
74 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?']
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. July 5, 2018. Distribuyó información sobre Cuba Decide y ahora paga seis meses de cárcel ['Distributed information about Cuba Decide and now pays with six months in jail']
77 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?']
78 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 decreed']
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’]

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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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65. The 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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94 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.\(^{95}\)

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:

\[
\text{ARTICLE 60. Citizens’ freedom of the press is recognized. This right is exercised in accordance with the law.}
\]

\[
\text{Fundamental social communications media, in any of their supports, are the socialist property of all the people, which ensures their use at the service of all of society.}
\]

\[
\text{The State establishes the principles of organization and functioning for all social communications media.}\(^{96}\)
\]

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.\(^{97}\)

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.\(^{98}\) 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.\(^{99}\) 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.\textsuperscript{100} 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.\textsuperscript{101} 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.\textsuperscript{102} 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.’”\textsuperscript{103}

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.104 Other artists who had reportedly been arrested on December 3 were Luis Manuel Otero Alcántara, Yanelys Núñez Leyva, Amaury Pacheco and Michel Matos.105

78. Additionally, in the current year, it was reported that the Political Police had prevented a literary event called "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.106 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 2014.107

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 “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.108 Other artists who were reportedly the subjects of censorship in Cuba are writer and journalist Jorge Enrique Rodríguez, director of the television project Lente cubano, Iliana Hernández, and Luis Manuel Otero Alcántara.109 Based on available information, as of September 24, 2018, rap music singer Maikel Castillo Pérez, Mc 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. 349.110

2. 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

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105 14yMedio. December 3, 2018. 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. 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’].

106 Diario de Cuba. February 4, 2018. 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. Policía política reprime evento literario contra la censura en Cuba [‘Political police crack down on literary event against censorship in Cuba’].


108 14yMedio. February 4, 2018. 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’].

109 Diario de Cuba. May 13, 2018. #00Bisagra: el régimen responde al arte independiente con represión [‘regime responds to independent art with repression’]; Martí Noticias. February 27, 2018. Creadores buscan espacios fuera de la UNEAC y las instituciones oficiales de Cuba [‘Creators seek spaces outside of UNEAC and official institutions of Cuba’].

110 Diario de Cuba. September 29, 2018. 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. Crece la preocupación por la salud de rapero en huelga de hambre [‘Growing concern over the health of rapper on hunger strike’].
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 framework for the protection of children’s rights.

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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.\(^\text{120}\)

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,\(^\text{121}\) 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.\(^\text{122}\)

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.\(^\text{123}\) 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.\(^\text{124}\) 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.\(^\text{125}\) 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.\(^\text{126}\) 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”\(^\text{127}\) which, among other things, highlights the principle of special protection set forth in Article 40 of the Constitution of the Republic of Cuba.\(^\text{128}\) 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.\(^\text{129}\)


\(^\text{122}\) 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.


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


\(^\text{126}\) UOL, América Latina avanza en protección a niños, prohibiendo casamiento infantil] [Latin America progresses in child protection by banning child marriage], August 23, 2017.

\(^\text{127}\) 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.

\(^\text{128}\) 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.

\(^\text{129}\) 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.\(^{130}\) The Constitution adopted by referendum on February 24, 2019 does not include this article.

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.\(^{131}\) 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.\(^{132}\)

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.\(^{133}\) The Commission also takes note that violence against LGBTI human rights defenders is still present in Cuba.\(^{134}\)

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.\(^{135}\) 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 (510 persons


\(^{131}\) El Mundo, *Cuba abre la consulta popular de su proyecto de nueva Constitución*, ['Cuba opens the draft new Constitution to public comment'], August 13, 2018; 14yMedio, *Varias Iglesias evangélicas apelan al Gobierno y a la Revolución para impedir el matrimonio igualitario* ['Several evangelical churches appeal to government and to the revolution to prevent marriage equality'], July 6, 2018.

\(^{132}\) La Vanguardia, *Cirujanos cubanos practican cambios de sexo entreados por españoles* ['Cuban surgeons trained by Spaniards perform sex changes'], June 29, 2018.

\(^{133}\) Diario de Cuba, *¿Crimen de odio?, un joven homosexual es apuñalado por la espalda en Villa Clara*, ['Hate crime?, a young homosexual male was stabbed in the back in Villa Clara'], September 10, 2018.


\(^{135}\) Sergio Alejandro Gomez, "Respeto a la dignidad y al mejoramiento humano" ['Respect for dignity and human improvement'], Granma, año 16, No. 140, May 22, 2012.
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.

95. 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.

96. 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.

97. In view of these conditions of detention and the lack of mechanisms to file complaints, it is of 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...
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 be treated with respect and dignified, 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 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.\(^{147}\)

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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, of 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 violations 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 independentes 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

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.  

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.  

118. Other cases that the Commission has been monitoring include the situation of environmental defender Ariel Ruiz Urquiola. 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. 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. 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.  

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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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.

169 *Diario de Cuba, Ariel Ruiz Urquiola: 'Estoy vivo', dispuesto a 'continuar peleando por los derechos de la naturaleza' ['I'm alive,' ready to 'continue fighting for the rights of nature']*, July 3, 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 ascendence” 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.
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Overview

Key Developments

Political Rights and Civil Liberties

View on Map

Overview:

Cuba is a one-party communist state that outlaws political pluralism, suppresses dissent, and severely restricts basic civil liberties. The government continues to dominate the economy despite recent reforms that permit some private-sector activity. The regime’s undemocratic character has not changed despite new leadership in 2018 and a process of diplomatic “normalization” with Washington, which has stalled in recent years.

Key Developments:

KEY DEVELOPMENTS IN 2018:

- Systematic repression of independent activists, journalists, and civil society groups continued during the year.

- A new National Assembly was chosen through noncompetitive elections in March, and in April it met to install Miguel Díaz-Canel as president of the Council of State. Raúl Castro left the presidency after two five-year terms, but he remained first secretary of the Communist Party of Cuba (PCC).

- Strict new regulations were announced for the private sector in July, but after sustained criticism, some elements were revised before they took effect in December.

- Also in December, third-generation (3G) mobile data service became available to Cubans for the first time, and the National Assembly unanimously approved a new constitution that was set for ratification in a national referendum in early 2019. Despite some changes, the constitution would largely preserve the country’s one-party system.
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

Every five years, the National Assembly designates the members of the Council of State through a noncompetitive process. This body in turn appoints the Council of Ministers in consultation with its president, who serves as both chief of state and head of government. The draft constitution approved by lawmakers in December 2018 would separate those roles, creating the post of prime minister to serve as head of government and stipulating that members of the Council of Ministers could not also be members of the Council of State.

Raúl Castro, having served as president since he succeeded his brother Fidel in 2008, stepped down in April 2018, and the National Assembly named Díaz-Canel to replace him. The draft constitution set a limit of two consecutive five-year terms for the presidency, as well as an age limit of 60 years for the start of a president’s first term. Raúl Castro, who turned 87 in June 2018, remained first secretary of the PCC. Díaz-Canel, who turned 59 in April, pledged that Castro would continue to “lead the most important decisions for the present and the future of the nation.” A similar process of generational transition and partial decoupling of top party and government posts was unfolding across the executive. Only 9 members of the PCC’s Political Bureau also sat on the Council of State chosen in April; following the 2013 elections, the overlap had been 13.

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

In the 2018 National Assembly elections, held in March, voters were asked to either support or reject a single PCC-approved candidate for each of the unicameral body’s 605 seats. All candidates were elected.

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, but no campaigning is allowed. This is not expected to
Ahead of the municipal voting held in late 2017, the government worked to intimidate voters, manipulate nomination meetings, detain or jail opposition figures, and otherwise thwart the candidacies of a group of 175 opposition activists associated with the Otro18 coalition, none of whom 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 2,873 arbitrary arrests of peaceful opponents during 2018, a significant decrease from the 5,155 detained in 2017 and the 9,940 held in 2016. Such brief politically motivated detentions were a key repressive tactic under the government of Raúl Castro, but the 2018 total was the lowest in eight years.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The PCC and the Castro brothers in particular have dominated government and politics in Cuba since 1959, allowing no transfer or rotation of power between rival groups. While the unprecedented attempt by dissident groups to field independent candidates in the 2017 municipal elections was aimed at challenging the PCC’s monopoly, the authorities’ successful campaign to block opposition candidacies ensured that those elections and the subsequent provincial and national elections in 2018 would again feature no independent candidates.

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. Several members of the extended Castro family hold important government positions, though none (apart from PCC first secretary Raúl Castro) were granted seats on the PCC’s Central Committee during the Seventh Party Congress in 2016, and none currently serve on either the Council of Ministers or the Council of State.

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 a growing gender and racial diversity. 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 also now hold more than half of the 605 National Assembly seats and make up almost half of the 31-member Council of State; Cubans of African and mixed-race descent make up about half of each body. Half of Cuba’s six vice presidents are black, including First Vice President Salvador Valdés Mesa, and three are women.

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 large business transactions, and there are no independent mechanisms to hold officials accountable for wrongdoing. During his 10 years as president, Raúl Castro prioritized the fight against corruption; a new comptroller general was installed, and long prison sentences were imposed on high-level Cuban officials and foreign businessmen found guilty of corruption-related charges. However, the government has not enacted internal reforms that would make
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

D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16

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

The news media are owned and controlled by the state. The tiny independent press corps is illegal, its publications are considered “enemy propaganda,” and its journalists are frequently harassed, detained, and prohibited from traveling abroad. Government agents routinely accuse independent journalists of being mercenaries, and many face charges of “usurpation of legal capacity” or other trumped-up offenses. Despite these obstacles, independent digital media outlets have continued to emerge in recent years.

President Díaz-Canel has publicly rejected the need for any fundamental change in the state-run media model. In April 2018, he signed into law Decree 349, which aimed to extend state control over the thriving independent artistic community by requiring prior Ministry of Culture approval for both public and private cultural activities. It also banned audiovisual material with ill-defined unpatriotic symbols, pornography, violence, or “sexist, vulgar, or obscene language,” as well as books with content that is harmful to “ethical and cultural values.”

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. Under a program that began in 2015, the state telecommunications monopoly Etecsa continued to deploy Wi-Fi hotspots in public spaces such as parks, with the number reaching 800 by the end of 2018. It also extended its rollout of home-based internet access, which reached 67,000 homes by December. The first-ever 3G mobile internet access for Cuban citizens was launched that month, but high prices put the service out of reach for most, and the connections were reported to be slow and riddled with technical problems.
Religious freedom has gradually improved over the past decade, but official obstacles still make it difficult for churches to operate without interference and conduct ordinary educational activities. Given its positive role in US-Cuban diplomatic talks, the Roman Catholic Church has enjoyed an expansion of its pastoral rights, including periodic access to state media and public spaces and the ability to build new churches and distribute its own publications. Protestant and evangelical groups tend to face greater restrictions, though they too have experienced improved conditions in recent years. In 2018, the government allowed various churches to mount a public campaign against a proposed constitutional reform that would have supported the legalization of same-sex marriage.

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

Academic freedom is restricted in Cuba, and private schools and universities have been banned since the early 1960s. New self-employment regulations issued in July 2018 explicitly outlawed using freelancer licenses to set up private schools or academies, and while private day-care centers can continue operating, they must do so under strict regulatory oversight. Teaching materials often contain ideological content, and educators commonly require PCC affiliation to advance in their careers. University students have been expelled for dissident behavior. 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 often prevent dissident intellectuals from traveling abroad and deny entry to prominent exiled 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 difficulties gaining internet access, but they tend to avoid discussing more sensitive political issues such as human rights and civil liberties. The second half of 2018 featured public and online debate over the draft constitution, though the changes made for the final draft did not always reflect public concerns.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12
Restrictions on freedom of assembly remain a key form of political control. Security forces and government-backed thugs routinely break up peaceful gatherings or protests by political dissidents and civic activists. The existing constitution limits the rights of assembly and association to prevent their exercise “against the existence and objectives of the Socialist State.” While some of the harsher language banning independent or opposition gatherings was eliminated in the draft of the new constitution, it still qualifies the right to assembly by requiring that it be exercised “with respect to public order and in compliance with the precepts established by the law.”

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 repression during 2018, with some activists detained on arbitrary charges, prevented from traveling abroad, or forced into exile. The dissident groups most commonly persecuted by the government include the Ladies in White, the Patriotic Union of Cuba (UNPACU), Cuba Decide, the Christian Liberation Movement (MCL), Somos Más, and the independent think tank Convivencia Cuba Studies Center.

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**

F1. **Is there an independent judiciary? 0 / 4**

The Council of State has full control over the courts, whose rulings typically conform to the interests of the PCC. Judges are tasked with enforcing laws on vaguely defined offenses such as “public disorder,” “contempt,” “disrespect for authority,” “pre-criminal dangerousness,” and “aggression,” which are used to prosecute the regime’s political opponents.
Multiple legal cases against dissidents during 2018 illustrated the systematic violation of due process. These included the prosecution of scientist and environmental activist Ariel Ruiz Urquiola, who was arrested in May and quickly sentenced to a year in jail for the crime of desacato (disrespect) after his farm was raided by state forest rangers. Thought to be a pretext to end his independent environmental activism and seize his farm, the charges were criticized by Amnesty International, which declared Urquiola a prisoner of conscience in June, and by Bishop Jorge Serpa of Pinar del Río, who that month called on the government to review the case. As a result of such pressure and Urquiola’s own hunger strike, he was granted a conditional release for health reasons in July, though the verdict and sentence remained in effect. The CCDHHRN reported that as of the end of May there were 120 cases of political prisoners, down from 140 a year earlier.

**F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 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, during the month of October 2018, the CCDHRN documented 6 cases of physical aggression and 14 acts of harassment against dissidents that were organized or encouraged by state security forces.

The government has refused to allow international monitoring of its prisons. Prison conditions are poor, featuring overcrowding, forced labor, inadequate sanitation and medical care, and physical abuse. In one high-profile case, MCL activist Eduardo Cardet, who was sentenced to three years in prison in 2017, has been physically attacked in custody and denied medical attention and family visits.

**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 about 40 percent, suggesting persistent economic disparities and cultural double standards.

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. A recent survey found that 78 percent of hard currency remittances sent to the island from abroad go to white Cubans, leaving Afro-Cubans at an even greater disadvantage.
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.

Article 42 of the draft constitution extends protection from discrimination to a wider array of vulnerable groups, explicitly adding categories such as ethnic origin, gender identity, sexual orientation, age, and disability to the existing safeguards regarding race, sex, national origin, and religion.

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. Cubans still face extremely high passport fees relative to their very low incomes, and Cuban doctors, diplomats, and athletes who “defect” are barred from visiting for eight years. Former political prisoners are often encouraged to go into exile or forced to live with severely restricted freedoms, including limits on foreign travel.

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 591,456 by the end of May 2018, in July the government issued a 129-page compendium of new regulations designed to rein in the nonstate sector, curbing “illegalities” and preventing the private concentration of wealth and property. The regulations, which took effect in December, aimed to limit entrepreneurs to a single license, ban doing business with foreign entities, and prohibit the use of stand-ins as business owners and the operation of private schools, academies, and real-estate agencies. Following a broad-based pushback from private operators, the government announced changes to some of the most consistently criticized regulations before they came into force. For example, entrepreneurs would still be able to hold more than one license under certain conditions, and the size of Cuba’s popular private paladar restaurants would only be limited by the size of the dining area, not by an arbitrary “50-chair” rule.
medium-sized enterprises with legal recognition, stunting their growth and placing them in legal jeopardy. While the draft constitution recognizes the existence of private property and the market, it also emphasizes that state-owned enterprises and the central planning system will remain dominant.

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

Individuals enjoy broad freedom in their interpersonal, romantic, and sexual relationships. While divorce is common, men and women enjoy equal rights to marital goods and child custody. The draft constitution does not contain language in the existing charter that defines marriage as a union between a man and a woman, raising the possibility that same-sex marriage could be legalized in the future, though a change that would have more explicitly supported legalization was ultimately rejected.

Violent crime, including rape and domestic abuse, is believed to be relatively uncommon, though official statistics on crime are rarely published, and domestic violence is not treated as a separate legal category.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Average official salaries remain extremely low at about $30 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 US 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.

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.
TAB 10
Cuba: Amnesty International names five new prisoners of conscience

26 August 2019, 18:38 UTC

Just over a year since President Miguel Díaz-Canel took office, the existence of prisoners of conscience in Cuba remains a sharp indicator of how authorities there continue to restrict the fundamental rights to freedom of expression and peaceful assembly, Amnesty International said today.
“For decades, Cuba has stifled freedom of expression and assembly by locking up people for their beliefs and opposition to the government. Over the years, the names of Cuba’s prisoners of conscience have changed, but the state’s tactics have stayed almost exactly the same,” said Erika Guevara-Rosas, Americas director at Amnesty International.

For more information or to arrange an interview, please contact Carlos Mendoza: +52 55 4145 7003 carlos.mendoza@amnesty.org
Cuba: Amnesty International names five new prisoners of conscience | Amnesty International

Read more:

🔗 Cuba: A snapshot of Prisoners of Conscience under the government of President Miguel Díaz-Canel

🔗 Cuba: “Your mind is in prison” – Cuba’s web of control over free expression and its chilling effect on everyday life (Research, 16 November 2017)

Topics

CUBA  DETENTION  ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CENSORSHIP AND FREEDOM OF EXPRESSION  JUSTICE SYSTEMS
TAB 11
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 Ebert 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.
TAB 12
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 than in 2016, but still remained high, with more than 3,700 reports of arbitrary detentions between January and August 2017. The government continues to use other repressive tactics, including beatings, public shaming, travel restrictions, and termination of employment.

US President Donald Trump announced in June that he would reverse the previous administration’s policy toward Cuba by reinstating travel and commercial restrictions that had been eased in 2015.

**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 increased dramatically between 2010 and 2016, from a monthly average of 172 incidents to 827, according to the Cuban Commission for Human Rights and National Reconciliation, an independent human rights group that lacks official authorization and the government considers to be illegal.
The number of detentions dropped significantly in 2017, with 4,537 reports of arbitrary detentions from January through October, a decrease of 50 percent compared to the same period in 2016.

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. The Ladies in White (Damas de Blanco)—a group founded by the wives, mothers, and daughters of political prisoners—like the Cuban Commission on Human Rights, lacks official authorization and is therefore considered illegal by the government. Police or state security agents continue to routinely harass, rough up, and detain its members before or after they attend Sunday mass.

In April, political activist Eliécer Ávila from the group Somos+ was arrested twice in three days for recording and broadcasting a protest message after authorities confiscated his computer in the Havana airport. The first arrest occurred on April 6, when he arrived from Colombia. He was released the following morning and returned to the airport to reclaim his computer. The following day, his documents and electronic devices were seized and police arrested him at home, according to media reports. He was released the same day on bail.

**Freedom of Expression**

The government controls virtually all media outlets in Cuba and restricts access to outside information. A small number of journalists and bloggers who are independent of government media 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 the home internet service to all the provinces in the country.

Independent journalists who publish information considered critical of the government are subject to smear campaigns and arbitrary arrests, as are artists and academics who demand greater freedoms. Henry Constantín Ferreiro, editor of *La Hora de Cuba* magazine and a regional vice president of the Inter American Press Association, was detained on February 20 in Camagüey airport, along with journalist Sol García Basulto, a *La Hora de Cuba* colleague and correspondent for the independent news website 14ymedio.

García Basulto was released without charges. Constantin was held incommunicado for about 36 hours for allegedly fomenting “enemy propaganda,” based on information from a computer that had been **confiscated** when he was previously briefly detained in November 2016. The charge was
dropped in February, but in March, both journalists were accused of practicing journalism without proper certification, according to press reports, and prohibited from traveling abroad. Basulto was placed under house arrest on July 24.

Members of the Committee of Citizens Defenders of Human Rights (Comité de Ciudadanos Defensores de los Derechos Humanos), José Carlos Girón Reyes, the brothers Alberto Antonio and Leonardo Ramírez Odio, and their father Alberto de la Caridad Ramírez Baró, were detained on July 26 after staging a public protest calling for “justice, freedom and democracy.” The activists said they had been beaten in custody. Girón was released without charge on August 2; the other three remained behind bars until October 18.

**Political Prisoners**

The Cuban Commission for Human Rights and National Reconciliation reported scores of political prisoners—including 54 members of the group Cuban Patriotic Union (Unión Patriótica de Cuba)—as of May 2017. The government denies access to its prisons by independent human rights groups, which believe that additional political prisoners, whose cases they cannot 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 subordinated to the executive and legislative branches, denying meaningful judicial independence.

Dr. Eduardo Cardet Concepción, leader of the Christian Liberation Movement (Movimiento Cristiano Liberación), was sentenced three years in prison on March 20. He was detained on November 2016 after criticizing in interviews with international media former President Fidel Castro shortly after he died.

The activist Jorge Cervantes García, from the Cuban Patriotic Union, was detained allegedly for “contempt” and “resistance” in May, weeks after posting online videos addressing ill-treatment in a Cuban prison and corruption by Cuban authorities. After a 39-day hunger strike, he was transferred to a maximum-security facility. Cervantes was released in August after being held for 85 days.

**Travel Restrictions**

Reforms to travel regulations that went into effect in January 2013 eliminated the need for an exit visa to leave the island. Exit visas had previously been used to deny people critical of the government, and their families, the right to travel. Since then, many people who had previously been denied permission to travel have been able to do so, including human rights defenders and independent bloggers.
Nonetheless, the reforms 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.” Such measures have allowed authorities to deny 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.

According to the Cuban Commission for Human Rights and National Reconciliation, the government imposed restrictions mainly on people heading to Latin American countries to attend conferences. In June, the commission registered the highest number of restrictions on freedom of movement in many years: at least 29 people were prevented from traveling abroad to attend international conferences and other events.

**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, 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.

**Labor Rights**

Despite updating its Labor Code in 2014, Cuba continues to violate conventions of the International Labour Organization that it has ratified, specifically regarding freedom of association, collective bargaining, protection of wages, and prohibitions on forced labor. 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 harass, assault, and imprison human rights defenders who attempt to document abuses.
On September 2016, police raided Cubalex, a six-year-old organization that investigates human rights violations and provides free legal services to free-expression activists, migrants, and human-rights defenders. Officers confiscated files, strip-searched four men and a woman, and arrested two attorneys, one of whom was still in detention at the time of writing.

**Key International Actors**

US and Cuba restored diplomatic relations in 2015, after the United States eased decades-old restrictions on travel and commerce. But in June 2017, President Trump declared that he would reverse the previous administration’s deal.

The US government expelled 15 Cuban diplomats from the embassy in Washington in October, after American diplomats in Havana reported a series of mysterious illnesses. In November, the US administration reinstated restrictions on Americans’ right to travel to Cuba and to do business tied to the Cuban military, security, or intelligence services. It also voted against the UN resolution condemning the US embargo on Cuba, reversing the previous abstention in 2016.

For the first time in years, Cuba agreed to allow a United Nations human rights investigator to visit the island. In April, the UN special rapporteur on trafficking in persons visited Cuba and called for new laws and stronger action targeting human trafficking.

The UN independent expert on human rights and international solidarity also visited Cuba in July 2017, and encouraged Cuba to ratify core international treaties—the International Covenant on Civil and Political Rights, and on Economic, Social and Cultural Rights, and their Optional Protocols.

OAS Secretary General Luis Almagro was denied entry to Cuba because Cuban officials considered the reason for his visit “an unacceptable provocation.” Almagro was to receive a democracy award in honor of the late government opponent Oswaldo Payá, issued by the Latin America organization Youth for Democracy (Jóvenes por la Democracia). The government also denied visas to former Chilean Minister Mariana Aylwin, former Mexican President Felipe Calderón, and members of the Youth for Democracy.

In May, the European Union held its third high-level discussion on human rights with Cuba. In July, the European Parliament approved the first agreement with Cuba to strengthen economic and political ties and bring an end to the EU’s 1996 “Common Position on Cuba,” which conditions full EU economic cooperation with Cuba on the country’s transition to a pluralist democracy and respect for human rights. The agreement entered into force provisionally in November 2017, but at the time of writing was still pending ratification by member countries for its full application.

On October 2016, Cuba was re-elected to the Human Rights Council for the 2017-2019 term.
Latest News on Cuba »

Keynote

The Pushback Against the Populist Challenge

Kenneth Roth
Executive Director

Essays
"Soon There Won’t Be Much to Hide"
*Transparency in the Apparel Industry*

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*Earth Matters*

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Freedom in the World 2018 - Cuba

Publisher: Freedom House
Publication Date: 16 February 2018

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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 intimidations 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 elections? 0 / 4

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 Díaz-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 insurgencies? 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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“YOUR MIND IS IN PRISON”
CUBA’S WEB OF CONTROL OVER FREE EXPRESSION AND ITS CHILLING EFFECT ON EVERYDAY LIFE
Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.
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1. INTRODUCTION

The past few years have been a bitter-sweet period for those hoping for the Cuban authorities to relax their iron grip on people’s right to freedom of expression and assembly. High-profile visits by the International Committee of the Red Cross and Pope Francis in 2015, as well as by the UN Special Rapporteur on trafficking in persons, especially women and children and the UN Independent Expert on human rights and international solidarity in 2017, appeared to herald greater political openness and to offer some hope that Cuba might begin to open itself up to increased international scrutiny by independent human rights monitors. A tourism boom, the expansion of Wi-Fi-internet hotspots, even a first-time performance by the rock band the Rolling Stones (foreign rock music was deemed subversive in Cuba for decades) were other small signs that Cuba might be releasing its tight control on freedom of expression.

The re-establishment of diplomatic relations between Cuba and the USA starting in December 2014, followed by then President Obama’s state visit to Cuba in 2016 also seemed to promise the beginning of an end to the economic embargo which for decades has perpetuated the Cold War rhetoric of “us” and “them” and undermined ordinary Cubans’ enjoyment of economic and social rights.¹

This optimism makes the jarring reality all the more marked.

Hours before President Obama landed in Cuba, dozens of activists and independent journalists were detained.² In a joint press conference with the US President, President Raúl Castro continued to flatly deny that there were any “political prisoners” in Cuba.³ In contrast, in the past three years, Amnesty International has named 11 prisoners of conscience in Cuba, and there are likely many more. Further, a national human rights organization, not recognized by the Cuban authorities, reported an average of 762 politically motivated and arbitrary detentions a month between 2014 and 2016.⁴

Human rights lawyers from the organization Cubalex were harassed and intimidated,⁵ despite having been granted precautionary measures by the Inter-American Commission on Human Rights (IACHR) to protect their lives, personal integrity and activities as human right defenders.⁶ In May 2017, at least 12 of its members were granted asylum in the USA after the Cuban authorities threatened to bring criminal charges against them related to a tax investigation.

The Committee to Protect Journalists (CPJ) ranked Cuba 10th on its 2015 list of the world’s most censored countries and classified its laws on free speech and press freedom as the most restrictive in the Americas.⁷ The dominant official

³ *Washington Post*, ‘Castro denies Cuba has political prisoners, demands list’, 21 March 2016, Available at: [www.washingtonpost.com/video/world/castro-denies-cuba-has-political-prisoners-demands-list/2016/03/21/f38afede-ef9a-11e5-a2a3-d4e9697917d1_video.html?utm_term=.864db38ff92c](http://www.washingtonpost.com/video/world/castro-denies-cuba-has-political-prisoners-demands-list/2016/03/21/f38afede-ef9a-11e5-a2a3-d4e9697917d1_video.html?utm_term=.864db38ff92c)
⁴ Comisión Cubana de Derechos Humanos y Reconciliación Nacional, ‘Cuba: Algunos Actos de Represión Política en el mes de Julio de 2017’.
⁶ MC 96/15 - Miembros del Centro de Información Legal Cubalex, Cuba AMPLIACIÓN, Available at: [www.oas.org/es/cidh/decisiones/cautelares.asp](http://www.oas.org/es/cidh/decisiones/cautelares.asp)
media remains heavily censored and limited. While an increasing range of autonomous digital media projects has emerged, alternative online news sources operate within a legal limbo that exposes journalists and media workers to the risk of harassment and arbitrary detention. Moreover, their webpages are often blocked by the authorities in Cuba.  

In early 2017, the expulsion of a journalism student reportedly pushed out of university for being a member of the group Somos+, considered a dissident organization by the authorities, received widespread international and independent national media coverage. According to press reports, one of Cuba’s most famous singers, Silvio Rodriguez, called the expulsion an “injustice” and “clumsy and obtuse.”  

In June 2017, President Trump’s administration took an almost complete U-turn on US political rhetoric towards Cuba reducing the likelihood that the US Congress will pass legislation to lift the economic embargo on Cuba. Despite the easing of some restrictions by the former Obama administration, which has allowed for increased travel and remittances between the two countries, and annual votes by a majority of UN member states to lift it, the embargo remains in place. Amnesty International has consistently recommended that the US embargo be lifted, based on its negative impact on the economic and social rights of the Cuban population.

Meanwhile, a recent poll by the University of Chicago found that many Cubans “feel stuck in the current economic climate.” Few expect the economy will improve anytime soon and 46% described it as poor or very poor. Cuba’s fragile economy has inevitably been impacted by the ongoing economic human rights crisis in Venezuela – a provider of significant economic aid to Cuba in recent years.

Exceptionally low salaries – the average monthly salary is approximately USD27 a month – are insufficient to cover basic needs. Ordinary Cubans continue to struggle, despite the government’s food ration system, taking additional jobs in the informal sector and receiving remittances from family members living overseas.

In July 2017, the Secretary General of the Central Union of Cuban Workers (Central de Trabajadores de Cuba, CTC), the country’s only officially recognized trade union, stated in an interview that average salaries are unable to meet workers’ basic needs and create “apathy in work, lack of interest and significant labour migration”, an issue that he said is being evaluated by decision-making bodies.

While many Cubans interviewed for this briefing told Amnesty International that they felt Cuba has made important


9 Amnesty International, Cuba’s Internet paradox: How controlled and censored Internet risks Cuba’s achievements in education, 29 August 2017.

10 BBC Mundo, ‘“Me expulsaron por no comulgar con las ideas comunistas”: Karla María Pérez, la estudiante de periodismo a la que echaron de una universidad en Cuba por ser de un grupo disidente’, 19 April 2017, available at: www.bbc.com/mundo/noticias-america-latina-39647951


12 Amnesty International, The US Embargo Against Cuba: Its impact on economic and social rights, (Index: AMR 25/007/2009) documents the detrimental impact of the US embargo on the efforts by UN agencies and programmes supporting the Cuban government in the progressively realization of economic and social rights and particularly how trade and financial sanctions affect the provision of health care in Cuba.


15 According to ECLAC, “Although there were nominal increases and several measures were taken to improve salaries, in real terms, in 2010 salaries were 27% of the 1989 level and the complementary safety net had deteriorated, therefore it is officially recognized that current wages are insufficient to cover basic needs.” See C. Mesa-Lago, ‘Social Protection Systems in Latin America and the Caribbean: Cuba,’ Economic Commission for Latin America and the Caribbean (ECLAC), 2013, p.42 (hereinafter: C. Mesa-Lago, Social Protection Systems in Latin America and the Caribbean: Cuba); Also see G. Thale and C. Boggs, ‘Labour Rights and Cuba’s Economic Reform’, WOLA, p.2.

16 According to ECLAC: “Despite low and declining salaries, cuts in rationing and price increases, part of the population manages to cover basic needs because they have other sources of income: foreign remittances received by 65% of the population; payments in foreign currency to employees of enterprises with foreign investment; legal or illegal income of the selfemployed; lunches provided in work and school canteens (although the former have been eliminated and the latter reduced); and theft of State goods for sale or personal use. In addition, most people have their own housing, and education and health continue to be free.” See C. Mesa-Lago, Social Protection Systems in Latin America and the Caribbean: Cuba p.16.

17 Lissy Rodriguez Guerrero, ‘Aporte y compromiso: variables claves en la movilización de los trabajadores’, Granma, 30 June 2017
human rights advances in the provision of free health care and access to education and valued the fact that there is little organized crime in the country, many also described the day-to-day struggle of having to make difficult choices between feeding and clothing their families.

People interviewed by Amnesty International said that food rations – which have been progressively reduced – are insufficient to last the month. And while education is free, many Cubans find it difficult to buy the things their children need to attend school, such as uniforms, backpacks and other basic supplies. For example, an administrator in a state food factory told Amnesty International she earned USD20 a month at a time when shoes for her child could easily cost USD30. Many people interviewed said they had to break the law to make ends meet. The same administrator also described how one of her job responsibilities was to ensure that workers did not steal bread or other essentials they need to survive.

Former President Fidel Castro’s death in November 2016, and President Raúl Castro’s announcement that he would step down in 2018 continue to fill opinion columns with speculation about Cuba’s future. But while in political quarters and international news rooms Cuba remains a hot topic, tens of thousands of Cubans continue to leave the country. Their individual reasons may vary, but common threads are disillusion with Cuba’s changing international diplomacy, a lack of confidence that salaries will improve and scepticism at the idea that a post-Castro administration will do anything to untangle the tight web of control on freedom of expression. Amnesty International’s interviews with Cuban migrants highlight this widespread and profound lack of belief in the prospect of structural change.

This briefing examines limitations on freedom of expression that persist in Cuba despite the context of purported political openness, a tourism boom and a changing economic context. It is based on research carried out between December 2016 and September 2017, although Amnesty International’s lack of access to Cuba has posed a significant limitation on providing an analysis of human rights issues in the country.

The interviews the organization conducted with Cubans for this briefing have made it possible to identify the impact on a wide range of people of 50 years of serious restrictions on the rights to freedom of expression and peaceful assembly. The failure of the authorities to respect and ensure these rights has had an impact far beyond the ranks of those directly targeted for their activism or views and seeped into the everyday experiences and hopes of people from all walks of life. This briefing focuses on those wider influences and on the human rights advances that those affected would want to see.

As Cuba prepares for elections in 2018, the diverse Cuban voices at the centre of this research highlight the need for authorities to promote reforms that ensure the respect and protection of human rights, including a review of criminal laws and practices which are inconsistent with international human rights law and standards and that unduly limit freedom of expression. They also underscore the need for the authorities to adhere to international labour standards which Cuba has undertaken to uphold by ratifying International Labour Conventions. The briefing ends with a set of recommendations calling on the authorities to end unjust restrictions not only on those unfairly deprived of their physical freedom, but also on those who feel their minds are imprisoned and their lives stunted because they are deprived of their right to freedom of expression.

**METHODOLOGY**

In March 2017, Amnesty International carried out a scoping mission to Nuevo Laredo on the Mexico-USA border, where many Cuban migrants were stranded, and conducted semi-structured interviews with 24 individuals, as well as several group interviews with a total of approximately 16 participants, in order to better understand the reasons why they were migrating and the human rights situation in Cuba. In May 2017, the organization conducted in-depth individual interviews with an additional 40 Cuban migrants in Tapachula, on the Mexico-Guatemala border.

The bulk of the information that follows is based on the 64 individual interviews. Interviewees ranged in age from 19 to 65 and most were men. Informed consent principles were applied to each interview. For interviewees’ safety and to mitigate the risk of reprisals towards their relatives still in Cuba, identifying details have been changed and pseudonyms used.

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19 Amnesty International has an internal policy of not accessing countries, in most circumstances, without authorization from the government.

20 The majority of migrants which Amnesty International was able to interview were male. While the organization also interviewed women, many of those who had taken the dangerous route from Guyana, through eight or ten countries, including the Darian Gap jungle, were male.
To ensure thorough processing of the hours of interviews conducted, researchers used research software (NVIVO). The software facilitates codification of data and also permits pooling of large quantities of additional sources, such as news articles by official and independent Cuban media and academic articles by organizations that do have access to Cuba.

Amnesty International values the input and viewpoints of authorities in its analysis of the human rights situation in any given country. Regrettably, Cuba continues to be the only country in the Americas where the organization is denied access. Amnesty International’s last official visit to Cuba was in 1990 and since then it has had only limited dialogue with the Cuban authorities abroad. President Raúl Castro has still not responded to the organization’s request to visit the country, dated 14 April 2016. Further, Amnesty International wrote to the Cuban authorities to make specific inquiries related to this research, but at the time of publishing had not received an official response.

The transitory nature of migrant people represented an additional challenge in following up with people who were interviewed. The fact that Cuban authorities and lawyers rarely provide official court documents was a further barrier to documentation.

To mitigate these limitations in methodology, in the context of a highly polarized political environment, Amnesty International held over a dozen interviews and meetings with a wide number of sources with expertise on Cuba, including Cuban NGOs, activists, academics, independent trade unionists and journalists Some only agreed to speak to the organization on the condition of anonymity, hence they have not been named in this briefing.
2. THE TIP OF THE ICEBERG

“In Cuba everybody knows that if you get involved in an opposition party, you will always end up in prison. Always, always, always…”

25-year-old pizza cook interviewed in Tapachula, Mexico, May 2017

When Amnesty International was established in 1961, the organization wrote a letter to the Cuban Embassy in London expressing concern about a prisoner of conscience. Since then, the organization has identified thousands of cases of people unjustly detained in Cuba solely for the peaceful exercise of their rights to freedom of expression and peaceful assembly. In the 1990s the Cuban authorities started to shift away from mostly using long-term imprisonment to silence political criticism and towards the use of frequent short-term arbitrary arrests and detention, a tactic that continues to this day; Amnesty International has consistently denounced this tactic of repression.
1961: The Revolutionary Tribunals issue mass charges and hand down long sentences ranging from five to 30 years’ imprisonment. In September, five people are sentenced to death and executed the same day.

1977: Amnesty International delegates visit Cuba and outline key concerns regarding prisoners of conscience and unfair trials.

1979: Hundreds of prisoners of conscience are released, including some plantados, prisoners known for their strong opposition to Fidel Castro and for refusing to participate in so-called “rehabilitation programmes”.

1981: Amnesty International releases a special action raising concerns that the Penal Code allows for use of the death penalty as punishment for a substantial number of crimes deemed “counter-revolutionary”.

1988: Amnesty International’s Secretary General and staff visit Cuba and have wide access to government officials, prisons and the psychiatric hospital and release a report on their findings. Members of the Association for Free Art, an unofficial organization of artists and intellectuals in Cuba, are detained in their homes and over a year later, seven are charged with “illegal association” and receive sentences ranging from nine to 18 months’ imprisonment.

1989: Arrests are made as activists try to stage a peaceful demonstration during the visit of Mikhail Gorbachev, President of the Soviet Union.

1990: Amnesty International conducts an official visit to Cuba, and has not been allowed back by the authorities since.

1995-1996: Amnesty International issues a flurry of Urgent Actions for independent journalists and political activists subjected to arbitrary arrest and detention. In one case, an activist is detained an hour after speaking to the organization by phone.

July 1996: Amnesty International notes a deliberate policy by the authorities to force government critics into exile by threatening them with imprisonment if they do not leave the island; a tactic designed to rid the country of so-called “counter-revolutionaries”.

FROM AMNESTY INTERNATIONAL’S ARCHIVES: CUBA’S 50-YEAR CAMPAIGN AGAINST FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

1992: Amnesty International publishes *Silencing the Voices of Dissent* and a list of prisoners of conscience. Among them is a dissident film maker who was arrested as he tried to film an “act of repudiation” (demonstrations led by government supporters and involving state security officials) and subsequently charged with contempt.

1994: Hundreds are in prison on charges of “dangerousness”. The numbers of people fleeing Cuba reach levels not known since 1980. Amnesty International delegates visit the US Naval Base at Guantánamo Bay to investigate refugee protection for Cuban and Haitian people taken there after being intercepted at sea by the US authorities. The organization concludes that hundreds of Cuban migrants would be at risk of human rights abuses if returned.

Mid 1990s: The Cuban authorities shift tactics away from long-term imprisonment of political activists and human rights defenders and begin to subject them to different forms of harassment, mainly short-term arrests, frequent questioning by the police, fines, threats against them and their families, loss of employment and acts of repudiation.

1995-1996: Amnesty International issues a flurry of Urgent Actions for independent journalists and political activists subjected to arbitrary arrest and detention. In one case, an activist is detained an hour after speaking to the organization by phone.

July 1996: Amnesty International notes a deliberate policy by the authorities to force government critics into exile by threatening them with imprisonment if they do not leave the island; a tactic designed to rid the country of so-called “counter-revolutionaries”.

"YOUR MIND IS IN PRISON" Censorship of content over freedom of expression and its chilling effect on everyday life

AMNESTY INTERNATIONAL
1998: Amnesty International and Reporters sans Frontières issue a joint statement welcoming the release of 90 political prisoners following the Pope’s visit, but express concern for those still detained.

2002: A group of 21 Cuban men crash a public bus into the Mexican Embassy grounds in Havana in an attempt to seek asylum. People gather spontaneously outside the Embassy and many are detained by the authorities. Days before, the Mexican Minister of Foreign Relations on a visit to the USA had indicated to the press in Miami that the doors of the Mexican Embassy were open to Cubans.

2003: Following a crackdown on the dissident movement, Amnesty International names 75 prisoners of conscience. Prison terms for those detained and subjected to summary trials range from 26 months to 28 years’ imprisonment.

2009: The Cuban government uses the denial of exit visas as a punitive measure against government critics and dissidents, impacting on their right to freedom of movement.

2009: Amnesty International calls on President Obama and the US Congress to lift the embargo on Cuba and details how it undermines economic and social rights, particularly the right to health.

2012: Routine repression and short-term political detentions and harassment continue. As Pope Benedict’s visit ends in Cuba, there is a clampdown on political activists and human rights defenders and a communications blockade.

2014: The Obama administration and Cuban government announce plans to restore diplomatic relations after decades of Cold War estrangement. The remaining members of the “Cuban Five” held in the USA on espionage charges are released.

2015: Amnesty International names graffiti artist, Danilo Maldonado Machado, (“El Sexto”) a prisoner of conscience after he is imprisoned for painting “Fidel” and “Raúl” on the backs of two pigs. He is held in detention for 10 months without charge or being presented before a judge.

2017: Yulier Perez, a graffiti artist known for painting dilapidated walls in Havana, was arbitrarily detained after months of intimidation and harassment from the authorities for freely expressing himself through his art.

The repression of dissent persists in today’s Cuba. Human rights defenders and political activists continue to be intimidated, harassed and detained at a dizzying pace. The Cuban Commission for Human Rights and National Reconciliation (Comisión Cubana de Derechos Humanos y Reconciliación Nacional, CCDHRN), a Cuban NGO not officially recognized by the state, recorded 8,616 arbitrary detentions in 2015 rising to 9,940 in 2016; a monthly average of 718 and 827 respectively. According to news agency Hablemos Press, 94 of those arbitrarily detained in 2015 were members of the independent press.

The Cuban authorities continue to use an array of provisions of the Penal Code to stifle dissent and punish those overtly critical of the government. Commonly used provisions include contempt of a public official (desacato), resistance to public officials carrying out their duties (resistencia) and public disorder (desórdenes públicos).
“They [the government] dress the police up as civilians. They bring them from other provinces so the community doesn’t recognize them, and they beat up those women. It’s criminal to see, outrageous. And they simply take to the streets, without weapons, without anything - their weapons are their placards…asking for the freedom of Cuba.”

A sportsman interviewed in Nuevo Laredo, Mexico, March 2017, talking about the Ladies in White

Representatives of the Ladies in White, a group of female relatives of prisoners detained on politically motivated grounds, continue to be arbitrarily detained, usually for several hours each weekend, solely for exercising their right to freedom of association and peaceful assembly, despite being beneficiaries of precautionary measures granted by the IACHR as well as repeated calls by Amnesty International and others for the intimidation against them to end. According to the CCDHRN and dozens of Cubans who spoke to Amnesty International for this briefing, the Ladies in White remain one of the primary targets of repression by the authorities and their arrests are often accompanied by violent beatings by law enforcement officials and state security agents dressed as civilians.

“[President] Raúl says there are no political prisoners in Cuba. That’s stupidity… Of course there aren’t any “political prisoners”, because if you participate in a protest, you get accused of altering public order, and that’s what you get imprisoned for. That’s why there aren’t any political prisoners in Cuba. But anyone knows that isn’t the case.”

28-year-old informal restaurant worker interviewed in Tapachula, Mexico, May 2017

Political opposition and human rights groups continue to be another target of state oppression. At the time of writing, the Patriotic Union of Cuba (Unión Patriótica de Cuba, UNPACU), claimed that dozens of its members were detained for political motives. As the state continues to fabricate evidence and use trumped-up charges for common crimes as a way to harass, intimidate and detain political opponents, Amnesty International has been unable to independently assess each case. However, in March 2017, several UNPACU members were arbitrarily detained in an early morning raid in four of the leaders’ homes. Former prisoner of conscience, Jorge Cervantes, a founder of UNPACU, was detained for approximately three months between May and August 2017. At the time of writing, the leader of the pro-democracy Christian Liberation Movement, Dr Eduardo Cardet Concepción, a prisoner of conscience, remained in prison, having been given a three-year prison sentence in March 2017. Eduardo Cardet was detained on 30 November, five days after Fidel Castro’s death, and subsequently convicted for attacking an official of the state during the detention. Various witnesses who spoke to Amnesty International counter the official account. Prior to his arrest, Eduardo Cardet gave a number of interviews published in international media in which he was critical of the Cuban government.

In 2016, the IACHR expressed concern that ever since its 1992-1993 Annual Report on Cuba it had observed the use of arbitrary arrests as a means of harassing and intimidating those critical of the government. It noted its particular alarm at the “sudden increase in summary arbitrary detentions” in 2016 and the “surge in the violence” with which the detentions were carried out. Given the lack of official data on such detentions, the IACHR requested that the government provide further information. It did not receive a response.

28 IACHR, Cuba Annual Report, para.45.
29 IACHR, Cuba Annual Report, para.47.
The judiciary continues to be neither independent nor impartial and allows criminal proceedings to be brought against those critical of the government as a mechanism to prevent, deter or punish them from expressing such views. In 2012, the UN Committee against Torture noted with concern that there had been no significant changes in Cuba’s justice system in recent years, and expressed particular concern about the lack of independence from the executive and legislative branches within the judiciary and legal profession.

Articles 208-209 of the Penal Code prohibit so-called illicit associations, meetings or demonstrations of groups not legally registered. In practice, it is impossible for independent human rights organizations, trade unions and other groups not authorized by the state to legally register, meaning they operate in a murky legal environment which leaves them at high risk of prosecution. Additionally, all defence lawyers must belong to the National Organization of Collective Law Offices which multiple sources say is closely controlled by the state. Applications by organizations of independent lawyers to legally register are consistently denied.

For example, Cubalex, a group of independent human rights lawyers and the beneficiaries of precautionary measures from the IACHR, has been unable to register for years. In September 2016, the authorities searched its centre of operation without a warrant, confiscated laptops and documents and gave notice that the organization was under a tax investigation with potentially criminal consequences. According to the Cubalex, on 3 May 2017, its president, Laritza Diversent, was summoned by the Prosecutor General and informed that members of the organization would be accused of breaking the law for receiving financial support for the provision of legal assistance, and for falsifying documents. The organization had been receiving funding from a US institution to provide legal assistance and human rights monitoring.

People who have been detained for exercising their freedom of expression or peaceful assembly repeatedly told Amnesty International about the difficulties they face in accessing a lawyer of their choice and criticized the lack of independence of public lawyers who often fail to exercise due diligence in their cases. Defence lawyers almost never provide families with copies of court documents, creating significant barriers for victims in accessing justice at the national and international level.

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30 In the chapter on Cuba in its 2016 Annual Report, the IACHR, states: “As regards the judicial guarantee regarding the independence of the courts from the other public authorities, the Commission has already referred to Article 121 of the Constitution of Cuba, which provides: ‘The tribunals constitute a system of State organs, structured with functional independence from any other, and subordinate hierarchically to the National Assembly of the People’s Power and the Council of State.’ The powers of the Council of State include ‘issuing general instructions to the courts through the Governing Council of the People’s Supreme Court.’ In the view of the Commission, the subordination of the courts to the Council of State, presided over by the Head of State, represents direct dependence of the judicial branch on the dictates of the executive branch. The IACHR has considered that this dependence on the executive does not provide for an independent judiciary capable of providing guarantees for the enjoyment of human rights.”

31 Committee against Torture, Consideration of reports submitted by States parties under article 19 of the Convention: Cuba, 25 June 2012, para.18


33 Cubalex, ‘Actualización de la situación de los miembros de Cubalex,’ received by email 5 September 2017. According to Cubalex, the organization was denied registration by the Minister of Justice in September 2016 on the grounds that the organization had the aim of damaging social interests, violating Article 62 of the Constitution which limits freedom of expression to that which is consistent with the objectives of the socialist state.


35 According to the Cubalex, the Prosecutor General refused to provide a written copy of the allegations but indicated that members of the organization would also be accused of falsifying documents and offering bribes to state officials to gain ownership of the property where Cubalex is based. (Another member of Cubalex, Julio Alfredo Ferrer Tamayo, is currently serving a three-year-sentence on similar charges.)

2.1 THE RIGHTS TO FREEDOM OF EXPRESSION AND ASSOCIATION

Cuba, a founding member of the UN, voted in favour of the Universal Declaration of Human Rights (UDHR) adopted in 1948. The UDHR articulates the most basic rights that all UN member states are legally bound to promote and protect under the UN Charter, including the rights to freedom of expression, association and peaceful assembly. In 2008, the Cuban authorities signed, but did not ratify, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Signatory states are required to refrain from acts that would defeat the object and purpose of those treaties. This includes compliance with the core obligations of the treaty, such as non-retrogression and non-discrimination.

Cuba is also a party to the Charter of the Organization of American States (OAS) and, as such, is committed to the implementation of the American Declaration of the Rights and Duties of Man.

The right to freedom of opinion and expression, enshrined in Article 19 of the UDHR, is fundamental for the realization of other interconnected human rights, including economic, social and cultural rights and is an essential element in holding governments to account. According to international human rights law, the right to freedom of expression can only be restricted in very limited circumstances. It is incompatible with international law to harass, intimidate, stigmatize, arrest, detain, trial or imprison a person solely on the grounds of an opinion they hold.

Additionally, the Declaration on Human Rights Defenders, adopted by the UN General Assembly by consensus in 1998, protects the right of individuals to defend human rights, including by meeting or assembling peacefully and forming, joining and participating in NGOs, associations or groups, as well as by communicating with NGOs or intergovernmental organizations. Article 12 of the Declaration further requires states to take all necessary measures to protect individuals against "violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action" due to their human rights activism and calls on states to ensure that these rights are protected effectively in national law.

Cuba's Constitution, however, imposes undue restrictions on the rights to freedom of expression and association that are not in line with international law and standards. Article 62 restricts the right to freedom of expression to that which is consistent with the objectives of the socialist state, in practice subordinating the universal right to freedom of expression to state ideology. The state's ongoing tactics of disproportionate, arbitrary and discriminatory use of the criminal law against political activists and human rights defenders further constitutes a form of discrimination based on political or other opinion.

The effective ban on the registration of independent human rights organizations, trade unions, and independent media outlets poses undue restrictions to the right to freedom of association, as recognized in Article 20 of the UDHR. This ban imposes further obstacles for civil society groups trying to carry out their work and take collective action for the defence and promotion of human rights.

The criminalization of human rights defenders based on receiving foreign funding is also prohibited under international law. Limitations on foreign funding are contrary to the right of association as they constitute an impediment for human rights defenders to perform their duties, and funding is an essential tool for the existence and effective operation of any association.

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38 While initially the Declaration was adopted without having a binding nature, the IACHR and the Inter-American Court of Human Rights have established that, despite having been adopted as a declaration and not as a treaty, today the American Declaration constitutes a source of international obligations for the member states of the OAS and an authoritative interpretation of the human rights provisions of the OAS Charter. See: Inter-American Court of Human Rights, Interpretation of the American Declaration of the Rights and Duties of Man within the framework of Article 64 of the American Convention on Human Rights, Advisory Opinion, OC-10/89, 14 July 1989.
39 Any restrictions to this right must meet all elements of a strict three-part test – they must be provided by law, necessary and proportionate for the purpose of protecting national security, public order, or public health or morals, or the rights or reputations of others. Additionally, to prevent abusive impositions of restrictions, there must be an effective appeal process in place to an independent body, or judicial review.
40 Human Rights Committee, General Comment no. 34, para.9.
41 UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 8 March 1999, Article 5.
42 According to Cuban laws, founders of an organization should officially request registration of their organization through the Ministry of Justice. However, according to various sources, the Ministry in practice routinely denies registration of independent NGOs, political organizations and trade unions.
44 IACHR, Criminalization of Human Rights Defenders, para.135.
The misuse of the criminal justice system to target and harass human rights defenders, political activists, journalists and artists critical of the authorities, undue restrictions on the right to freedom of association, and the lack of independence of the judiciary and public lawyers, remain the most visible indicators of how damaged the right to freedom of association is in today’s Cuba. But these restrictions are only the tip of the iceberg, the most visible part of severe and long-standing controls on the rights to freedom of expression and association.

2.2 “EVERYTHING IS ILLEGAL”

“In Cuba you always have one foot in prison, and a foot outside.”

Driver and owner of a classic car tour in Havana interviewed in Tapachula, Mexico, May 2017

A FORMER STATE SECURITY AGENT
LEFT CUBA BECAUSE HE COULD NO LONGER STAND LIMITS ON FREE EXPRESSION

Trained in the military, Carlos described how he was selected in his late teens to be part of Cuba’s state security. He said although he had a big house in Cuba and no serious financial needs, he left the country in 2016 because he could no longer stand the limitations on his freedom of expression. Amnesty International interviewed him in Tapachula, Mexico, in May 2017.

After his training as a state security official, Carlos says he took ordinary jobs: “You have to keep a normal profile. I worked as a chef… in a factory”. In those jobs he says he was asked to infiltrate and report on workers. Only his immediate family knew of his undercover work in Cuba.

He said that things started to change after he travelled overseas for work and on his return to Cuba he said he began to see things differently. He told Amnesty International that a lot of his friends are in prison due to information he passed to state security. “Everything is illegal in Cuba,” he said. Some were imprisoned for trafficking meat; some for trying to leave the country by boat. Carlos said: “In Cuba they put people in jail illegally, when they haven’t done anything…In Cuba, supposedly there are no political prisoners. For them [the government] none of the prisoners are political, when for the rest of the world they are.”

Carlos tried to leave Cuba twice by boat. The first time, the boat was badly constructed and the embarkation didn’t work. The second time, ironically, a state security agent intercepted it. He says he spent several days in a prison cell.

After that, he tried to align himself with some political opposition groups in Cuba. But he, like many others, told Amnesty International that these have also been infiltrated.

Carlos said that in Cuba people have to steal from their employers to survive. “Workers are afraid to protest against the government because as soon as you do, you can no longer work with the state… you would lose the way to support your family.”

Carlos also had positive things to say about Cuba’s human rights record. He believes that the high standard of education in Cuba prepares you well. And that while conditions in Cuban hospitals are dismal, it is an important human rights achievement that health care is free.

If returned to Cuba, Carlos says he cannot imagine what would happen to him; opposition activists are likely to be jailed if returned. Despite not having his immigration status regularized in Mexico, and despite having to hide in the countries where he worked along the way, he like dozens of other interviewees said that by leaving Cuba an enormous weight has been lifted from his shoulders.
During research for this briefing, Amnesty International found that a wide range of highly restrictive, vague and broadly defined laws, create a web of control over many aspects of the lives of ordinary Cubans, as well those overtly critical of the government. Approximately half of those interviewed for this research had been arrested and imprisoned at least once in Cuba. However, many had never been overtly critical of Cuba’s political or economic system and were not involved in any form of activism. Nevertheless, they described how they felt a strong intrusion of the criminal law in their daily lives which they viewed as strict limitations on their rights.

In dozens of cases, those interviewed told Amnesty International that they had served sentences, or in some cases multiple sentences, at some point in their life for “dangerous disposition”, covered by Articles 78-84 of the Penal Code. The IACHR, as well as national and international NGOs including Amnesty International, have repeatedly noted these provisions are imprecise and subjective, which allows the authorities to apply them arbitrarily.66

The Penal Code provides for a range of sanctions based on the proclivity of an individual to commit a crime, and the perceived likelihood of potential future actions that could be “anti-social”, an overly broad and vague provision that could cover almost any activity, breaching the principle of legality and other fair trial guarantees.47 The Penal Code also provides for sanctions for individuals who have relations with people considered by the authorities as “potentially dangerous for society” or who “pose a threat to the social, economic or political order of the socialist state”.48 Many people interviewed told Amnesty International that they were charged, or threatened with being charged, with this provision in a range of instances, including after trying to leave the country and when they were unemployed and unable to find work.

In practice, Article 75.1 of the Penal Code provides that a police officer can issue a warning for “dangerousness” or for associating with a “dangerous person.” Municipal tribunals have the authority to declare someone to be in a dangerous pre-criminal state and can do so summarily within pre-set timeframes which are so short that they effectively deprive the accused of the possibility of mounting an adequate legal defence.

Security measures are imposed on those found to have a “dangerous disposition” by a municipal tribunal. These measures may include “therapy”, police surveillance or “reeducation”. The latter may consist of internment in a specialized work or study institution for a period of between one and four years. In most cases, internment is changed to imprisonment.


47 See Amnesty International, Restrictions on Freedom of Expression in Cuba, (Index: AMR 25/005/2010), pp.10-11. According to Article 73.2, a person in a “dangerous state” because of their “anti-social behavior” is one who “habitually violates the rules of social co-existence by acts of violence, or who, by other provocative actions, violates the rights of others or who, by their general behaviour, damages the rules of co-existence or disturbs the order of the community or who lives, like a social parasite, from the work of others or exploits or practices vices that are socially unacceptable.”

48 Article 75.1 states: “Any individual who, although not subject to any of the dangerousness conditions referred to in article 73, could be susceptible to [committing a] crime due to their connections or relationships with individuals who are potentially dangerous to society and the social, economic, and political order of the socialist State, shall be issued with a warning by the relevant police authority in order to prevent them from committing socially dangerous or criminal activities.”
Ivan studied languages and worked as a tourist guide in Havana. Never actually involved in political activism himself, he has been friends with people considered dissidents since his teens. After spending seven years in and out of jail on charges of “dangerousness”, “contempt” and “disobedience”, all vaguely defined crimes inconsistent with international human rights standards, he finally managed to leave Cuba in 2014 and lived and worked in Guyana and later Brazil.

Ivan was first sentenced to two years of house arrest for “dangerousness” in 1998, when he was 18, for being friends with people considered to be members of the political opposition. After a year and eight months of house arrest, the authorities said he wasn’t complying with the sentence, so it was altered and he was imprisoned with specialized work for another two years. Five months after being released, he was sentenced to another year of house arrest for “contempt” for allegedly arguing with a state security official. He told Amnesty International that at that point he saw things differently, so he tried to leave Cuba in a so-called “illegal” exit by boat via Punta Maisí, the closest point to Haiti. The boat was intercepted by the authorities and he was imprisoned for another eight months for “disobedience”, after giving a false name to avoid arrest. His last sentence for “dangerousness” was for four years between 2004 and 2008. Ivan said he spent a lot of his time in prison with political activists and shared their views, but he never became actively involved. He said he realized after serving his first few sentences that if he did, he’d be an old man by the time he got out of prison.

In many other statements collected during research for this briefing, Cubans told Amnesty International they had been harassed or arrested under a range of other arbitrary and disproportionate provisions of the Penal Code, for actions that in many cases should not be considered an offence according to international standards. For example, a number of interviewees described having been harassed or arrested for only buying beef. Killing livestock without government authorization, selling, transporting or illegally acquiring livestock is prohibited by Article 240.1 of the Penal Code and carries a sentence of between six months and five years’ imprisonment and a fine. One woman, a former shop assistant, told Amnesty International that she had spent eight months in prison in 2011 for “illegally buying beef”, before a judge acquitted her after finding there was insufficient evidence for her detention.

"YOUR MIND IS IN PRISON"
CUBA'S WEB OF CONTROL OVER FREEDOM OF EXPRESSION AND ITS CHILLING EFFECT ON EVERYDAY LIFE
AMNESTY INTERNATIONAL

Amnesty International
2.3 HUMAN RIGHTS STANDARDS AND THE APPLICATION OF THE CRIMINAL LAW

States have autonomy to determine what type of behaviour is harmful to others and the community and merits criminal sanction. But as one of the strongest arms available to the state, policing power is not unrestrained and must be strictly regulated as it can result in the reduction, deprivation or alteration of the rights of individuals. International law and standards establish the limits to this power.

Article 3 of the UDHR establishes the right of everyone to liberty, which requires states to restrict deprivation of liberty to only certain prescribed circumstances and only to the extent that is necessary and proportionate to a legitimate aim. The criminal justice system should thus be used in a subsidiary manner once other legal and procedural options have proven not to work and it is only to be used as a last resort.

The principle of legality constitutes a fundamental limitation to the use of criminal law, which requires crimes and punishments to be clearly defined by law in a manner that is accessible to everyone, and must not be arbitrary or unreasonable. Crimes and punishments must be defined with sufficient precision to avoid overly broad or arbitrary interpretation or application, in a manner that is accessible to the public and that clearly outlines what conduct is criminalized.

Restrictions on the exercise of human rights, including through the application of criminal law, must be for a legitimate purpose or aim. The list of what may constitute a legitimate aim is restricted to certain specific grounds such as the protection of national security, public order, public health or morals or the rights and freedoms of others. In order to be lawful, any restrictions on human rights, in addition to serving a legitimate aim or purpose, would also need to meet the principles of necessity and proportionality.

(i) Necessity: Restriction of individuals’ human rights can only be justified when other, less restrictive responses would be inadequate and unable to achieve the legitimate aim or purpose.

(ii) Proportionality: A state should not apply more restrictive means than are required for the achievement of the purpose of the limitation, and is responsible for justifying any limitation on the right guaranteed. Deprivation of someone’s liberty which results from the application of criminal law may not always meet the requirement of proportionality, especially if other less extreme measures could be similarly effective.

Over successive decades, provisions of the Cuban criminal law have repeatedly and arbitrarily interfered with the ordinary, day-to-day lives of Cubans.

The UN Working Group on Arbitrary Detentions has previously called on Cuba to amend their national legislation to comply with the principle of legality and other dispositions contained in the UDHR to ensure that no measures of deprivation of liberty are arbitrary. In particular, the UN Working Group considered that detentions in Cuba were arbitrary when “persons are deprived of their liberty for a long period on the basis of their alleged dangerousness, with no reference to specific acts defined with the rigour that has been required by international criminal law since at least the eighteenth century, and which is now enshrined in article 11, paragraph 2, of the Universal Declaration of Human Rights”.

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3. SILENCE—A CONDITION OF EMPLOYMENT

3.1 HARASSMENT AND WRONGFUL DISMISSALS IN THE STATE SECTOR

“To keep a job in Cuba, you have to keep silent and take what they [the government] say. If not, they throw you out immediately and then you don’t work anymore in Cuba.”

46-year-old fisherman, interviewed in Tapachula, Mexico, May 2017

The Cuban government is the country’s biggest employer. Approximately 72% of the labour force is employed in the public sector or the “state sector” as it is often referred to in Cuba. The state retains strong control over all forms of employment, despite the economic reforms spearheaded by Raúl Castro since 2011, which have included the creation of a larger private, or “non-state” and “self-employed” sector, as well as increasing openness to foreign investors.

According to economists, the non-state sector in Cuba is composed of two sub-sectors, the private and cooperative sectors. The private sector consists of four categories: private farmers, the self-employed, usufructs (those who cultivate state-owned lands) and workers employed by the previous three groups. Legally permitted self-employed occupations are mostly limited to semi-skilled or unskilled workers and there is an effective prohibition on members of most professions, including university graduates, from practising their professions in the private sector.

Amnesty International does not take a position on economic or political models and recognizes the sovereign decision of states to determine how they develop their economy and political systems. However, such models must be consistent with international human rights law and standards.

There have long been reports of discriminatory and politically motivated dismissals of Cuban professionals — including independent trade unionists, human rights defenders, journalists and academics — from state employment. The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts/CEACR) has raised concerns about discrimination in access to employment, education and training based on political motives.

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50 C. Mesa-Lago et al, ‘Voces de cambio en el sector no estatal Cubano: Cuentapropistas, usufructuarios, socios de cooperativas y compraventa de viviendas,’ Iberoamericana, 2016, p.17 (hereinafter: Mesa-Lago et al, ‘Voces de cambio en el sector no estatal Cubano’). Prior to recent economic reforms more than 80% of the workforce was employed in the public sector. See C. Mesa-Lago, Social Protection Systems in Latina America and the Caribbean: Cuba, p.36.
opinion for nearly three decades. In its 1989 observations it stated: "access to training and employment and the evaluation of workers for their selection, placement or the assessment of their occupational merits and weaknesses depends, among other factors, on their political attitude." 53 In subsequent observations throughout the 1990s and 2000s, the Committee repeatedly referenced allegations of discriminatory treatment and dismissals of university teachers, journalists 54 and professors. 55 This trend has continued over the past few years, with frequent reports of the discriminatory dismissals of students, academics, journalists, and independent trade unionists. 56

During this research Amnesty International collected dozens of testimonies from Cubans from all walks of life that indeed demonstrate that the state uses its control – as the biggest employer in the country, and as regulator over the private sector – as a way to silence even the most subtle criticism. Those who engage in even delicate disapproval, or who are involved in political activism, or who have tried to leave Cuba in so-called "illegal" exits by rafts, are frequently wrongfully dismissed from their employment in the public sector, or are harassed by the state until they feel they have no option but to leave their jobs. People also told Amnesty International that the fact that they had a criminal record – which was often linked to the exercise of their right to freedom of expression, as described in the previous section – made it almost impossible for them to find employment in the public sector.

Evidence collected by Amnesty International suggests that authorities use their significant control over employment to censor criticism, whether subtle or overtly political. One political activist told Amnesty International that he had been arrested 36 times in a little over 10 years and was progressively demoted from a managerial position to a customer service job and then eventually arbitrarily dismissed from his job as the authorities learned more about his activism. He told Amnesty International that the head of the state company that he worked for received orders from state security to dismiss him. Like many others, he told Amnesty International, that opposition activists can almost never find employment.

In another case, a 24-year-old woman who sold clothes in Havana before leaving Cuba, told Amnesty International she had been arrested at the age of 16, along with other family members, for peacefully participating in marches of the Ladies in White. She said police beat them during the arrest but she and her relatives were charged with attacking state officials. In a typical account, she said the lawyer assigned to the case by the state did not defend her effectively in court and she was sentenced to house arrest for a year and a half. She told Amnesty International that after this she was never able to secure employment in the public sector because of her criminal record and because the local Committee for the Defence of the Revolution (local members of the Communist Party who collaborate with state officials and law enforcement agencies) provided poor references.

People told Amnesty International of instances where they believed they were dismissed for voicing criticisms that were not overtly political. Based on the statements collected, it appears that in some cases workers are dismissed by their employers. In other cases they are harassed and intimidated by the administration to the point that they have no choice but to resign.

A SOCIAL WORKER
EXCLUDED FROM HIS STATE-JOB
FOR SUBTLE CRITICISM

Eliecer, a social worker told Amnesty International his job was to help society. After he began to complain about the lack of resources for his clients, he started to be harassed by his employers. “They made me promise things (to clients) that they didn’t deliver,” he said. He said his employers also started to question him about his friends in the USA and said he should abandon those friendships. Eventually, he said he had to leave his job, because of the harassment, but afterwards he was denied other state employment and he was left unemployed for two months. Potential state sector employers simply told him he had a negative record in his previous job. “I am not against the revolution as such, I am against what the people of the government do, that’s different. Because society is one thing and the government is another, and what the government does is poor… Just because I am not part of a particular group like the Ladies in White, it doesn’t mean I don’t have my own way of thinking,” he told Amnesty International.

Nearly everyone Amnesty International interviewed who had been dismissed from employment in the state sector for expressing an opinion or for their political activism, or had left because of the harassment they faced, said they were unable to secure further employment in the state sector. On repeated occasions, those interviewed told Amnesty International that when they approached potential state employers, they were simply told “you aren’t trustworthy”. The phrase – explicitly used to mean an individual is not politically trustworthy in terms of state ideology – was frequently the only explanation the worker was given by potential employers for not getting a job. A number of interviewees told Amnesty International that the government holds files on them from university through their whole working life in state sector employment. While the government has stated that an employee’s file does not contain information on political opinions, the ILO has frequently received complaints that such information is held and has asked the government to ensure that employment files are not used to discriminate against workers.57

José, aged 33, said he never wanted to leave Cuba but the situation forced him to go. He comes from a family of Cuban Communist Party supporters. “All of them are party activists… except me.” He says he began to see things differently as a young man. He expressed criticisms in school. Later, he stopped participating in elections and left the official trade union. When you do those things in Cuba, “they start closing doors”, he said.

In 2014, José was detained for three days for attending a cultural festival and wearing a wristband that said “Change”. He thinks he was only detained for such a short period because members of his family work in senior government positions. But afterwards he was fired from his job in a state-owned taxi company; he believes his firing was linked to his wearing of the wristband.

Following this, with the help of friends, José opened a mechanics workshop and became self-employed. His workshop eventually became a space for opposition activists and communists alike to meet and discuss political issues. He said his group didn’t always agree with certain styles of opposition activism. He said, “Take USD50 for holding a placard saying ‘Down with Fidel’ is not opposition.” He said his group tried to engage young people, but that that is difficult to do in Cuba.

He soon began to be harassed and intimidated. First, the authorities said they needed his workshop. Then the police arrived at his parents’ home. Then one day, after a baseball game, the police were waiting for him. “I love my country…. but they were harassing me… I didn’t want to stay and see what could happen”. People advised him to leave Cuba. A friend helped him get a passport. After he’d left Cuba, he says the police came to look for him again and gave his family a hard time.

José still said he believes the Cuban revolution was done for a just cause. He believes that free education and health care are important successes. As one of eight siblings, he says the revolution educated them all. José said he never personally experienced hunger. But he knows there are people in Cuba who are sick because they don’t eat well. He said he doesn’t want his country to go through what he’s seen in the countries he passed through. Images of dead people on the front pages of newspapers and people begging on the streets. But he does want people in Cuba to have a chance to say what they want.

José said that there are many people in Cuba that think like him, but are afraid to talk. “Especially those who have a good job... They are afraid that it will destroy their career. That they [the authorities] could do something to their families.”

He said that he is now a marked man because he has emigrated. If returned to Cuba, he believes he won’t be able to work. He thinks he could even be sent to prison for a period.

As of June 2014, there were 201 legalized self-employment occupations. However, there are virtually no options for most university graduates or professionals to work on a self-employed basis. As such once dismissed from state employment, many are effectively prohibited from pursuing their professions. While academics have noted that the exclusion of professionals from self-employment wastes the talents of Cuba’s well-educated population...
and blocks innovation,\textsuperscript{60} this limitation also has implications for the work of human rights defenders. This was the case for lawyers at Cubalex who appear to have been targeted and harassed, among other things, for independently providing legal and human rights advice, a category of work not recognized in the self-employed sector.

Nearly all those interviewed told Amnesty International they were pressured in their workplace in the state sector to promote state ideology and to participate in pro-government activities.

A lawyer told Amnesty International that as a professor he was required to provide legal education consistent with the ideology of the revolution. In practice, he said this meant promoting socialism and criticizing capitalism, or his class would be poorly evaluated by the university administrators. He said this was difficult for him to do when it wasn’t something he believed in. Training lawyers in this way clearly also has implications for safeguarding judicial independence and the separation of powers.

“A lawyer has to constantly respond to the interests of the ruling party in whatever role he practises.”

Lawyer and former professor, interviewed in Nuevo Laredo, March 2017

A waiter employed in a state-owned restaurant also told Amnesty International that he was dismissed from work on the 2 May 2015, for not having participated in the Labour Day march the day before. Like most Cubans Amnesty International spoke to who described similar experiences, he wasn’t given an official letter of termination. He says his boss just told him he couldn’t work anymore, as he hadn’t attended the march. He said that the trade union didn’t intervene and doesn’t function, and he didn’t appeal to a tribunal. When he looked for other employment with state restaurants, potential employers told him they couldn’t hire him because he hadn’t attended the marches.

Similarly, a 31-year-old factory director told Amnesty International that if a worker did not participate in Labour Day marches she had to note this on the workers file, or she too would be disciplined. If the worker was found not to have attended the march, she could dismiss them. In turn, as a director she was compelled to participate in Communist Party meetings, meetings of the official trade union, and a series of other state-coordinated spaces, which she believed had little impact on working conditions. Likewise, various interviewees, including a teacher, told Amnesty International that at university they were pressured to participate as supposed members of the public in acts of repudiation against the Ladies in White or else risk being given poor grades. Indeed, many interviewees said that they had felt an obligation to participate in pro-government activities ever since university.

A SPORTSMAN
EXCLUDED FROM HIS SPORT AND JOB FOR A CRITICAL INTERVIEW THAT NEVER AIRED

Jorge Luis was a champion sportsman in Cuba. Interviewed in Nuevo Laredo in March 2017, he said he left Cuba in search of freedom. “Political problems are rarely detached from economic ones” he told Amnesty International.

He described how several years before leaving Cuba he was interviewed by a state television channel. During the interview he was critical of the government’s failure to financially support his sport and explained that his success was due to his own effort and his families’ support. The interview was never aired, but Jorge Luis said that following that the government began to progressively exclude him from his sport and his state employment. At work, he said he was told only that he didn’t meet the requirements anymore.

After Jorge Luis was pushed out of work, he said he was given 20 days to find another job, because otherwise the police said they would charge him with “dangerousness” for not working. He found it impossible to find another job, as everywhere he went potential employers told him he was a “counter-revolutionary”. Unable to support his family he decided to leave Cuba.

3.2 A VICIOUS CYCLE: HARASSMENT IN THE SELF-EMPLOYED SECTOR

For many people who are pushed-out or dismissed from state employment for freely expressing themselves, the only remaining option is to enter the small and emerging, but highly regulated, “self-employed” sector.

Since taking power in 2008, President Raúl Castro has promoted changes to Cuba’s economic model. Entrepreneurship, or expansion of the “self-employed” sector has been one of the most visible reforms. These policy changes led to an estimated 500,000 workers being laid off in the public sector in an effort to revive the economy, cut public spending and increase

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productivity and salaries. The policy changes also led to a corresponding expansion of the private sector. By 2015, the self-employed sector, composed of small business owners or independent workers accounted for 10.3% of the labour force, and by 2016, 12%.

Many economists and other observers have welcomed the expansion of the self-employed sector, which according to different reports has benefited from the tourism boom prompted by the re-establishment of relations with the USA. However, experts also recognize that the sector remains fraught with challenges, including limited access to start-up capital, lack of a wholesale market and excessive regulations.

Without access to a wholesale market, many cuentapropistas must resort to buying goods and supplies on the illicit market, mostly goods stolen from state-owned businesses and resold. Such activities leave self-employed workers at risk of being fined or losing their licence. And as those in charge of imposing sanctions include both inspectors and the police, this leaves many further vulnerable to being charged with criminal offences.

For those who are wrongfully dismissed from the state sector, self-employment offers an alternative. On the other hand, due to its heavily regulated nature, multiple sources told Amnesty International that the authorities often arbitrarily and disproportionately apply restrictions from the maze of regulations governing the private sector against anyone deemed critical of the government. In fact, as this research was being conducted, the government temporarily suspended the issuing of certain licences to “perfect” the self-employment sector, after detecting wrongdoings, according to Granma, the Communist Party newspaper.

In several cases documented by Amnesty International, after an apparently discriminatory dismissal from state employment, many were further harassed as self-employed workers. For example, the social worker cited above who described how he was pushed out of his job, later formed a food business with a partner. He said: “The government has a group in charge of food safety. They used to send me these people very often. They closed the business and gave me fines. For the same reason [as I’d been pushed out of work]. There was a moment when I said, ‘well now I am not going to be able to work anymore’… They did it as a way to repress me.”

3.3 IMPRISONED AND DISCRIMINATED FOR TRYING TO LEAVE THEIR OWN COUNTRY

“Leaving Cuba is a crime to them.”

46-year old sailor interviewed in Tapachula, Mexico, May 2017

Testimonies collected during research for this briefing demonstrate that despite recent changes to Cuba’s migration laws, emigration, or attempts to leave the country, are viewed by the authorities as an expression of discontent with the political or economic system. As such, Cubans who seek to leave the country are stigmatized and discriminated by the state – labelled as “deserters”, “traitors” and “counter-revolutionaries” – detained and excluded from access to state-employment in the same way as others who peacefully exercise their right to freedom expression.

65 Granma, ‘Por la ruta de la actualización’, 1 August 2017.
66 See Mesa-Lago, Archibald Ritter, Ted Henken and others.
70 See Decree/Law 315 ‘regarding offences of the regulations of self-employment’
71 Granma, ‘Por la ruta de la actualización’, 1 August 2017.
Approximately half of those interviewed by Amnesty International said they had tried to leave Cuba before on make-shift rafts. Many had been intercepted by state security officials before they had embarked on the journey. Many had tried to leave multiple times and had been trying to leave Cuba for years; one man said he had been trying to leave for 15 years. The majority had been detained or arrested for periods ranging from hours to months merely for attempting to leave the country. Most had never been formally charged, or presented before a judge. One man, who tried to leave six times between 2002 and 2015, told Amnesty International that each time he tried to leave he was beaten by officials during the arrest. He said the last time they broke his nose and hit him in the forehead with a baton. A woman said she was detained each of the four times she tried to leave by boat in 2016 for periods ranging from 72 hours to seven days; the last time she was detained in a high-security prison.

Nearly every person interviewed by Amnesty International told the organization that after having tried to leave the country, they were stigmatized and discriminated and denied access to state employment. A 43-year-old industrial engineer said that after trying to leave in 2008 he was detained for 12 days, fired from his job and told, “You are not trustworthy.” He says he was then given a job cleaning riverbanks, something he considered a form of humiliation. He, like dozens of other migrants, told Amnesty International that if he had not taken the job, he would have been charged with “dangerousness”.

“For them, trying to leave the country is a form of protest.”

Small business owner interviewed in Nuevo Laredo, Mexico, March 2017

Sometimes when people have managed to leave the country, the authorities have taken reprisals against their family members who remain on the island. A 33-year-old chef said that after he left Cuba in 2016, his wife, who had remained and was working in the public sector as a health care provider, was fired from her job.

Article 13 of the UDHR enshrines the right to freedom of movement, including the right of everyone to leave their own country. States may not make this right dependent on the specific purpose for which a person decides to leave the country, nor on the period of time an individual chooses to stay outside the country.

Despite recent changes in Cuba’s migration laws, which partially eliminated the requirement for authorization to leave the country, Decree 194 of 1999 still makes it an administrative offence punishable with a fine to try and leave by boat, or to be involved in the construction of a boat, among other things. Article 216.1 of the Cuban Penal Code maintains “illegal exits” as a criminal offence punishable with imprisonment for periods of between one and three years or a fine. And under Article 217.1, anyone who organizes, promotes or incites such exits can be sentenced to up to five years’ imprisonment.

In practice, it is at the discretion of law enforcement officials whether and how a range of laws are applied to those intercepted trying to leave the country by boat. People who spoke to Amnesty International suggested that most who attempt to leave on rafts are fined, detained without charge or access to a lawyer, and are rarely presented before the competent judicial authorities. As independent human rights monitoring is not permitted in Cuba, it is hard to know if there are official registers of such detentions. In some cases, those detained were also charged with, or threatened with charges of, “dangerousness”.

72 See IACHR, Annual Reports 2013 and 2016. In 2012, Decree Law No. 302 published in the Official Gazette modified Law No. 1312 – the Law on Migration of 20 September 1976. While Cubans previously required an exit visa to leave the country, now only a passport and valid visa are required. However, Article 23 of the Decree Law still limits exit in certain circumstances, for example, for certain professionals, those with criminal charges or when “national defence and security so require”. The IACHR has noted that the generality of terms confer a broad discretion to the Cuban authorities to allow or not the exit of Cuban nationals, in particular those who express anti-government views.

73 See also Human Rights Watch, ‘Families Torn Apart The High Cost of U.S. and Cuban Travel Restrictions’, October 2005, Vol.17, No. 5 (B).
3.4 LIMITS ON INDEPENDENT TRADE UNIONS

According to Article 13 of the recently revised Labour Code (Law 116, 2013), workers have the right to voluntarily associate and form trade unions. In practice, Cuba only permits one state-controlled confederation of trade unions, the CTC. According to the Washington Office on Latin America (WOLA), a US-based NGO, the Central de Trabajadores de Cuba (CTC) “has strong political ties, like many European unions, but in a society that has only one political party such ties also indicate a close alliance with the government.” Indeed, the current Secretary General of the CTC is also a member of the Communist Party and a congressman (diputado) calling into question his autonomy. According to the webpage of the International Trade Union Confederation, the leaders of the CTC are not elected by workers but appointed by the state and the Communist Party.

Most people interviewed for this research said that the official trade union that supposedly represented them does not contest actions by government officials or the Communist Party and is therefore ineffective at representing their interests as workers. Many state-sector employees told Amnesty International that they felt pressured to belong to the CTC, but did not feel that the union advocated on their behalf. Self-employed workers are rarely affiliated with any trade union.

Furthermore, according to WOLA, the CTC does not engage in collective bargaining over wages, hours, and terms of employment. In 2017, the ILO Committee noted that revisions in the new Labour Code would allow for collective bargaining and requested that the government provide information on the number of collective agreements signed in the country, as the government reported it had signed over 7,000 agreements. Most interviewees told Amnesty International that the CTC does not engage in negotiations over salaries, an additional factor that contributed to their belief that salaries would not improve anytime soon.

While the new Labour Code does not expressly prohibit strikes and the criminal law does not set out penalties for striking, in practice the right to strike is not recognized. In 2017, the ILO Committee requested that the government “provide information on measures taken or envisaged to ensure that no one suffers discrimination or prejudice in their employment for having peacefully exercised the right to strike.” The Committee also requested information on the number and nature of strikes called since January 2016 and any administrative or judicial investigations initiated related to the strikes.

Independent trade unions also continue to experience harassment, intimidation and criminalization. Despite Cuba’s ratification of the relevant ILO Conventions, a host of complaints and cases have been brought to the ILO Committee on Freedom of Association. For decades, the Committee has repeatedly called on the authorities to refrain from interference with trade unions that limits the exercise of freedom of association, or the exercise of human rights related to trade unionism, or that deprives trade unionists engaged in legitimate activity of their liberty.

In its 2016 report, the International Group for Social Corporate Responsibility in Cuba (El Grupo Internacional Para la Responsabilidad Social Corporativa en Cuba) and the Independent Trade Union Coalition of Cuba (Coalición Sindical Independiente de Cuba) reported the arbitrary dismissal of several trade unionists from their state employment. Iván Hernández Carrillo, the Secretary General of the Association of Independent Trade Unions of Cuba and a former prisoner of conscience, told Amnesty International in September 2017 that his organization, like many trade unions before it, had written to the appropriate authorities to legally register. At the time of writing, they were still awaiting a response.

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74 IACHR, Annual Report, 2016, para.132.
79 ILO Convention No. 87 and ILO Convention No. 98.
80 See complaints bought against Cuba searchable at: www.ilo.org/dyn/normlex/en/flf?p=1000:20060::FIND:NO:::
3.5 THE APPARENT LACK OF EFFECTIVE RECOURSE FOR DISCRIMINATORY DISMISSALS

Many interviewees who had been wrongfully dismissed or harassed until they felt they had no choice but to leave the state sector told Amnesty International that they understood that state security agents or Communist Party officials had directed their immediate supervisors to dismiss or exclude them. One man who believed he had been fired for his political activism said he tried to initiate an internal appeal process with his employer, but his employers ripped up the papers. He believes his boss would also have been fired had he contested the dismissal.

Article 8 of the UDHR guarantees everyone the right to an effective remedy by competent national tribunals for acts violating fundamental rights granted by the Constitution or by law.

None of those who spoke to Amnesty International had appealed their dismissal through labour tribunals, which they considered fully under the control of the executive and therefore not an effective means to challenge their dismissal.

While a system of labour courts exists to mediate workers’ grievances, WOLA says it is difficult to assess how effective trade unions, labour legislation, and labour courts are in practice in a country with limited independent press and civil society and limits on international observers. Lack of access to Cuba, is also a barrier for Amnesty International to monitor the effectiveness of labour courts. However, Cuban lawyers and independent trade unions told Amnesty International that the labour courts are not an effective recourse when dismissals are discriminatory or politically motivated.

“Why would you hire a lawyer if the lawyer is from the same government?”

31-year-old man who had tried to leave Cuba six times by boat and was subsequently denied access to state employment and harassed by the police, interviewed in Tapachula, Mexico, May 2017

Serious and on-going limitations on the independence of lawyers and the judiciary previously documented by Amnesty International, act as an additional barrier to effective challenges to wrongful state dismissals. For example, a lawyer at Cubalex told Amnesty International that a database of labour cases documented by the organization, including cases of alleged discriminatory dismissals, held on his hard drive was confiscated by authorities at the airport when he left Cuba after being granted asylum in the USA.

According to international human rights principles, lawyers are entitled to freedom of expression and association and to join self-governing professional associations to represent their interests, promote their continuing education and protect their professional integrity, without external interference. However, as Cuba prevents the registration of independent human rights organizations – effectively prohibiting the legitimate exercise of human rights monitoring – and the practice of independent human rights lawyers, those who consider they have been wrongfully dismissed from work have limited recourse to effective legal representation. Finally, as Cuba does not accept the jurisdiction of the Inter-American Court of Human Rights, those who believe they have been wrongfully dismissed, like those who experience other human rights violations, are left without recourse to a regional human rights court.

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3.6 DISCRIMINATION IN ACCESS TO AND AT WORK

Cuba has ratified all the fundamental ILO Conventions, a total of 90 Conventions, including the Convention on Discrimination in Employment and Occupation (Convention No. 111) and the Convention on Freedom of Association and Protection of the Right to Organise (Convention No. 87).

As an ILO member state, Cuba has committed to respect the ILO Declaration on Fundamental Principles and Rights at Work which requires it to promote and realize in good faith, among other things, freedom of association and the effective recognition of the right to collective bargaining and the elimination of discrimination in respect of employment and occupation.

By ratifying ILO Convention No. 111 in 1965, Cuba committed to prevent discrimination in the workplace based on “any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.” (Article 1.a) In 2017, the ILO Committee of Experts noted that there is no provision in Cuba’s new Labour Code prohibiting discrimination on the full range of grounds covered in Article 1.a. While provision is made for protection against discrimination in access to employment, there is no protection against discrimination in other aspects of employment. It requested that the government amend the new Labour Code to bring it in line with the Convention.

The Committee also requested that the Cuban government ensure that neither workers nor students were subjected to discrimination “because of their political opinions or their religion and that no information about the political opinion or the religion of workers is recorded in the employment file so that it can be used against them.” It further requested that the government “take the necessary measures to ensure that in practice no information concerning political or religious opinion is sought from workers or students.”

In a Direct Request in 2017 the ILO Committee of Experts additionally requested that the government “take the necessary measure to ensure that all workers, including independent journalists, are able to exercise their occupation freely and without discrimination based on political grounds, even if they express opinions contrary to the established order.” It further requested that the government provide information on “the specific measures and plans adopted or envisaged to combat discrimination on all the grounds enumerated in Article 1.1.a of the Convention No. 111, together with information on their effectiveness and on the results achieved” as required by Article 3.f of the Convention. At the time of writing, there had been no response from the government of Cuba.

Dismissals from employment in the state sector due to perceived or actual political opinion violate the right to non-discrimination. This right is a fundamental component of international human rights law that permeates the entire activity of the state in all its manifestations and is necessary for the exercise and enjoyment of economic, social and cultural rights.

As a signatory to the ICESCR, Cuba must refrain from acts which go against the object and purpose of the treaty, which includes the obligation to ensure non-discrimination in the exercise of economic, social and cultural rights. This includes non-discrimination in the right to work, as recognized by Article 6 of the ICESCR, which states: “The State Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.” The right to work is also essential for the realization of other human rights and for human dignity, according to the Committee on Economic, Social and Cultural Rights. It contributes to the survival of an individual and that of the family and a person’s development and recognition within the community.

Article 2 of the ICESCR obliges state parties to ensure that rights set out in the Covenant are exercised without discrimination of any kind. Similarly, Article 26 of the ICCPR states “All persons are equal before the law and are entitled without any

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85 There are eight fundamental Conventions which cover international labour standards, including freedom of association, forced labour, discrimination, and child labour. See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:10011:0::NO::P10011_DISPLAY_BY_P10011_CONVENTION_TYPE_CODE:1_F


87 Cuba’s Labour Code (Act 116 of 2014) states: “all citizens able to work have the right to work and obtain a job taking into account the needs of the economy and their choice, both in the state sector and non-state sector; without discrimination based on skin colour, gender, religious beliefs, sexual orientation, territorial origin, disability or any other kind of distinction harmful to human dignity”.


discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as...political or other opinion”.

In General Comment 20, an authoritative interpretation of the ICESCR, the Committee on Economic, Social and Cultural rights stated that: “Non-discrimination and equality are fundamental components of international human rights law and essential to the exercise and enjoyment of economic, social and cultural rights.”91 The Committee has also noted that states should actively take a broad range of measures to address discrimination in law and in practice, including in the private sector.92

Dismissals from employment in the public sector due to perceived or actual political opinion are a form of discrimination prohibited under international law and violate ILO Convention No. 111. The ILO Committee of Experts stated in its 2002 Observations to Cuba, “the protection of freedom of expression is aimed not merely at the individual’s intellectual satisfaction at being able to speak her or his mind, but rather – and especially as regards the expression of political opinions – at giving such persons an opportunity to seek to influence decisions in the political, economic and social life of society.”93

As there are virtually no professional categories in which university graduates or professionals can gain licenses for legal self-employment in Cuba, when professionals are wrongfully dismissed for exercising their right to freedom of speech in the state sector, it has a particularly debilitating impact on them as they are unable to pursue their careers. As documented in this briefing, they are often unable to find work in the state sector and cannot continue working in their chosen profession in the non-state sector. This is inconsistent with the goals of the ILO Convention on Employment Policy (Convention No. 122), Article 2.c of which states: “there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.” Furthermore, Article 23.1 of the UDHR establishes that “everyone has the right to free choice of employment.”

When administrative regulations and the criminal law are used against those in the self-employed sector who are, or are perceived to be, critical of the government in a way that deprives them of their ability to work, the state is also limiting their ability to ensure an adequate standard of living for themselves and their family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

The prohibition in practice on independent trade unions and the right to strike and the limitations this places on workers’ ability to effectively organize, defend just and favourable conditions of work, and appeal against discriminatory dismissals constitutes is a violation of ILO Convention No. 87.94


92 The Committee has noted that state parties to the ICESCR must take measures to address both formal discrimination (in a country’s constitution, laws and policies) and substantive discrimination (the conditions and attitudes which drive or perpetuate substantive discrimination particularly in groups who have suffered historical or persistent prejudice). This obligation on states extends to the private sector and requires state parties to adopt measures - including legislation - that ensures individuals in the private sphere do not discriminate on prohibited grounds (paras 7-8). Furthermore, states are required to actively eliminate discrimination in law and in practice through a broad range of measures, and in some cases special temporary measures, incentives for compliance or penalties for non-compliance with non-discrimination standards, and public leadership programmes (para.39).


94 See also Committee on Economic, Cultural, and Social Rights, General comment No. 23, para.1.
3.7 FEAR OF RETURNING TO THEIR OWN COUNTRY

“If they deport me to Cuba, I am not going to be able to practise my profession... As everything there belongs to the government, they won’t give me work as a professional anywhere.”

Lawyer and former professor interviewed in Nuevo Laredo, Mexico, March 2017

Nearly all those who spoke to Amnesty International during the research for this briefing expressed fear of being returned to Cuba and believed they would be at risk for detention if deported. They also believed they would be excluded from access to any kind of state employment and subsequently harassed in the self-employed sector. For many, their fear was that they would not be able to provide for their family. Interviewees who had been directly involved in political activism believed they would be imprisoned if returned.

A 25-year-old sportsman who worked in Cuba in a pizza restaurant said: "If before I 'wasn't trustworthy', now I am worse off because I deserted my country. I am less trustworthy now. If before it was because I had family overseas, now I am even less 'trustworthy' for having deserted... Now I will be under much closer surveillance than before. My freedom is at risk, because I won't have work. And without work, they will apply the dangerousness law."

Nearly all of those Amnesty International spoke to said they would find a way not to be returned to Cuba. The majority said while they had not initially planned to live in Mexico, they would prefer to stay and find any kind of work rather than be deported. The words of one man echoed the sentiments of many interviewees when he said: "I'd rather go back in a coffin than voluntarily...either I will stay here [in Mexico] illegally or I will head to Guatemala."

People who had been abroad for several years had additional concerns as they believed that they would be unable to return and precluded from assessing social services if they return. Cuba’s revised migration law considers that a citizen has emigrated when they have resided outside of Cuba for a period of more than 24 months. Modifications made in 2012 to the migration law place a number of limitations and requirements on Cubans who wish to return to Cuba. For example, Cuban emigrants must “habilitar” (enable) their passport in order to enter the country, and there are limitations on the number of days they can visit Cuba.96 There are other requirements for Cubans considered to have emigrated to re-establish residency.96 On 28 October 2017, the authorities announced further changes to the migration law that would come into effect on 1 January 2018, including the elimination of the requirement for Cuban emigrants to “habilitar” their passport, and permitting the return of Cubans considered to have left the country “illegally”.97

The right to freedom of movement, as enshrined in Article 12 of the UDHR, protects the right of everyone to leave and return to their country. International standards require states not to impose measures – including administrative, legislative and judicial measures – that arbitrarily deprive individuals of their right to enter their own country.96 The UN Human Rights Committee, regarding Article 12(4) of the ICCPR, has said there are very few, if any, situations where a person can legitimately be prevented from returning to their country.

Many of those whom Amnesty International was able to interview did not have a regular immigration status, and, based on their fears of being imprisoned or denied employment if returned, had applied for asylum in Mexico. In several of the interviews conducted, Cubans expressed having been treated in ways which could amount to ill-treatment by Mexican authorities. They additionally expressed concerns that the Mexican authorities did not properly assess the conditions in their country of origin.

Receiving states have a responsibility to examine individual asylum claims on their merits in a full and fair asylum process with all procedural and substantive safeguards.

95 Decreto Ley 305, Modificativo de la ley no. 1312, “Ley de Migración” de 20 septiembre de 1976, Article 44 and 47
96 Resolution no 44 published by the Ministry of Justice in the Gaceta Oficial 16 October 2012
97 Granma, ‘Anuncia Cuba nuevas medidas migratorias’, 28 October 2018
98 CCPR General Comment No. 27: Article 12 (Freedom of Movement) Adopted at the Sixty-seventh session of the Human Rights Committee on 2 November 1999, para.21
4. BELOW THE SURFACE OF THE ICEBERG

4.1 SELF-CENSORSHIP

“Things are bad and you can’t protest... It’s like being a prisoner... it’s like you are deprived of your ability to do things that you feel under your skin... it’s like your mind is imprisoned.”

Chef, 27 years old, interviewed in Tapachula, Mexico, in May 2017

Nearly every person whom Amnesty International interviewed identified lack of freedom of expression as a major factor in their decision to leave Cuba. Fifty years of repression of any form of criticism or dissent, including the use of state control over the employment sector as an additional tool of oppression, have resulted in constant self-censorship.

According to a 2017 poll by the University of Chicago conducted in the country, 76% of Cubans said they are careful in what they say sometimes, compared with 21% who said they feel they can always express themselves freely.99

A majority of the people Amnesty International interviewed said they were not involved in political or any other form of activism in Cuba. While many had heard of or knew the Ladies in White, opposition religious leaders and other activist groups and expressed strong admiration for their actions, when asked if they had ever thought about participating in some form of activism in Cuba themselves, most showed strong signs of restraint and fear.

“I don’t get involved in political things... if you get involved they disappear you... Few people get involved in those things... nobody is crazy enough to get involved in that.”

29-year-old market vendor interviewed in Tapachula, Mexico, in May 2017

Many said they would not express any kind of criticism of the government in a public space and some said they even mediated their views within the family. Many interviewees said they had refrained from participating in civic or political groups for fear of not being allowed to work again or of creating difficulties for family members still employed by the state.

When asked why they chose to leave Cuba rather than manifest their discontent with the current situation in Cuba, most said it was impossible to openly criticize the political or economic system or to participate in social movements outside of state-sanctioned spaces. In a typical account, a 33-year-old vendor said: “A simple comment, like saying you don’t agree with the system...for that simple reason you are punished. They can take you to court, take you away for years. You can’t do it, because you can’t do it...” A 37-year-old chef, who defined himself as independently opposed to the government, said he did not participate in organized opposition groups “because they label you as a worm.” He said he had a friend who entered the opposition and “they made his life a mess.”

“If you are afraid... to express what you think, you won’t have any problems... But for the rest... that want to know... that want to learn... they feel weighed down on the island... Those who think about questioning socialism... Those people lose everything. They prevent those people from working, and from growing, and from having a life. Those people, and their families too... are marginalized.... Many have the chance to leave, others have to stay.”

33-year-old engineer interviewed in Tapachula, Mexico, May 2017

Those who had participated in peaceful protests had paid a high price. One woman who had been imprisoned for marching with the Ladies in White said that afterwards teachers prevented her six-year-old child from associating with other schoolchildren as if he would have a bad influence on them because of his mother’s activism. Another woman who attended a Ladies in White march had a large scar which she told Amnesty International was a result of a police beating during a march. She had never lodged a complaint as she said there was no independent body to receive it.

Impunity and the almost complete lack of effective recourse for human rights abuses in Cuba added to the sense of hopelessness among the majority of those interviewed and was an additional factor leading to their decision to self-censor. None of those interviewed felt they would receive effective representation from a lawyer, and in many cases had not accessed or engaged with a lawyer during their detentions or dismissals. Many of those who spoke to Amnesty International concluded: “In Cuba, there are no human rights”.

“In Cuba, everything is designed so that government finds out about anything that moves.”

Lawyer and former professor interviewed in Nuevo Laredo, Mexico, in March 2017

100 In Cuba, “gusano” (worm) is a derogatory term used widely to describe those perceived to be in opposition to the government, critical of revolutionary ideology, or spies of the USA.
“State security would surveille me. They’d be on the corner by my house every day. When I went out they would arrest me, they’d fine me… they had me in a bad shape.”

40-year-old political activist fired from his job describes the surveillance he experienced, interviewed in Tapachula, Mexico, in May 2017

Nearly all of those who spoke to Amnesty International believed they were under constant and complex physical and virtual surveillance. Most said there was a Committee for the Defence of the Revolution on every street corner. One woman who had tried to emigrate by boat said she had had her phone blocked. When she enquired about it with the state telephone company, they informed her it was blocked as she was under investigation for attempting to leave the country “illegally”. A mechanical engineer said that after leaving Cuba he deleted some friends from Facebook for fear of getting them into trouble with the authorities by his mere association with them. Many interviewees also believed there were Cuban spies among the groups of migrants in Mexico.

“I am stunned when I read the news in Mexico. They talk about the President as if he was a (normal) citizen. In Cuba you can’t do that… in Cuba everyone is afraid.”

58-year-old former veterinarian interviewed in Tapachula, Mexico, May 2017

The existence of physical and/or virtual surveillance is often difficult to prove, either because it is covert or because it is technically difficult to prove, but even living under the constant threat of possible surveillance may be contrary to international law. The widespread surveillance among Cubans has led many to self-censor out of fear and to refrain from exercising their rights to freedom of expression, association and peaceful assembly, a fear further compounded by the threat of prosecution as a result of these practices.

Those interviewed repeatedly said leaving the country gave them unprecedented opportunities to exercise their right to freedom of expression and opinion. A 31-year-old fast food cook said that being in Mexico, with access to diverse media, was like “opening his eyes, and being born again”. Another man interviewed in Tapachula said: “Now I feel like the happiest man in the world, and the freest in the world. Far from my family, but I feel free because it’s sad living in a country where you don’t have rights to anything.”

4.2 THE CHILLING EFFECT

“We are ill with fear.”

Sportsman interviewed in Nuevo Laredo, Mexico, in March 2017

The rights to freedom of opinion and expression are crucial for the full development of a person and essential for any society. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has said that the arbitrary use of the criminal law to sanction legitimate expression amounts to one of the most serious forms of restriction to the right to freedom of expression, as it creates a “chilling effect” and results in other human rights violations such as arbitrary detention and torture and other ill-treatment.\textsuperscript{101}

\textsuperscript{101} Human Rights Council, “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue”, 16 May 2011, para.28.
Reprisals against human rights defenders have a ripple effect in that those defending similar causes are deterred, which in turn affects the promotion and protection of human rights. The chilling effect also impacts society as a whole given that human rights defenders make demands at the social and collective level that contribute to the rule of law and to combating impunity.\textsuperscript{102}

“When human beings are free, they are able to create, to be creative, to work more, to study more, to live. Cuba is totally wrong… People don’t want to work. They are demotivated to study, to participate in anything.”

44-year-old hairdresser interviewed in Tapachula, Mexico, in May 2017

The dozens of ordinary Cubans who spoke to Amnesty International described feeling “weighed down” and “suffocated” in their daily lives. Over successive decades the disproportionate and arbitrary use of the criminal law and campaigns of stigmatization and criminalization against those who dare to speak out or try to leave the country have contributed to this collective feeling.

The use of discriminatory dismissals from state employment and campaigns of harassment of self-employed people as an additional layer of state control, with no effective way to challenge them before competent courts, has created a profound climate of fear in Cuba.

The cumulative effect of these practices has resulted in a chilling effect, which impacts people’s ability to participate in an array of decisions that affect their daily lives, from buying goods, to negotiating their salaries, to contributing their ideas to the development of their country.

For many Cubans, these intersecting controls and limitations on a broad range of human rights are so stifling, they see leaving the country as their only option.

\textsuperscript{102} IACHR, \textit{Criminalization of Human Rights Defenders}, p.114.
5. RECOMMENDATIONS

TO THE CUBAN GOVERNMENT

INTERNATIONAL SCRUTINY

• Ratify, without delay, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

• Allow independent human rights monitors access to Cuba and grant them, without hindrance, access to government officials, civil society organizations, human rights defenders, independent political associations and independent trade unions.

• Extend invitations to the UN Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and of association, and on the situation of human rights defenders.

FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY

• Review all legal provisions, including Article 62 of the Constitution, which unlawfully limit the rights to freedom of expression and association, with the aim of bringing them into line with international standards.

• Promote the review of criminal offences – such as resistance to public officials carrying out their duties (resistencia) and public disorder (desórdenes públicos) and ensure they are not applied to unduly restrict the rights to freedom of expression and peaceful assembly.

• Amend provisions of the Penal Code, such as those on “dangerousness”, that are so overly broad and vague that they allow for deprivation of liberty when no criminal offence has been committed.

• Amend laws which impose illegitimate restrictions on associations and that prevent in practice the registration of human rights organizations and independent media outlets, even when such associations are critical of the government.

• Repeal criminal defamation laws, such as that on contempt (desacato), which serve to silence critical views and restrict public debate.

• Conduct a thorough review of the Penal Code and other criminal laws to ensure that criminal offences have a legitimate aim, meet the principle of necessity and proportionality, and that deprivation of liberty is contemplated only as a last resort, especially where less harsh measures would be equally effective.

• Amend laws which impose illegitimate restrictions on associations and that prevent in practice the registration of human rights organizations and independent media outlets, including associations critical of the government.

• Repeal or substantially amend all legislation that can be used to prohibit or that criminalizes associations that seek, receive or utilize foreign funding destined to support their work.

HUMAN RIGHTS DEFENDERS AND CIVIL SOCIETY

• Immediately and unconditionally release all prisoners of conscience who have been imprisoned solely for the peaceful exercise of their rights to freedom of expression, association or assembly.

• Cease all forms of harassment and intimidation, including the practice of short and recurrent arbitrary detentions, against human rights defenders and political activists.

• Promote and widely disseminate the UN Declaration on Human Rights Defenders among state officials, including in the judiciary, and among society in general.

• Refrain from using language that stigmatizes, abuses, disparages or discriminates against human rights defenders, including by characterizing them as “deserters”, “traitors” and “counter-revolutionaries”.

"YOUR MIND IS IN PRISON"
CUBA'S WEB OF CONTROL OVER FREEDOM OF EXPRESSION AND ITS CHILLING EFFECT ON EVERYDAY LIFE
AMNESTY INTERNATIONAL
Amnesty International
• Create spaces for dialogue with human rights defenders, independent trade unions, and diverse civil society groups, especially those critical of the government, to receive their feedback on proposed policies and laws.

THE RIGHT TO WORK AND NON-DISCRIMINATION IN WORK

• End discriminatory dismissals of public sector workers as a way to silence criticism of the government
• Prohibit discrimination based on political or other opinion in hiring, promotion and termination of employment in the public and private sector.
• Take steps to ensure that all workers, including university graduates, are able to exercise their occupation freely and without discrimination based on political or other opinion, even when they express opinions critical of the government.
• Ensure that any disciplinary proceedings are brought on the basis of an employee’s capacity and conduct in their employment rather than their political opinion or the peaceful exercise of their human rights, including the rights to freedom of expression, peaceful assembly and association.
• Amend the new Labour Code to bring it in line with ILO Convention No. 111, specifically to prohibit discrimination on the full range of grounds covered in Article 1(a), and to protect against discrimination in access to employment, as recommended by the ILO Committee of Experts.
• Ensure that workers are not obliged to participate in pro-government activities, or punished for not participating in them, and ensure that in practice no information concerning political or other opinion is recorded in employees files and used against them, as requested by the ILO Committee of Experts.
• Take immediate measures to prevent discrimination based on political or other opinion in the public and private sector, in line with ILO Convention No. 111. Such measures should include appropriate laws, policies and programmes, and in some cases special temporary measures, incentives for compliance or penalties for non-compliance with non-discrimination standards, and public leadership programmes.
• Allow in practice the registration of independent trade unions, consistent with ILO Convention No. 87.
• Ensure that all workers are afforded the right join a trade union of their choosing.
• Ensure that public sector employees subjected to disciplinary proceedings are afforded the right to effective trade union representation and have an effective opportunity to present their defence before any sanctions are imposed.
• Ensure that in the event of any disciplinary proceedings resulting in dismissal, the consequences do not result in the denial of human rights, notably, the right to work and the right to an adequate standard of living.
• Establish a genuinely independent, impartial, transparent and effective appeal mechanism by which public sector employees can challenge dismissal from their jobs and in which they have access in practice to legal representation and assistance so as to ensure their right to an effective remedy.
• Ensure that public sector workers found not to be guilty of wrongdoing are able to return to their previous jobs and/or are provided with appropriate compensation.
• Cease all acts of harassment and intimidation against members of independent trade unions, and refrain from interference which limits the exercise of freedom of association, or the exercise of human rights related to trade unionism, or that deprives trade unionists engaged in legitimate activity of their liberty, as requested by the ILO Committee on Freedom of Association.
• Ratify the ILO Convention on Termination of Employment (Convention No. 158) which protects against arbitrary dismissal without due process.

FREEDOM OF MOVEMENT

• Abolish laws that violate the right of any individual to leave their country and to return to it. In particular, repeal Articles 216 and 217 of the Penal Code that impose penalties for "illegal exits".
• Ensure that Cubans who wish to return to their country after having left are allowed to do so without fear or discrimination, including in cases where they have emigrated without authorization.
• Take immediate steps to stop state-sponsored stigmatization of those who have left or tried to leave the country and ensure that no one is deprived of access to employment based on this.
INDEPENDENCE OF THE JUDICIARY AND ROLE OF LAWYERS

• Adopt the necessary measures, including adopting specific legislation, to guarantee the independence and impartiality of the judiciary.

• Ensure that everyone deprived of their liberty or facing a possible criminal charge has the right to the assistance of a lawyer to protect their rights and help in their defence.

• Ensure that lawyers are able to perform their professional functions without intimidation, hindrance, harassment or improper interference and that they are not threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with their professional duties, in accordance with the UN Basic Principles on the Role of Lawyers.

TO THE US CONGRESS

• Take the necessary steps towards lifting the economic, financial and trade embargo against Cuba which undermines economic, social and cultural rights in Cuba.
AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.
“YOUR MIND IS IN PRISON”
CUBA’S WEB OF CONTROL OVER FREE EXPRESSION AND ITS CHILLING EFFECT ON EVERYDAY LIFE

The Cuban voices at the centre of this briefing, describe feeling weighed down and suffocated in their daily lives. Successive decades of disproportionate and arbitrary use of the criminal law and campaigns of state-sponsored discrimination against those who dare to speak out or try to leave the country has contributed to this feeling. Discriminatory dismissals from state-employment, and arbitrary harassment of self-employed workers in the private sector, as an additional layer of state control, and the lack of an effective recourse to challenge them, has created a profound climate of fear in Cuba. This chilling effect has a deep impact on a wide range of decisions that affect Cuban’s daily lives. Intersecting controls on a range of human rights are for many so stifling, they see leaving Cuba as their only option.
TAB 15
Cuba is driving dissidents off island with threats of violence and jail, report finds

Thirty-five activists, journalists and artists have been forced to leave the island in two years, human rights group says

Reuters in Madrid
Wed 19 Jun 2019 14.55 EDT

Cuba’s state security is pressuring dissidents to go into exile in its attempt to weaken opposition on the communist-run island, according to a new report by a non-governmental human rights organization.

The Madrid-based Cuban Prisoners Defenders released a 259-page report that named 35 activists, independent journalists and artists whom authorities had forced to leave the country over the past two years, telling them never to return.

State security threatened them with prison or bodily harm if they did not leave and harassed their families, the NGO, which has links to Cuba’s largest opposition group, the Patriotic Union of Cuba (Unpacu), said.
Cuba’s government, which did not reply to a request for comment, accuses dissidents of being mercenaries paid by its longtime cold war foe, the United States, to undermine it and typically dismisses such charges as attempts to tarnish its reputation.

Cuban Prisoners Defenders NGO, which formed late last year, said more than a third of the 26 activists who responded to its online survey said they were escorted to the airport by state security and forced into exile.

Some were given boarding passes, typically for flights to Guyana, where Cubans can get a tourist visa on arrival, and money for their first month, it said.

“We have found a variety of cases. Cases where the activist cannot be broken and is put on a plane, cases where the activist has a weak point, through their child or mother, and they attack there hard, leading the activist to give in and he goes to Guyana to beg,” the Cuban Prisoners Defenders representative and Unpacu member Javier Larrondo told a news conference in Madrid.

The group said that during an eight-day survey period this month it identified 42 more people whom state security forces were currently pressuring to leave and concluded there were probably many more cases.

Larrondo said Cuban authorities had long encouraged some dissidents to leave but were becoming more systematic and aggressive, partly to bring down the number of political prisoners in jails.

One of the activists mentioned in Wednesday’s report, Eliecer Góngora Izaguirre, told Reuters by telephone from Costa Rica that state security had escorted him to the airport to board a flight to Guyana in February, forcing him to leave behind his four children and wife.

“I intend to get to the United States because it is the country that most offers us security,” the 37-year-old said.

Previously he had been imprisoned for six months and his family had faced continuous harassment for his activism in Unpacu, he said. That included having their home expropriated and his children being taunted at school, he said.

A Havana-based western diplomat, who spoke on condition of anonymity, said the state tended to pressure little-known activists rather than high-profile figures, which would be more likely to spark international outcry.

Góngora Izaguirre said that from Guyana, he crossed the border to Brazil and Peru, from where he started a perilous trek north on buses and by foot, through jungle and across rivers through Ecuador, Colombia and Panama to Costa Rica.

He knows finding refuge in the United States will be hard because the Trump administration has cracked down on asylum seekers.

“I’m not going to give up the fight,” he said. “I’ll only give it up when I’m dead.”

**America faces an epic choice...**

... in the coming year, and the results will define the country for a generation. Democracy is under attack, as is civility, truth and normal forms of political behaviour. The White House harbours
white nationalists, incites fear and prejudice, undermines intelligence agencies, courts foreign influence in US elections and undermines the judiciary. The need for a robust, independent press has never been greater and with your help we can continue to provide fact-based reporting that offers public scrutiny and oversight.

These are perilous times. The administration's willingness to deploy untruths, violent speech and hateful attacks on the media are now commonplace. This is why we are asking for your help so that we can continue to put truth and civility at the heart of the public discourse.

"Next year America faces an epic choice - and the result could define the country for a generation. It is at a tipping point, finely balanced between truth and lies, hope and hate, civility and nastiness. Many vital aspects of American public life are in play - the Supreme Court, abortion rights, climate policy, wealth inequality, Big Tech and much more. The stakes could hardly be higher. As that choice nears, the Guardian, as it has done for 200 years, and with your continued support, will continue to argue for the values we hold dear - facts, science, diversity, equality and fairness." - US editor, John Mulholland

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As Cuba prepares for an upcoming final vote on proposed changes to the Constitution, state security agents have cracked down on activists by carrying out multiple arrests and raiding the homes of those who have called for a NO vote on the referendum.
Security forces on Monday detained about 20 members of the Cuban Patriotic Union (UNPACU) opposition group, including its leader, José Daniel Ferrer. That is the latest chapter in the unequal battle between the government-supported YES vote on the referendum and those pushing for a NO vote.

“During the detention they punched me in the stomach, took me outside with handcuffs put on really tight, shoved me around and hit me on the head a couple of times,” Ferrer said in a phone interview after he was released later Monday. “They told me clearly that it was a response to the campaign against the constitution.”

He added that since there was no guarantee for the integrity of the vote, “I started a hunger strike.”

Florida International University receives record $10 million gift for its music school

He added that since there was no guarantee for the integrity of the vote, “I started a hunger strike.”

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José Daniel Ferrer founded the Cuban Patriotic Union, UNPACU by its Spanish initials, which he estimated now has more than 3,000 members and sympathizers, mostly in Santiago de Cuba and other parts of eastern Cuba.

By Pedro Portal

The wave of arrests has caught the attention of U.S. politicians at a time of tension between the two countries because of Cuba’s support for the beleaguered Nicolás Maduro regime in Venezuela. Sen. Marco Rubio, R-Fla., confirmed on his Twitter account Tuesday that Washington is preparing more sanctions against the Cuban government.

“Cuba regime directs the intelligence & repression activities of the #MaduroCrimeFamily,” Rubio wrote. “Their repression expertise was on display yesterday when they violently raided homes of leaders of #UNPACU & #CUBADECIDE. That’s why more sanctions against them are on the way very soon.”

The new constitution was drafted by a commission appointed by former ruler Raúl Castro, who is still first secretary of the ruling Communist Party. The text already has been approved by the National Assembly and will be submitted to a referendum for a final vote on Feb. 24.

The proposed new Constitution changes some of the structures of government and recognizes private property, but retains the supremacy of the Communist Party and socialist central economic planning. A section that would have recognized gay marriage was eliminated because of fears of losing the YES votes from church members who had voiced their opposition.

Government propaganda in favor of the YES vote has dominated the official media for many weeks. Messages supporting the new Constitution have appeared on storefronts, buses, ATMs, T-shirts distributed by the government and within lyrics of songs broadcast on radio and television. On social media, the official accounts of the presidency, National Assembly, attorney general, Supreme Court and several ministries have been posting #YoVotoSi – #IVoteYes.

“Why does the Cuban government use public spaces, which belong to all citizens, to support just one of the options on the constitutional referendum ballot?” telecommunications engineer Norges Rodríguez wrote on his Twitter account. “Those of us who support the NO vote also own those spaces. We are also citizens of the Republic of Cuba.”

4) Los que apoyamos el NO somos dueños de esos lugares también, somos ciudadanos también de la República de Cuba.

En una heladería (en Moneda Nacional) de la turística calle Obispo en La Habana Vieja también aparece el cartel.
En la “lanchita de Regla” (transporte público) y en el lugar donde se espera por ella también pegaron esa propaganda.

cc: @DiazCanelB #YoVotoNo

#Cuba La campaña del Gobierno por sí llega a los cajeros de la calle Obispo en La Habana Vieja #YoVotoNo. Visto en la cuenta de Instagram de @MarioRiguera

Muchas veces de niño escuché decir: «Yo no soy Comunista ni Revolucionario, yo soy Fidelista». Anoche en la televisión me di cuenta de que la campaña por el “Sí” ahora incluye videos de Fidel en la televisión, apelando a ese “fidelismo” de muchos cubanos.
Since the government’s media monopoly has denied access to those calling for a NO vote, activists, dissidents, independent journalists and citizens have turned to social media to challenge the government’s campaign.

The opposition is split between activists calling for voting NO and others who call for boycotting the referendum, saying that voting amounts to legitimizing the government and giving it the chance to alter the results. Opposition leaders like Antonio Rodiles in Havana and the Miami-based Cuban Resistance Assembly have called for a boycott of what they dismiss as “an electoral farce.”

Cuban ruler Miguel Díaz-Canel fueled doubts about the impartiality of the referendum when a post on his Twitter account on Monday appeared to signal that the results had already been decided.

“In 15 days we will have an approved #Constitution, done by all for the good of all. #Cuba will be a better country, more up to date. #IvoteYes #WeVoteYes #WeAreCuba #WeAreContinuity,” he wrote in Spanish. Criticism of his post followed quickly.

“Cuba is the only country where the results are known before the ‘balloting.’ Just as he was hand-picked for his job, now we have a crooked constitution,” a Twitter user identified as Dignorah Castillo posted in reply to Díaz-Canel’s Twitter post. But while the government has been somewhat tolerant of criticism on social media platforms, authorities have detained and harassed activists who have tried to organize efforts against the referendum in public spaces on the island.

UNPACU defied authorities, distributing materials calling for NO votes and posting videos of man-on-the-street interviews on social media. Ferrer said authorities raided the homes of several UNPACU members and seized telephones, computers and all the materials for the NO campaign, such as T-shirts and leaflets.

Cuban users on Twitter also have criticized the government’s suppression tactics to block the votes of Cubans who live abroad but remain official island residents — and can therefore vote in the referendum.

Cuban electoral law requires the National Electoral Commission to cooperate with the Foreign Ministry and the armed forces to do what “is necessary to guarantee the ability to vote by voters who are outside the national territory on the day” of the referendum. The government has organized 698 polling places in Venezuela for “the 22,300 collaborators in 11 solidarity missions,” according to the official Granma newspaper. Diplomats living abroad also will be able to vote. But the Electoral Commission ruled that other legal residents who live abroad will have to return to the island to vote, and perhaps do so early in case there are problems with their registrations.

The government also came under criticism after a tornado devastated parts of Havana. Despite calls to cancel it, the government went through with a student march though the capital during which it distributed T-shirts calling for a YES vote. The march was headed by Castro and Díaz-Canel.

“The government could afford to spend money on T-shirts supporting a bad #Constitution instead of using the money to buy supplies” for the families left homeless by the storm, Nelson Julio Álvarez, a Cuban YouTube activist, posted on Twitter. “It’s embarrassing to see how far they will go to ratify (one constitution for another) that is the same thing... #IVoteNO.”
Despite Government’s Claims Of Tolerance, LGBT Cubans Still Seeking Asylum In Europe

A half-dozen LGBT Cubans arrived in Amsterdam’s Schiphol Airport Saturday, seeking asylum.

by Dan Avery [http://www.newnownext.com/author/averyd/], 1/29/2018

Mariela Castro has long been the face of Cuba’s LGBT movement [http://www.newnownext.com/as-barriers-fall-cuba-hosts-largest-pride-celebration-in-countrys-history/05/2016/], 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.

Michael K. Lavers
Michael K. Lavers is the international news editor of the Washington Blade. Follow Michael
TAB 19
HAVANA—Security officers recently fined Cuban painter Italo Expósito $120 and revoked his artist's license for opening his house to an independent art festival. As a result he'll be banned from selling works from the paintings-and-sculpture-filled house in Havana's stylish Vedado district that was once his grandfather's shoe-repair shop. And Mr. Expósito will no longer be able to host young, deaf artists at his Saturday workshops.

Cuban government efforts to be the sole arbiter of what is and isn't art is about to get tougher. A decree tightening control over artistic expression that President Miguel Díaz-Canel signed after taking office in April is among the first signs that Cuba's first leader not named Castro since the 1959 revolution won't waiver from the iron-fisted, one-party rule of his predecessors.

"The decree aims for absolute control, you can't exhibit your work anywhere without prior authorization," said Mr. Expósito, a lanky, long-haired 40-year old painter.

Decree 349 is part of a broad crackdown on artistic freedom in recent months aimed at a young generation of musicians and artists who have achieved financial independence from Cuba's communist government. They now demand more artistic freedom as well. Many artists now sell their works at the private galleries that have proliferated in Havana amid rising demand from foreign art collectors. Musicians collect money from concert ticket sales.

The government's move comes as the end of oil subsidies from Venezuela and President Trump's freeze of President Obama's detente with Cuba squeezes its economy. Basic goods such as flour and eggs are scarce, Havana residents say. Cuba's decree on art is a response to growing demands for autonomy from an emerging middle class.

In recent weeks, Cuban authorities have banned concerts by performers who address taboo subjects like racial discrimination. They have detained dissident artists who have staged protests against the decree. Among those targeted are visual artists and underground reggaeton and hip hop musicians.

Decree 349 was set to take effect this month when authorities said they would hold off and soften some of more controversial provisions following a backlash that included a letter of protest signed by 250 artists, some of whom met with senior Culture Ministry officials. Even artists close to the regime spoke out. "Decree 349 was something that was put before our president for him to sign, without discussing it with artists," Silvio Rodríguez , a renowned folk singer wrote on his blog in early December.

But few expect many changes to the art decree. After the government delayed it and other rules to restrict entrepreneurship, Mr. Díaz-Canel cautioned on Twitter this month not to "confuse them with weakness when we are listening to the people."

Ernesto Hernández Busto, a Cuban writer who is exiled in Spain, said authorities will censor art as they see fit no matter what form the new decree takes. "Censorship existed, it exists now and will continue to exist," he said. "The
The purpose of the decree is to regulate a new world: private businesses, art galleries, people working from their homes. The alarm went off because it is a sector that is not under state control.

The office of Cuba's Culture Minister Alpidio Alonso didn't return calls seeking comment.

The revolutionary regime's relationship with artists, and especially Cuba's writers, has always been fraught. In 1961 Fidel Castro established his bedrock policy on art, censorship and freedom of speech. "Within the revolution, everything; outside of it, nothing," Mr. Castro told intellectuals and artists.

A notorious clash took place in 1971 when poet Heberto Padilla was imprisoned after his book "Out of the Game" was deemed anti-revolutionary. Mr. Padilla was freed after 37 days in prison when he made a Stalinist-like statement of self-criticism. The affair led to the Castro regime's break with leading intellectuals such as Nobel laureate Mario Vargas Llosa, a Peruvian.

In recent years, many Cuban artists and performers have become members of a new aristocracy, able to earn hard currency and travel off-island at will. Still, they are subject to strict censorship. In 2016, Cuban graffiti artist El Sexto was jailed for two months for writing "Se fué," or "He left," on the wall of the landmark Havana Libre hotel on the day Mr. Castro died.

Now, Decree 349 would take censorship to a new level. The law bans the exhibition and sale of artworks and music shows not authorized by the state. Performing artists will need a government license. State inspectors will verify that artwork, exhibits and concerts comply with regulations on national symbols such as the Cuban flag.

Inspectors will be empowered to cancel shows and revoke licenses. The decree also targets vulgarity, obscenity or sexually explicit lyrics in pop songs, singling out reggaeton music. The "abusive use" of electronic media or audio equipment can result in fines and the confiscation of equipment and studios.

The decree has sparked several protests in recent months. Performance artist Luis Manuel Otero attempted in July to cover himself with his own excrement in front of the emblematic Capitolio--the domed building housing the Communist legislature. He said he was detained for two days.

"In Cuban prisons, when inmates don't want guards to touch them, they cover themselves with excrement," Mr. Otero said.

Tania Bruguera, who now has an installation on display at London's Tate Modern, and a group of fellow artists were detained before staging a protest in front of Cuba's Culture Ministry this month. In a statement on her Facebook page, Ms. Bruguera said she has been harassed and under constant surveillance by authorities.

A group of artists organized a soccer tournament in Havana to keep up the pressure against the decree.

"Since they won't let us do anything, we'll just play soccer on Sunday," said Cuban writer Carlos Manuel Álvarez. Artists fear that modifications to the decree will be cosmetic and that its totalitarian spirit will prevail, said Abel González, the Cuban curator who wrote the protest letter signed by 250 artists.

"They would be able to go after you over business violations, removing political connotations," he said.

Earlier this month, the organizers of the Eyeife electronic music festival were told by authorities that the hip-hop duo La Alianza won't be allowed to perform. No further explanation was given, said Mauricio Abad, the festival's artistic director. His team decided to proceed with the festival after months of hard work.

"The guys from La Alianza told me, don't get in trouble because of us," Mr. Abad said, adding that state curbs are ultimately counterproductive because "those who are censored become public figures."

La Alianza's singers, who go by the names Navy and Nene 9mm, believe the censorship is linked to the advocacy in their songs' lyrics.

"We generate discomfort because we talk about hidden realities, such as racial discrimination," said the artist known as Navy. "It is a subject that is known to exist, but it is not openly discussed."

José de Córdoba in Mexico City contributed to this article.

Write to Santiago Pérez at santiago.perez@wsj.com

Credit: By Santiago Pérez
TAB 20
United Nations (AP) — The United States says Cuba is jailing 130 political prisoners in a “blatant affront” to fundamental democratic freedoms, but the Cuban ambassador to the United Nations said Monday that the U.S. lacks the moral authority to teach other countries such lessons given what she calls the Trump administration’s “agenda of supremacist, racist and
The U.S. plans to formally launch a campaign Tuesday at the United Nations called “Jailed for What?” holding Cuba’s regime responsible for human rights violations.

In a statement released Sunday, Cuban Ambassador Anayansi Rodriguez Camejo demanded that U.N. Secretary-General Antonio Guterres cancel the event. She said the U.S. had itself violated human rights, especially in the use of torture, detention and “arbitrary deprivation of liberty” at its Guantanamo military base, where terrorism suspects have been held for years. She also pointed to U.S.
parents and children.

“The United States lack the morals to give lessons, much less in this matter,” Camejo said.

On Monday, the Cuban diplomat used stronger language to reject the “Jailed for What?” campaign, telling the U.N. High Commissioner for Human Rights, Michelle Bachelet, that the United States “lacks any moral authority to judge Cuba, when its current administration drives an agenda of supremacist, racist and xenophobic ideas.”

During Tuesday’s launch of the political-prisoner campaign, Kelley E. Currie, the U.S. representative
plans to focus on an estimated 130 Cuban prisoners as “an explicit sign of the repressive nature of the Cuban regime,” said a statement released by the U.S. State Department last week. Those being held “represent a blatant affront to the fundamental freedoms that the United States and many other democratic governments support,” it said.

Currie added that the Cuban people’s “aspirations to live in freedom are key components of President Trump’s National Security Presidential Memorandum of 2017.”

The State Department said
people with "arbitrary detention and specious charges."

The Cubans call the "Jailed for What?" campaign part of the Trump administration’s escalation of anti-Cuban actions that started 56 years ago with an economic and financial blockade of the island.

Camejo said U.N. space is reserved for events directly relevant to the organization’s work and Tuesday’s gathering would violate the U.N. charter. On Monday, U.N. officials said only that they would meet with Cuban diplomats to discuss their concerns.
Michael Kozak of the U.S. State Department's Bureau of Democracy, Human Rights and Labor is scheduled to moderate a discussion on the Cuban detainees. Luis Almagro, secretary general of the Organization of American States; Carlos Quesada, executive director of the Institute of Race and Equality; and former Cuban political prisoner Alejandro Gonzalez Raga are to participate.
TAB 21
CUBAN LGBT activist faces growing persecution

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May 25, 2017 at 6:00 pm EST | by Michael K. Lavers

EXCLUSIVE: Cuban LGBT activist faces growing persecution

Cuban Foundation for LGBT 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 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.
EXCLUSIVE: Cuban LGBT activist faces growing persecution

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 the country.

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.

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The grave of former Cuban President Fidel Castro at Santa Ifigenia Cemetery in Santiago, Cuba, on May 8, 2017. (Washington Blade photo by Michael K. Lavers)
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.

Gender Rights Maryland Executive Director Dana Beyer, New York City Council Speaker Melissa Mark-Viverito and Rev. Troy Perry, founder of the Metropolitan Church, are among the more than 2,000 people who took part in an International Day Against Homophobia and Transphobia march in Havana that Mariela Castro led. The National Center for Sexual Education, its supporters and independent LGBT rights advocates organized other events across the country that commemorated the International Day Against Homophobia and Transphobia.
Mariela Castro, daughter of Cuban President Raúl Castro, leads an LGBT march through Havana on May 13, 2017. (Washington Blade photo by Michael Key)

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.

Michael K. Lavers